BATH & WELLS
Multi Academy Trust

'That they may have life, life in all its fullness' John 10:10

# Bathampton Primary School

# Procedure for the management of Safeguarding allegations and low level concerns about staff, supply staff, contractors and volunteers

**Approved by:** Bath & Wells Multi Academy Trust Board **Date:** 1 September 2024

**Next review date:**
**September 2025**

# 1 Introduction

1.1 Bath and Wells Multi Academy Trust takes the safeguarding of its pupils very seriously and we recognise that it is extremely important that any safeguarding concerns or allegations made against a member of staff, supply staff, contractors or volunteers is managed quickly and effectively. It is also important that low level safeguarding concerns are recognised and reported so behaviours can be appropriately managed.

1.2 This procedure sets out how the Trust will manage safeguarding concerns and allegations made about a member of staff, supply staff, contractors or volunteers at our academy, together with allegations relating to incidents that happened when an individual or organisation was using the Trust premises for the purposes of running activities for children. 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 procedure is set out in two parts. The first part deals with allegations made against members of staff, including supply staff, contractors or volunteers, together with allegations relating to incidents that happened when an individual or an organisation was using the Trust premises for the purposes of running activities for children. The second part deals with low level concerns raised in relation to members of staff, including supply staff, contractors or volunteers.

# 2 Part One: Managing allegations made against members of staff, supply staff, contractors or volunteers

2.1 This part of the procedure 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, 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 available at Bath and Wells Multi Academy Trust - Policies (bwmat.org) for what we mean by 'harm');
- 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 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 the Trust that might make an individual unsuitable to work with children. This is known as transferable risk.

2.3 This procedure will also be used where allegations are made relating to incidents that happened when an individual or organisation was using the Trust premises for the purposes of running activities for children.

2.4 This procedure will be used alongside our complaints policy and child protection and safeguarding policy, both of which can be accessed at: Bath and Wells Multi Academy Trust - Policies (bwmat.org)

## 3 Reporting an allegation

3.1 The safety and welfare of our pupils is of paramount importance and so all staff must report their allegations immediately.

3.2 Allegations made against a member of staff, supply staff, contractors or a volunteer should be reported to the Headteacher. Allegations involving the Headteacher should be reported to the Chair of Governors. Allegations against the central team or Trustees should be reported to the CEO. Allegations against the CEO should be reported to the Clerk to the Board of Trustees and the Chair of the Trust Board. The Headteacher, Chair or CEO (as appropriate) will then contact the local authority designated officer (LADO) as soon as possible (but must be within 24 hours) and will then then act as the case manager.

3.3 When an allegation is made the case manager (Head, Chair or CEO) will consider two aspects:

3.3.1 looking after the welfare of the child; and

3.3.2 investigating and supporting the person subject to the allegation

3.4 In each case, the case officers 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/ Chair /CEO will conduct basic enquiries to establish the facts to help determine whether there is any foundation to the allegation. The Headteacher/ Chair /CEO 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 Headteacher (as the Designated Safeguarding Lead) may also be involved in this discussion unless the allegation is against them. 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 academy 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 academy 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 Trust relating to incidents that happened when an individual or organisation was using the Trust premises for the purposes for running activities for children the Headteacher will inform the LADO in accordance with paragraph 3.6 of this procedure.

3.8 The Trust will inform Ofsted of any allegations of serious harm or abuse made against any staff member in one of its registered Early Years settings. The Trust will notify Ofsted of the allegations and the steps that is has taken in respect of the allegation within 14 days of the allegation being made.

## 4 Investigating an allegation

4.1 An investigation into the allegation should normally be undertaken by a senior member of staff at the academy/Trust. Where no suitable staff are available or the nature or complexity of the allegation requires it, the trust may appoint an independent investigator.

4.2 When determining the outcome of an investigation Part 4 of Keeping Children Safe in Education 2022 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 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 the Trust just cease to use a member of supply staff due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable outcome. Whilst the Trust is not the employer of supply teachers, we will ensure allegations are dealt with properly and involve the supply staff agency in the process. Supporting those involved

### 4.4 Parents/carers of the child(ren) involved

Parents and carers will be told about the allegation and advised of the allegation process and next steps. A further update should be provided following LADO consultation or strategy meeting where information to be shared is agreed by those agencies in attendance.

4.4.1 The academy will keep parents or carers informed about the progress of the investigation. Where there is no criminal prosecution the academy will tell parents or carers the outcome of the investigation in confidence. However, 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..

### 4.5 The member of staff or volunteer

4.5.1 The academy has a duty of care to its employees and will act to minimise the stress inherent in the investigation process.

4.5.2 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 academy will work with children's social care and the police to agree what information can be disclosed and when.

4.5.3 The Headteacher/ Chair /CEO 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 related matters. The Headteacher/ Chair/ CEO (as appropriate) will also consider what other support may be appropriate for the individual. The

academy will advise the individual to contact their trade union representative or a colleague for support. They may also be given access to support services provided by the Trust.

4.5.4 Where an allegation is made against a member of supply staff, the supply agency should provide an additional support to that member of supply staff. See 4.3 above.

## 5 Suspension

5.1 Suspension is not an automatic response to an allegation being made. The academy 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. Suspension is an action taken pending full investigation before a permanent decision is made. In many cases, it may be possible for alternative arrangements to be made so that the individual can continue working or volunteering at the academy.

5.2 The Trust 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 academy will listen to their views regarding suspension.

5.3 The Trust has no authority or power to suspend a member of supply staff where an allegation is made against them. Instead, the Trust immediately will cease to use the services of that member of supply staff if there are found to be safeguarding concerns upon investigation as outlined in paragraph 4.3 of this procedure.

5.4 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.

5.5 After the suspension, if it is decided that the employee can return to the academy, 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.

5.6 The academy will not prevent social contact with work colleagues and friends unless there is evidence to suggest such contact may prejudice the gathering of evidence.

## 6 Resignation

6.1 If the individual resigns or the supply staff member, contractor or volunteer ceases to provide their service, the investigation into the allegation will continue until completed. The individual will be given the opportunity to engage with the investigation.

## 7 Action on conclusion of the case

7.1 If the allegation is substantiated and:

7.1.1 the employee is dismissed or resigns; or

7.1.2 we cease to use the supply staff member's services as a result of the allegation;

1.1.1 we cease to use the contractor's services as a result of the allegation; or

7.1.3 we cease to use the volunteer's services as a result of the allegation;

the academy will consider whether a referral to the DBS and/or to the TRA is required.

7.2 Where an allegation is found to be false, the academy 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.

7.3 The academy's behaviour policy sets out the action that may be taken against pupils who are found to have made malicious allegations.

7.4 Where an allegation is made against a member of supply staff the outcome of the investigation will be shared with the supply agency and the LADO.

## 8 Post incident review

8.1 It is good safeguarding practice for academies 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, contractors or volunteers, the academy may carry out a review at the conclusion of the case.

## 9 Timescales

9.1 Investigations into allegations against staff, including agency staff 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.

## 10 Record keeping

10.1 Allegations found to be false or malicious will be removed from the employment/volunteer 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, or file for volunteers. A copy will also be provided to the individual.

10.2 The record will be kept, including for people who leave the Trust, at least until the person reaches normal pension age or for 10 years if that will be longer, from the date of the allegation.

10.3 Details of any allegation made by a pupil will be kept in the confidential section of their record.

## 11 Confidentiality

11.1 The academy will make every effort to maintain confidentiality and guard against unwanted publicity whilst an allegation is being investigated.

11.2 The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in an academy who has been accused by, or on behalf of, a pupil from the same academy. This applies to parents and carers as well as the press.

## 12 Non recent allegations

12.1 Where an adult makes an allegation to the Trust that they were abused as a child, that adult will be advised to report the allegation to the police.

12.2 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.

## 13 Part Two: Managing low level concerns

13.1 This part of the procedure will be followed when dealing with low level concerns raised in relation to members of staff, including supply staff, contractors or volunteers and may be adapted to each case as required. It will be used alongside the Trust's **complaints procedure, child protection and safeguarding policy, code of conduct** and **disciplinary procedure**.

13.2 BWMAT promotes a culture in which all concerns about all adults working in or on behalf of the Trust (including supply teachers, contractors and volunteers) are addressed appropriately.

13.3 This procedure is designed to:

13.3.1 promote and support a culture of openness and trust where staff are clear about the behaviours expected of themselves and their colleagues

13.3.2 encourage staff to self report when they believe their actions could be misinterpreted, have caused harm or may have caused harm

13.3.3 ensure staff are comfortable to raise low-level concerns; and

13.3.4 provide for efficient and proportionate handling of those concerns

## 14 Self Reporting

14.1 BWMAT recognises that staff or volunteers may find themselves in a situation which could be misinterpreted, or might appear compromising to others, or, on reflection feel they behaved in a manner which they consider falls below the standard set out in the code of conduct.

14.2 Self-reporting in these circumstances is encouraged, and it is seen as a positive action. Self-reporting promotes safeguarding and safer practice by
- enabling staff and volunteers to get support with a potentially difficult issue and/or addressing it at the earliest opportunity;
- demonstrating awareness of the expected behavioural standards and self-awareness as to the person's own actions or how they could be perceived; and,
- contributing to maintaining a culture where everyone aspires to the highest standards of conduct and behaviour

## 15 Recognising low level concerns

15.1 This procedure 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 academy may have acted in a way that:

15.1.1 is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and

15.1.2 does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO).

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

15.2.1 being over friendly with children;

15.2.2 having favourites;

15.2.3 taking photographs of children on their mobile phone;

15.2.4 engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or

15.2.5 humiliating children.

## 16 Sharing low level concerns

16.1 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.

16.2 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.

16.3 All staff are encouraged to immediately report low level safeguarding concerns as defined in this procedure so that the identified behaviours can be investigated and managed appropriately.

16.4 All low level concerns in relation to staff, supply staff, contractors or volunteers should be reported immediately to the Headteacher. Concerns about the headteacher, should be reported to the Chair of Governors, and concerns about the central team to the CEO. Concerns about Trustees should be reported to the CEO, and concerns about the CEO to the Clerk to the Board of Trustees and Chair of the Trust Board.

16.5 The procedure for reporting low level concerns is consistent with that for reporting allegations of abuse as set out in part one of this procedure. Staff do not need to determine whether their concern meets the threshold set out in part one of this procedure or is a low level concern. The Headteacher/ Chair /CEO (as appropriate) will make this determination once the staff member has reported the issue.

## 17 Responding to low-level concerns (See Appendix 1 – BWMAT Low Level Concern Procedure Flowchart)

17.1 The Headteacher/Chair /CEO (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 procedure. An issue reported as a low level concern would be dealt under part one of this procedure 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/Chair /CEO (as appropriate) will discuss the concern with the LADO to determine whether it should be dealt with under part one of this procedure.

17.2 The Headteacher/Chair/ CEO (as appropriate) will discuss the concern with the individual who raised it and will investigate it as appropriate.

17.3 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 trust code of conduct and disciplinary procedure.

17.4 If the concern has been raised via a third party, the Headteacher/Chair /CEO (as appropriate) will collect evidence by speaking directly to the person who raised the concern (unless it has been raised anonymously), the individual involved and any witnesses.

17.5 Where a low level concern is raised about a member of supply staff or a contractor, the concern will be shared with supply agency so they can take appropriate steps in accordance with their own policies and statutory guidance.

## 18 Recording low-level concerns

18.1 All low-level concerns will be recorded using CPOMS Staff Safe and will include details of the concern, the context, action taken and the name of the individual sharing the complaint (unless they wish to remain anonymous). The records will be kept confidential and held securely in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation.

18.2 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 Trust 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 the first part of this procedure.

18.3 The record of the low-level concern will be kept at least until the person leaves the Trust. Allegations made against staff who no longer work at the academy will be reported to the Police.

## 19 References

19.1 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.