

NOTRE DAME SCHOOL
MANAGING
ALLEGATIONS AND
CONCERNS POLICY

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Managing Allegations and Concerns Policy

1 Introduction

1.1 **Purpose:** the purpose of this policy is to:

- 1.1.1 help staff identify concerning conduct or behaviour of any adult working for, or on behalf of, the School, whether paid or unpaid, or any Other Adult (as defined at paragraph 2.4) which may affect the safety and welfare of children;
- 1.1.2 emphasise the importance of reporting any such conduct;
- 1.1.3 provide a framework for how such concerns will be handled by the School; and
- 1.1.4 create and embed a culture of openness, trust and transparency in which the School's values and expected standards of behaviour are constantly lived, monitored and reinforced by all staff.

1.2 **Statutory guidance:** this policy has regard to the following statutory guidance:

- 1.2.1 *Keeping Children Safe in Education* (September 2024) (**KCSIE**). Part Four of KCSIE deals with allegations made and concerns raised about staff, supply staff, volunteers and contractors (**Staff**), who are all adults working for, or on behalf of, the School. It distinguishes between two categories of concerns/allegations that can be raised about Staff. These are:
 - (a) concerns that do not meet the harms threshold, otherwise known as "low level concerns"; and
 - (b) allegations that may meet the harms threshold; and
- 1.2.2 *Working together to safeguard children* (July 2018, updated December 2020) (**WT**), which requires policies to be put in place setting out the process, including timescales for investigation and what support and advice will be available to individuals against whom allegations have been made. WT requires schools to have regard to KCSIE in order to fulfil their duties in respect of safeguarding and promoting the welfare of children.

2 Key duties

- 2.1 **Duty to report:** you are under a duty to report **any** concern you have about a member of Staff or any Other Adult, in accordance with this policy.
- 2.2 **Duty to self-refer:** you are under a duty to refer yourself to the Head, where, for example, you have found yourself in a situation which could be misinterpreted, which might appear compromising to others, and / or on reflection if you believe you have behaved in such a way that may fall below the standards expected of you.
- 2.3 **The School's duty:** it is the School's duty to determine whether a concern is a low level concern or an allegation that may meet the harms threshold, and to take appropriate action in compliance with this policy and Part 4 of KCSIE.

- 2.4 **Concerns about other adults:** the School recognises that on occasion, concerns may arise about an adult who does not work for the School, or carry out any other role for or on behalf of the School (**Other Adults**). If any concerns arise about Other Adults you are still required to report those concerns in accordance with this policy. This includes adults from organisations or individuals that rent or hire the School's facilities or premises.

3 **Low level concerns**

- 3.1 **Definition:** a low level concern is any concern, no matter how small, and even if no more than a concern causing a sense of unease or a "nagging doubt", that a member of Staff or Other Adult may have acted in a way that is inconsistent with expected professional standards and/or the staff code of conduct, whether inside or outside work. No concern is too small or minor to raise under this policy. If you are in any doubt as to whether a concern falls within this policy you should raise it. The School can then determine how it should be addressed. Concerns that meet the harms threshold i.e. those that are not low level, are subject to a separate reporting duty set out at paragraph 4 of this policy.
- 3.2 **Duty:** where you have identified a low level concern in respect of any member of Staff (other than the Head), including the DSL, or any Other Adult, you must report the matter immediately to the Head.
- 3.3 **Reporting concerns about the Head:** where you have identified a low level concern about the Head, you must report the matter immediately to the Chair of Governors or the Nominated Safeguarding Governor, without first notifying the Head.
- 3.4 **Conflicts of interest involving the Head:** where you have identified a concern or allegation in respect of a member of Staff or any Other Adult, and you have identified a conflict of interest or a potential conflict of interest in reporting the concern/allegation directly to the Head, you must report the matter directly to the Chair of Governors or the Nominated Safeguarding Governor.
- 3.5 **Responding to low level concerns:** the School will determine whether a concern or allegation is a low level concern or an allegation that may meet the harms threshold. If the School determines the concern is a low level concern, it will be investigated by the School in accordance with its relevant policies and procedures. If the School determines the concern is an allegation that may meet the harms threshold, it will be dealt with under paragraphs 4.7 to 4.9 of this policy. Borderline cases will be dealt with under paragraph 6 of this policy. The Head, the Chair of Governors and the Nominated Safeguarding Governor have been trained to assess concerns, and to record and address them appropriately.

4 **Allegations that may meet the harms threshold**

- 4.1 **Harms threshold:** allegations that may meet the harms threshold are those that might indicate a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children, for example where the individual has:
- 4.1.1 behaved in a way that has harmed a child, or may have harmed a child; and / or
 - 4.1.2 possibly committed a criminal offence against or related to a child; and / or

- 4.1.3 behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children; and / or
- 4.1.4 behaved or may have behaved in a way that indicates they may not be suitable to work with children. This includes behaviour that may have happened outside the School which creates a transferable risk.
- 4.2 **Definitions:** it is therefore important to understand the types of conduct that may be harmful to children, and to recognise that harm may not be limited to the most obvious types of physical abuse. There is no single legal definition of harm but to assist your understanding of what may amount to "harm" you should consider the following:
- 4.2.1 The *Safeguarding Vulnerable Groups Act 2006* which does not give a definition of harm, encouraging people to apply a "normal, everyday meaning".
- 4.2.2 The *Children Act 1989* defines:
- (a) "harm" as "ill-treatment or the impairment of health or development [including, for example, impairment suffered from seeing or hearing the ill-treatment of another]";
 - (b) "ill-treatment" as including "sexual abuse and forms of ill treatment which are not physical";
 - (c) "health" as "physical or mental health".
- 4.3 **Duty to report:** if you are concerned that a member of Staff (other than the Head)], or any Other Adult, has engaged in conduct that meets the harms threshold, you must immediately report the matter to the Head. The Head will discuss the matter immediately with the LADO(s) before further action is taken. Where appropriate, the Head will consult with the DSL. **If you are in any doubt as to whether the conduct of a member of Staff or any Other Adult poses a risk of harm to children you must report it in accordance with this policy. The School will ensure your concern is addressed appropriately, liaising with the LADO and any other external agency that may be involved, as set out at paragraphs 4.7 and 4.8 below.**
- 4.4 **Allegations against the Head:** where you have identified an allegation about the Head, you must report the matter immediately to the Chair of Governors or the Nominated Safeguarding Governor, without first notifying the Head. The allegation will be discussed immediately with the LADO(s) before further action is taken. The Chair of Governors will consult the Nominated Safeguarding Governor, and vice versa.
- 4.5 **Allegations against Governors:** where an allegation is made against a Governor, you must immediately report the matter to the Chair of Governors or the Nominated Safeguarding Governor. The allegation will be discussed immediately with the LADO before further action is taken. Where appropriate, the Chair of Governors will consult the Nominated Safeguarding Governor, and vice versa. If either the Chair of Governors or the Nominated Safeguarding Governor is the subject of an allegation, you must report the matter to the other.

- 4.6 **Reports to the DSL:** If it is not possible for you to make a report to the Head or Chair of Governors or Nominated Safeguarding Governor in the circumstances set out above, you must instead immediately make a report to the DSL. The DSL will take action in accordance with these procedures and will as soon as possible inform the Head or, where appropriate, the Chair of Governors and the Nominated Safeguarding Governor.
- 4.7 **Referral:** where the Head (or, if the concern relates to the Head, the Chair of Governors) considers the concerns raised potentially meet the harms threshold, the Head (or, if the concern relates to the Head, the Chair of Governors) will make a report to the LADO before further action is taken. The Head (or, if the concern relates to the Head, the Chair of Governors) may also seek advice from the LADO as appropriate. Where a LADO referral is appropriate, this will be made within one working day of the allegation being reported in accordance with this policy.
- 4.8 **Responding to an allegation that may meet the harms threshold:** where an allegation is made that may meet the harms threshold, the School will take advice from and co-operate with the LADO, the police, and any other external body that may be involved in the response to the allegation. The School will follow its internal procedures in order to investigate and respond to the allegation when it is appropriate to do so, and will keep the LADO informed of the action it is taking.
- 4.9 **Case Manager:** where an investigation is deemed necessary into an allegation of conduct that may meet the harms threshold, a "Case Manager" will be appointed by the School to lead the investigation. The Case Manager will be either the Head or a person with appropriate authority appointed by the Head. Where the Head is the subject of an allegation, the Case Manager will usually be either the Chair of Governors or Nominated Safeguarding Governor.

5 **Disclosure of information about allegations**

- 5.1 **Informing the individual of the allegation where appropriate:** the Case Manager will consult with the LADO in order to agree if and when it is appropriate to inform the individual of the allegation.
- 5.2 **Communication and support for the individual subject to the allegation:** if and when it is appropriate to inform the individual of the allegation against them, the Case Manager will also offer appropriate pastoral support and will keep the individual informed of the timescales for the investigation under this procedure and the factors which may affect it. In all cases, the investigation will be concluded as soon as reasonably practicable.
- 5.3 **Informing the child's parents/carers where appropriate:** the Case Manager will agree with the LADO when and how the parents or carers of the child / children involved will be informed of the allegation if they do not already know of it. The Case Manager will also agree with the LADO what information shall be shared with the parents/carers of the child/children as the case progresses. The timing and extent of disclosures, and the terms on which they are made, will be dependent upon and subject to the laws on confidence and data protection and the advice of external agencies.
- 5.4 **Reporting restrictions:** the School is mindful of and will comply with the reporting restrictions under section 141 Education Act 2002 which prevent the identification of a teacher who is the subject of such an allegation in certain circumstances.

- 5.5 **Involvement of external agencies:** where the LADO(s) advises that a strategy discussion is needed, or the police or children's social care need to be involved, the Case Manager will not inform the individual subject to the allegation, or the parents or carers until these agencies have been consulted and it has been agreed what information can be disclosed.
- 5.6 **Concerns about supply staff and contractors:** where a concern/allegation has been made in respect of a member of supply staff or a contractor, the concern/allegation may be notified to their employer. Where a Case Manager has been appointed to investigate an allegation, the Case Manager will consult with the LADO before sharing any information with the individual's employer.
- 6 **Borderline cases**
- 6.1 **Raising borderline cases: if you are in any doubt about whether the conduct of a member of Staff or any Other Adult is covered by this policy, you must still report your concerns in accordance with paragraph 3 above.** The Head (or, if the concern relates to the Head, the Chair of Governors or the Nominated Safeguarding Governor) will then determine whether the concerns raised are low level or potentially meet the harms threshold. The School will ensure that appropriate action is taken to address concerns that are raised under this policy.
- 6.2 **Taking LADO advice in borderline cases:** the Head (or, if the concern relates to the Head, the Chair of Governors or the Nominated Safeguarding Governor) may take advice from the LADO in borderline cases in order to establish whether it is a low level concern or potentially meets the harms threshold. This may include conducting an initial "no names" conversation with the LADO about whether the harm threshold is met.
- 7 **Early Years Foundation Stage (EYFS)**
- 7.1 **Report to Ofsted:** the School will inform Ofsted of any allegations of serious harm or abuse by any person living, working or looking after children on the premises of the EYFS provision (whether that allegation relates to harm or abuse committed on the premises or elsewhere), and will provide details of the action taken in respect of those allegations.
- 7.2 **Timescale for Ofsted report:** these notifications will be made as soon as reasonably practicable, but in any event within 14 days of the allegations being made. A registered provider who, without reasonable excuse, fails to comply with this requirement, commits an offence.
- 8 **Referrals to the Disclosure and Barring Service (DBS) and Teaching Regulation Agency**
- 8.1 **Report to the DBS:** the School is under a legal duty to make a referral to the DBS where a member of Staff is removed by the School from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child. The DBS will then consider whether to impose sanctions which may restrict or prevent that person from working with children in future.
- 8.2 **Report to the Teaching Regulation Agency:** if a teacher is dismissed because they are found to have committed serious misconduct, or their conduct has breached the Teachers' Standards, or they resign prior to dismissal on such grounds, the School

will also make a referral to the Teaching Regulation Agency. The Teaching Regulation Agency will consider whether to impose a prohibition order on that person which prevents them from undertaking teaching work in future.

9 Record keeping

- 9.1 **Records of low level concerns:** low level concerns will be recorded in writing and retained so that potential patterns of concerning, problematic or inappropriate behaviour can be identified and addressed. Records of low level concerns that have been addressed formally under the School's procedures will be kept on the individual's personnel file. All low level concerns, including those that have not been addressed formally under the School's procedures, will also be stored securely in a central file (**Concerns and Allegations Record**).
- 9.2 **Recording low level concerns:** the Concerns and Allegations Record will set out the name of the individual involved (if an individual is named), a brief description of the concern and the context in which it arose, any investigation that has been carried out, and the outcome/result of the investigation into the concern. The name of the individual who has raised the concern should also be noted. Where that individual wishes to remain anonymous the School will try to accommodate this as far as reasonably possible, but cannot guarantee anonymity in all circumstances.
- 9.3 **Records of allegations that may meet the harms threshold:** details of allegations that may meet the harms threshold will be recorded both on the individual's personnel file and the Concerns and Allegations Record. The individual's personnel file and the Concerns and Allegations Record will include a summary of the allegation, details of how the allegation was followed up and resolved, a note of any action taken in response to the allegation, copies of information provided to the individual about the allegation and a declaration on whether the information is to be included in a reference.
- 9.4 **Storage and security of Concerns and Allegations Record:** the Concerns and Allegations Record will be stored in the ET folder and will be accessible by the Executive team only.
- 9.5 **Malicious or false low level concerns and allegations:** details of low level concerns and allegations found to be malicious or false will be removed from personnel records and the Concerns and Allegations Record.
- 9.6 **Retention of records:** in line with the School's information and records retention policy, information stored on staff personnel files about low level concerns and allegations that may meet the harms threshold, and the Concerns and Allegations Record, will be retained by the School indefinitely. The School may in future be required to produce this information if it is notified of an allegation of historic abuse relating to a current or former member of staff, if a former member of staff is accused of committing safeguarding offences elsewhere or if a former member of staff is the subject of safeguarding allegations arising elsewhere.

10 References

- 10.1 **Low level concerns:** low level concerns may be disclosed in a reference if they were substantiated and formally dealt with under the School's disciplinary or capability policies and procedures. Low level concerns will not be disclosed in a reference if

they were not dealt with formally, or if they were found to be false, unfounded, unsubstantiated or malicious.

- 10.2 **Allegations that may meet the harms threshold:** allegations that may meet the harms threshold will be disclosed in a reference if the allegation was found to be substantiated (including any cases in which the disciplinary sanction has expired). The School will not disclose information about allegations that were found to be false, unfounded unsubstantiated or malicious.

11 **Questions**

- 11.1 **Contact:** please contact the Head if you have any questions about this policy.