



CENTRAL LEARNING
PARTNERSHIP TRUST

Managing Safeguarding Concerns and Allegations Against Staff, Including Supply Teachers, Volunteers and Contractors

Central Learning Partnership Trust	
Updated:	September 2022
<i>This policy has been agreed as being fully consulted on with the following trade unions ASCL, NASUWT, Unison, NEU and GMB and was implemented by Central Learning Partnership Trust on the above date.</i>	

2022/90 AB

Managing Safeguarding Allegations Against Employees

INDEX

Section		Page Number
1	Policy Statement	3
2	Scope	3
3	Aims & Principles	3
4	Responsibilities	5
5	Equal Opportunities Policy	6
6	Conduct Concerns	7
7	Initial consideration	7
8	Strategy Discussion	8
9	Investigation	8
10	Suspension	9
11	Support	10
12	Confidentiality	11
13	Keeping Records	11
14	Resignations and 'Compromise Agreements'	11

1. Policy Statement

- 1.1. Central Learning Partnership Trust (CLPT) are committed to adopting policies and procedures to encourage a positive working environment and a health and safety culture to improve and maintain performance of all employees working in the Trust. This policy aims to ensure that the management of allegations against employees are investigated confidentially and responsibly in line with national safeguarding procedures. **It is an expectation that if there is an uncertainty in how to manage allegations against an employee within CLPT, the Executive Headteacher/Headteacher/Head of School/CEO/Chair of the Trust Board should seek advice and support from the Trust's HR Provider. Failure to follow the adopted policy could result in disciplinary repercussions.**
- 1.2. CLPT takes all necessary steps to ensure the safeguarding of its pupils. This includes ensuring that it is compliant with all aspects of safer recruitment. CLPT's Recruitment and Retention Policy and Confidential Referencing Policy comply with the safer recruitment requirements.
- 1.3. CLPT are responsible for ensuring the effective implementation of this policy. As part of equality monitoring CLPT will review and monitor the operation and impact of the policy on a regular basis and in accordance with the policy review date, alongside consultation with the recognised trade unions. As part of this monitoring and review this policy will be equality impact assessed.
- 1.4 Any information shared in accordance with this policy will be treated as confidential and information will only be shared with parties on a need-to-know basis unless an allegation warrants external review and consideration from the necessary organisations (e.g., LADO referrals, DBS Referrals, TRA Referrals etc.) Where a referral to LADO is made the employee will be made aware of this. Referrals to the Disclosure and Barring Service (DBS) where there has been an allegation of abuse will have implications on the employee's status, which could include barring. Employees are advised to seek further advice with regards to this.

2. Scope

- 2.1 This policy applies to all employees of CLPT. Where the term employee is used throughout the policy this applies to both employees and workers.
- 2.2 The DfE statutory guidance for managing cases of allegations is set out in 'Keeping Children Safe in Education' – September 2022 Part four 'Allegations of abuse made against teachers and other staff', outlines the framework for this policy.

3 Aims & Principles

- 3.1 CLPT is committed to the highest possible standards in exercising its duty of care towards children, young people and employees
- 3.2 This policy should be read in line with the CLPT Safeguarding Policies. All CLPT Safeguarding Policies provide further details on types of abuse. It is the Trust's expectation that all employees are familiar with the types of abuse and can help identify when a pupil may be a victim of abuse. All employees have a responsibility to

safeguard and promote the welfare of all children and pupils.

- 3.3 Any safeguarding concerns should be reported to the Designated Safeguarding Lead as detailed in the relevant CLPT Safeguarding policy (the Designated Safeguarding Lead may differ for each Trust site). Employees are encouraged to report anything that they genuinely believe to be a safeguarding concern, even if they think the allegation may end up being false, unsubstantiated or unfounded.
- 3.4 All allegations, regardless of the source, made against an employee will be treated seriously by the Trust.
- 3.5 The management of the allegation will become a clear priority and will be dealt with in a fair, consistent, and confidential way to the benefit of all concerned. Any unnecessary delays should be avoided. Unavoidable delays should be communicated to all parties immediately to ensure positive communication is maintained.
- 3.6 This policy covers the two levels of allegation/concern:
 1. Allegations that may meet the harms threshold.
 2. Allegation/concerns that do not meet the harms threshold – referred to for the purposes of this guidance as 'low level concerns'.
- 3.5.1 Allegations that might meet the harms threshold consist of all cases in which it is alleged that an employee has:
 - ◆ Behaved in a way that has harmed a child or may have harmed a child.
 - ◆ Possibly committed a criminal offence against or related to a child; or
 - ◆ Behaved towards a child or children in a way that indicates he or she would 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
- 3.5.2 Low level concerns

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 section 3.5.1

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 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.

Examples of such behaviour 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,
- ◆ humiliating pupils

3.7 Where required, child/adult protection and criminal investigation procedures will take precedence over this policy.

3.8 An investigation undertaken as part of this policy may be used in other proceedings under other Trust policies as deemed appropriate. Please refer to CLPT's Disciplinary, Grievance, Capability and Whistleblowing policies.

3.9 In all management of allegations cases the Trust will act with guidance from the Trust's HR Provider.

4 Responsibilities

4.1 CLPT will monitor and review this policy annually and in line with changes to legislation. They will provide safeguarding and child protection training and delegate to appropriate members of the Senior Leadership Team, the necessary discretion to manage cases of allegations against employees. A safeguarding lead (known as the Designated Safeguarding Lead/DSL) for each Trust site will be nominated by the Trust.

4.2 CLPT will ensure that all allegations are dealt with in a fair and consistent way that provides effective protection and support for the child and the employee who is the subject of the allegation. The CEO or nominated Trust Board Member will manage any procedure which may be followed as a result of allegations against the Executive Headteacher/Headteacher/Head of School. The Chair of the Trust Board will manage any allegations against central leadership or team employees.

4.3 The person appointed to manage the procedure will be known as the **Case Manager**.

4.4 Case Manager Responsibilities:

- ◆ Assign an appropriate **Designated Safeguarding Lead**
- ◆ Appoint any other appropriate senior employees to help deal with the case
- ◆ Responsible for the immediate notification of the allegation to the **Designated Officer**
- ◆ Ensure that the reporting procedure for raising concerns and the contact details of key personnel are clearly communicated to employees and displayed within the Trust.

4.5 Designated Safeguarding Lead Responsibilities:

- ◆ Raise awareness through providing advice and support to employees on child welfare and protection issues.
- ◆ Ensure that all employees and pupils are aware of the procedures for reporting concerns.
- ◆ Refer cases of suspected abuse to the local authority children's social care, where a person is dismissed or left due to risk/harm to a child to the Disclosure and Barring Service or where a crime may have been committed to the Police.
- ◆ Work with the **Case Manager** and the **Designated Officer** and take part in strategy discussions and inter agency meetings as required.

4.6 Employee Responsibilities:

- ◆ All Employees have a role to play in the safeguarding of children and have a duty to report their concerns immediately in accordance with the Trust's reporting procedures. They have a responsibility to promote the welfare of children and provide a safe working environment in which children can learn.
- ◆ It is mandatory for all **Employees** to read at least Part 1 of Keeping Children Safe in Education 2022. It is the expectation that all employees will sign a record in the school to confirm that they have read Part One of Keeping Children Safe in Education and the responsibility of teachers to promote the highest possible standards of safeguarding are included in the STPCD and in Part Two of the National Standards for Teachers and thus must be regarded as an integral part of their duties as well as those of all other adults employed by CLPT. A hard copy of this document will be provided to all employees during induction.

4.7 Designated Officer Responsibilities

The Designated officer (previously known as the Local Authority Designated Officer or LADO) is employed by the Local Authority, their responsibilities are:

- ◆ To provide advice, information and guidance to the Trust around allegations and concerns. They have overall responsibility for the oversight of the procedures for dealing with allegations, for resolving any inter-agency issues, and for liaison with the Local Safeguarding Partners.
- ◆ To make a recommendation for a referral and chair the strategy (position of Trust (POT)) meeting attended by the 'Case Manager' and multi agencies. They will monitor the progress of the case to ensure that it is being dealt with as quickly as possible consistent with a thorough and fair process.

5 Equal Opportunities Policy

- 5.1 The Trust recognises that the Equality Act 2010 covers the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.
- 5.2 Under the Equality Act 2010 it is unlawful to discriminate against a disabled person for reasons related to their disability. Disability covers both physical and mental impairments that have a substantial and long-term effect (i.e. has lasted or is expected to last for at least 12 months) on the person's ability to carry out normal day to day activities.

- 5.3 Progressive conditions, such as HIV, cancer, and multiple sclerosis, are considered a disability immediately from the point of diagnosis and do not need to last for a year. However, addictions to non-prescribed substances are specifically excluded.

6 Conduct Concerns

- 6.1 Employees who are concerned about the conduct of a colleague towards a pupil are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. Employees must remember that the welfare of the child is of paramount and all concerns of poor practice or possible child abuse by employees **must** be reported immediately to the Designated Safeguarding lead or the Case Manager, failure to do so may lead to disciplinary action being taken.
- 6.2 If employees do not feel that they are able to raise their concerns internally they can report them via the NSPCC whistleblowing helpline on 0800 028 0285 or by email help@nspcc.org.uk.
- 6.3 When dealing with allegations the Designated Safeguarding Lead and Executive Headteacher/Headteacher/Head of School will apply a common-sense approach in their judgement. Should the allegations meet the criteria highlighted in paragraph 3.5 the Executive Headteacher/Headteacher/Head of School will contact the Designated Officer without delay, this includes any allegations made against a former employee.
- 6.4 If an employee is deemed to be an immediate risk to children or there is evidence of a possible criminal offence the Case Manager † will contact the police immediately. Where there is uncertainty, the Case Manager will discuss the allegations with the Designated Officer to help determine whether police involvement is required.

7 Initial Consideration

- 7.1 If the allegation meets the harm threshold, the Case Manager will immediately discuss the allegation with the Designated Officer. The purpose of an initial discussion is to consider the nature, content and context of the allegation and agree a course of action. The Designated Officer may ask the Case Manager to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and the individual's current contact with children.
- 7.2 The initial discussion and information sharing will also consider whether there is evidence or information that establishes that the allegation is false or unfounded and/or if the allegation is malicious or vexatious. If the allegation is deemed to be false, no further action will be taken, the decision and justification for it will be recorded by the Case Manager and the Designated Officer. Consideration will be given as to any further action to be taken i.e., informal action/advice or re-training etc. Case Manager, where reasonably possible, will instigate this action within three working days.
- 7.3 If the allegation is patently false but there is cause to suspect that a child is suffering or is likely to suffer significant harm or a criminal offence may have been committed, it is likely that the Designated Officer will immediately request a strategy (POT) meeting. The Case Manager, supported by the Trust's HR Provider, will attend this meeting.

- 7.4 If the allegation does not meet the harms threshold, then the Case Manager will still investigate. The investigation and subsequent actions will be recorded. Following the investigation, it may be decided to follow disciplinary or capability procedures.
- 7.5 If the Case Manager is unsure whether an allegation meets the harms threshold then they will consult with the Designated Officer for advice.

8 Strategy Discussion

- 8.1 For allegations regarding physical contact the strategy discussion will consider that employees in the Trust are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.
- 8.2 Where the involvement of Children's Social Work Services or the Police is deemed necessary the Designated Officer will make a judgement about the nature of the allegations and the next steps/actions required. Where there is no involvement or case to answer, the Designated Officer and the Case Manager will consider the circumstances of the allegation and the evidence and information available to decide if further enquires in the form of an internal investigation are necessary.

9 Investigation

- 9.1 The Case Manager, with support from the Trust's HR Provider, will decide who will undertake the investigation. In straightforward cases, the investigation will be undertaken by a member of the Senior Leadership Team who has been suitably trained to carry out workplace investigations. In exceptional circumstances, for example where there is a lack of appropriate resources or experience and /or if an internal investigator may not be appropriate, the Case Manager will appoint an independent investigator. The investigation will be conducted in accordance with CLPT's Disciplinary Policy, and the appointment of an independent investigator should not cause any unnecessary delays in the completion of the investigation.
- 9.2 The outcome of the investigation must be recorded using the words from paragraph 398 of Keeping Children Safe in Education. An allegation will either be:
- ◆ **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;
 - ◆ **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;
- 9.3 If the allegation is deemed to be malicious or vexatious then action may be taken against the employee making the allegation under the CLPT disciplinary policy. This may include a formal investigation in line with the disciplinary procedure. Alternative appropriate action may be taken if the malicious or vexatious allegation is made by anyone other than an employee of CLPT.

- 9.4 If an allegation made by a Pupil(s) is proved to be false, the Executive Headteacher/Headteacher/Head of School will take action to determine whether the Pupil (s) is in need of additional services. In cases where the Pupil (s) has made a malicious or vexatious allegation, the Executive Headteacher/Headteacher/Head of School will consider taking action in accordance with the CLPT Management of Behaviour Policy.

10 Suspension

- 10.3 The possible risk of harm to children posed by an employee who is subject to an allegation needs to be effectively evaluated and managed in respect of the child(ren) involved in the allegations. In some cases, this will require the Case Manager, with advice from the Trust's HR Provider, to consider suspending the employee; in some cases, this may be until the case is resolved.
- 10.4 Suspension will not be an automatic response to the reporting of allegations. The Case Manager will consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. The Case Manager will undertake a risk assessment giving careful thought to the particular circumstances of the case. They will only consider suspension where there is cause to suspect a child or other children at the Trust is or are at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. Based on the assessment of risk the following alternatives will be considered:
- ◆ redeployment within the Trust to remove direct contact with the child(ren) concerned.
 - ◆ providing a work colleague to be present when the employee has contact with children.
 - ◆ redeployment to alternative work in the Trust to remove unsupervised access to children.
 - ◆ moving the child(ren) to classes where they do not come into contact with the employee (it must be made clear that this is not a punishment and parents have been consulted); or
 - ◆ temporarily redeploying the employee to another role in a different location
- 10.5 If immediate suspension is considered necessary, the rationale and justification will be agreed and recorded by the Case Manager and the Designated Officer. The employee will be informed at the point of their suspension who their named point of contact within Trust is and they will be provided with their contact details. Written confirmation of the suspension together with the reasons for the suspension will be provided to the employee as soon as practicably possible, but no more than three working days.
- 10.6 The employee's suspension will be managed in line with the CLPT disciplinary procedure, and the employee will be afforded the same rights, for example, the right to representation and the suspended employee will receive full pay.
- 10.7 During a period of suspension, the employee will be designated a member of the Senior Leadership Team as a point of contact. The employee can contact this designated person at any time during the course of their suspension should they so wish. The employee will also be provided with designated HR support. During a period of suspension, an employee must continue to receive relevant school updates

- 10.8 The suspension will continue to be reviewed as and when it is required, for example as a police investigation progresses, until a resolution is achieved. The outcome of the suspension review will be confirmed in writing to the suspended employee.

11 Support

11.1 Employees

- 11.1.1 CLPT will endeavour to manage and minimise the stresses of all parties involved during the allegations process.
- 11.1.2 Employees will be informed of concerns or allegations as soon as possible and be given an explanation of the likely course of action, unless there is an objection to doing so by an external agency such as the police or social care services.
- 11.1.3 The Case Manager will appoint a named point of contact who will keep the employee who is subject to the allegations informed of the progress of the case and to consider other appropriate forms of support.
- 11.1.4 Throughout the process employees will have access to welfare and wellbeing arrangements. For suspended employees arrangements should be made via the named contact.
- 11.1.5 Social contact with colleagues and friends will not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

11.2 Parents/Carers

- 11.2.1 Parents or carers of the child(ren) involved should be told about the allegation as soon as possible if they do not already know of it. If a strategy discussion is required, or police or local authority children's social care services need to be involved, the Case Manager will not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents/carers.
- 11.2.2 Parents will be kept informed about the progress of the case and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process.
- 11.2.3 Before deciding what information is to be disclosed the Case Manager will give careful consideration to the provisions of the GDPR 2018, the law of confidence and, where relevant, the Human Rights Act 1998. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, will not be disclosed by the Case Manager, the parents/carers will be informed in confidence of the outcome.
- 11.2.4 In accordance with section the Education Act 2002 and GDPR 2018, the Case Manager will make parents/carers aware of their requirement to maintain confidentiality about any allegations made against employees throughout the investigation. This also includes making parents/carers aware that they must not contact the media about or make publicly available, any information about any allegations made against employees throughout the investigation.

12 Confidentiality

- 12.1 With regard to the Education Act 2002 and GDPR 2018 the Trust will make every effort to ensure that confidentiality is maintained and to guard against any unwanted publicity throughout the process.
- 12.2 The Case Manager will take advice from the Designated Officer, police, and children's social care services to agree the following:
- ◆ who needs to know and, importantly, 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 may arise.
- 12.3 Any enquiries from the press or media are to be immediately directed to the

13 Keeping records

- 13.1 The Case Manager will keep a clear and comprehensive summary of the allegation, the process followed and the outcome. All notes of action taken, and decisions reached will be retained on the employee's confidential personnel file, a copy of this information will be provided to the employee. Records will be retained until the employee has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.
- 13.2 Details of any allegations that have been found to have been malicious will be removed from employees personnel records.
- 13.3 Records containing information about low level concerns will be retained on the employee's personnel file throughout their employment and for six years after their employment has ended.

14 Resignations and 'Compromise Agreements'

- 14.1 An employee who tenders their resignation, or ceases to provide their services, will not prevent the Trust following up an allegation in accordance with these procedures.
- 14.2 Where required, a 'settlement agreement', made between the Trust and employee will not override the Trust's statutory duty to make a referral to the Disclosure and Barring Service (DBS) and/or to the Teaching Regulation Agency (TRA).
- 14.3 On conclusion of the case or at the point where the contract of employment is terminated, where required, the Case Manager will make a referral to the DBS and/or TRA within one month. If an allegation is substantiated and the employee is dismissed or resigns, the LADO should discuss with CLPT whether a referral should be made to the Disclosure and Barring Service (DBS)..If a referral is to be made; it should be submitted within 1 month of the allegation being substantiated. If a referral is made to the DBS then there will be implications on the status of the employee, and this can include barring. Employees are strongly advised to seek further advice in these circumstances.

15 Supply teachers and all contracted staff

In some circumstances our schools will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply because agencies will have their own policies and procedures; for example, supply teachers or contracted staff provided by an employment agency or business.

Whilst our Trust are not the employer of supply teachers, they should ensure allegations are dealt with properly. In no circumstances should a school decide to 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. Governing bodies should discuss with the supply agency or agencies where the supply teacher is working across a number of schools or colleges, whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school or college, whilst they carry out their investigation.

Agencies should be fully involved and co-operate with any enquiries from the LADO, police and/or local authority children's social care. The school will usually take the lead because agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process.

16 Governors

If an allegation is made against a governor, schools and colleges should follow their own local procedures. Where an allegation is substantiated, they should follow the procedures to consider removing them from office.

17 References

Cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious should not be included in employer references. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious should also not be included in any reference.. Substantiated allegations should be included in references, provided that the information is factual and does not include opinions.

18 Learning lessons

Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school's or college's procedures to help prevent similar events in the future. This should include issues arising from any decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

For all other cases, where the allegation concluded to be either, unfounded, false, malicious or unsubstantiated the case manager (and if they have been involved the LADO) should consider the facts and determine whether any lessons can be learned and if improvements can be made.

19 Non recent allegations

Where an adult makes an allegation to a school or college that they were abused as a child, the individual will 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 local

authority children social care and the police. Abuse can be reported no matter how long ago it happened.

This policy will be kept under review, and changes made from time to time, in order to keep it in line with relevant legislation and modifications authorised.