



**KITE COLLEGE**

Kent Inclusive Technical Education

# Allegations against staff (including low-level concerns) policy

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## Section 1: 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/young person, or may have harmed a child/young person
- Possibly committed a criminal offence against or related to a child/young person,
- Behaved towards a child/young person in a way that indicates they may pose a risk of harm to child/young person,
- Behaved or may have behaved in a way that indicates they may not be suitable to work with child/young person – this includes behaviour taking place both inside and outside of college

If we're in any doubt as to whether a concern meets the harm threshold, we will consult our local authority designated officer (LADO).

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

A 'case manager' will lead any investigation. This will be the principal, or the chair of trustees where the principal is the subject of the allegation. The case manager will be identified at the earliest opportunity.

Our procedures for dealing with allegations will be applied with common sense and judgement.

### 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/young person or other children/young people 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 college so that the individual does not have direct contact with the child/young person concerned
- Providing an assistant to be present when the individual has contact with child/young person
- Redeploying the individual to alternative work in the college so that they do not have unsupervised access to child/young person
- Moving the child/young person or child/young personren 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.

If in doubt, the case manager will seek views from the college's personnel adviser and the designated officer at the local authority, as well as the police and child/young person social care where they have been involved.

## 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

## Procedure for dealing with allegations

In the event of an allegation that meets the criteria above, the case manager will take the following steps:

- Conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below
- Discuss the allegation with the designated officer at the local authority. 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 proceed, and whether it is necessary to involve the police and/or child/young person's social care services. (The case manager may, on occasion, consider it necessary to involve the police *before* consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to child/young person or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police)
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or child/young person's social care services, where necessary). Where the police and/or child/young person's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with child/young person at the college is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or child/young person's social care services, as appropriate
- Where the case manager is concerned about the welfare of other child/young person in the community or the individual's family, they will discuss these concerns with the DSL/DDSL/Safeguarding trustee and make a risk assessment of the situation. If necessary, the DSL may make a referral to child/young person's social care
- **If immediate suspension is considered necessary**, agree and record the rationale for this with the designated officer. 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 college and their contact details
- **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer 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

- **If it is decided that further action is needed**, take steps as agreed with the designated officer to initiate the appropriate action in college and/or liaise with the police and/or child/young person's social care services as appropriate
- 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. Individuals will be given information about how to access counselling support through HR connect staff care services.
- Inform the parents or carers of the child/young person/child/young person involved about the allegation as soon as possible if they do not already know (following agreement with child/young person's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against staff (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a member of staff will be advised to seek legal advice
- Keep the parents or carers of the child/young person/child/young person involved, informed of the progress of the case (only in relation to their child/young person – no information will be shared regarding the staff member)
- 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/young person, or if the individual otherwise poses a risk of harm to a child/young person.

If the college 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 work, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, wherever possible the college 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 college's disciplinary process, should this be required at a later point.

#### 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 college, 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.

- 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
- The trust board will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the college, while the college carries out the investigation
- We will involve the agency fully, but the college will take the lead in collecting the necessary information and providing it to the LADO as required
- 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.

## 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.

## Specific actions

### **Action following a criminal investigation or prosecution**

The case manager will discuss with the local authority's designated officer 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 child/young person's social care services.

### **Conclusion of a case where the allegation is substantiated**

If the allegation is substantiated and the individual is dismissed or the college ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the college 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 college will consider whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

### **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 case manager will consider how best to facilitate this.

The case manager will also consider how best to manage the individual's contact with the child/young person or children/young persons who made the allegation, if they are still attending the college.

### **Unsubstantiated, unfounded, false or malicious reports**

If a report is:

- Determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider the appropriate next steps. If they consider that the child/young person 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 child/young person's social care may be appropriate
- Update the learner's individual risk assessment highlighting potential for further allegations against staff and protective measures will be implemented to prevent further allegations.
- Shown to be deliberately invented, or malicious, the college will consider whether any disciplinary action is appropriate against the individual(s) who made it

### **Unsubstantiated, unfounded, false or malicious allegations**

If an allegation is:

- Determined to be unsubstantiated, unfounded, false or malicious, the LADO and case manager will consider the appropriate next steps. If they consider that the child/young person 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 child/young person's social care may be appropriate

- Update the learner's individual risk assessment highlighting potential for further allegations against staff and protective measures will be implemented to prevent further allegations.
- Shown to be deliberately invented, or malicious, the college will consider whether any disciplinary action is appropriate against the individual(s) who made it

### Confidentiality and information sharing

The college will make every effort to 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 child/young person'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/young person/children/young people 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

### Record-keeping

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them 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).

For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation
- Details of how the allegation 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

In these cases, the college will provide a copy to the individual, in agreement with child/young person's social care or the police as appropriate.

We will retain all records at least until the accused individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

### 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

### Learning lessons

After any cases where the allegations are *substantiated*, the case manager will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the college's procedures or practice to help prevent similar events in the future.

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 case manager will consider the facts and determine whether any improvements can be made.

### 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/young person 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 college that they were abused as a child/young person, we will advise the individual to report the allegation to the police.

## Section 2: concerns that do not meet the harm threshold

The section is based on 'Section 2: Concerns that do not meet the harm threshold' in part 4 of Keeping Child/young person Safe in Education.

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 in section 1 above.

Concerns may arise through, for example:

- Suspicion
- Complaint
- Safeguarding concern or allegation from another member of staff
- Disclosure made by a child/young person, parent or other adult within or outside the college
- 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 child/young person.

### 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 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 designated officer at the local authority

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

- Being overly friendly with child/young person
- Having favourites
- Taking photographs of child/young person on their mobile phone
- Engaging with a child/young person on a one-to-one basis in a secluded area or behind a closed door
- Humiliating pupils

### Sharing low-level concerns

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to confidentially 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 as per section 7.7 of this policy
- 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 college's safeguarding system

### Reporting low-level concerns

- Staff can report low level concerns or self refer using the Confide Portal
- All staff have been trained on using this portal and are aware that concerns are raised confidentially and will only be seen by the principal and one named DDSL
- If the concern is raised via a third party, the principal will collect evidence where necessary by speaking:
  - Directly to the person who raised the concern, unless it has been raised anonymously
  - To the individual involved and any witnesses

The principal will use the information collected to categorise the type of behaviour and determine any further action, in line with the college's staff Code of behaviour policy and KCSiE. The principal will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with the nominated DDSL.

### Record keeping

All low-level concerns will be recorded in writing. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

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 as described in section 1 of this appendix, we will refer it to the designated officer at the local authority
- Retained at least until the individual leaves employment at the college

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