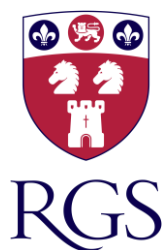


MANAGING ALLEGATIONS POLICY





MANAGING ALLEGATIONS POLICY: PROCEDURE FOR REPORTING A CONCERN ABOUT AN ADULT WORKING AT THE SCHOOL

Newcastle upon Tyne Royal Grammar School

The Royal Grammar School Newcastle (RGS) recognises that its students and staff are best safeguarded when there is a culture of openness, safety and a readiness to raise concerns, because young people's welfare is at the heart of what the school does. The school's procedures regarding allegations against members of staff (including volunteers and young people) working with students should be read in conjunction with the [SAFEGUARDING POLICY](#), the [STAFF BEHAVIOUR POLICY](#), the [LOW-LEVEL CONCERNS POLICY](#) (from Autumn 2021) and the [WHISTLE-BLOWING POLICY](#) and they follow guidance from:

- Working Together to Safeguard Children 2018
- NSCB procedures
- Section 11 Children Act 2004
- Keeping Children Safe in Education September 2021 (*KCSIE*)
- Education Act 2011.

The school has a duty to respond to any allegations of misconduct by a member of staff fairly, quickly and consistently. It is in the interests of all, that a quick resolution of the allegation is sought. All adults in the school community have a duty to safeguard students. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

What does the term "allegation" mean?

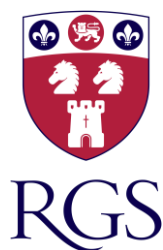
Behaviour that meets the criteria for being an "allegation" is as follows:
If you believe that a member of staff (including volunteers and supply agency staff) has:

- behaved in a way that has harmed, or may have harmed a child
- behaved in a way which puts the safety of the child at risk
- have, as a parent or carer, become subject to child protection procedures
- possibly committed a criminal offence against or related to a child
- behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include an arrest for the possession of a (transferable risk)
- are closely associated with someone in their personal lives (e.g. partner, member of the family or other household member) who may present a risk of harm to child/ren for whom the adult is responsible in their employment/volunteering

Or

- The school's safeguarding regime is failing its students.

If your concern meets any of the above criteria for an **allegation** then you **MUST REPORT ANY CONCERNS** (including rumours and apparent gossip) without hesitation and without discretion. You should take your concerns directly to the Headmaster in order to maintain



appropriate levels of confidentiality for all.

If the allegation is against the Headmaster or they are unavailable, the Chair of Governors, Mr Alan Fletcher must be informed. The Chair's contact details are available from the Clerk to the Governors or the Director of Finance and Operations.

If you do not feel your concern meets the **above criteria for an allegation** then you should follow the **Low-Level Concerns Policy** and report your concern/observations to the DSL directly.

Staff DO NOT need to be able to determine in each case whether their concern is a low-level concern, or if it is in fact serious enough to consider a referral to the LADO, or meets the threshold of an allegation. If a member of staff has a concern but is unsure whether it meets the threshold for an allegation then they would be advised to report it to the Headmaster without delay and he will advise.

At each stage of the process, the school will seek to support all parties through the provision of extra support, care for confidentiality and advice regarding unwanted publicity. Reporting restrictions under the Education Act 2011 apply until the accused person is charged with an offence or the accused effectively waives their right to anonymity by going public themselves. The school will take advice from the LADO, police, and children's social care services to agree how and what information is communicated.

Allegation

Behaviour which indicates that an adult who works with children has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child;
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

Low-Level Concern

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

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

Appropriate Conduct

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

(Source: Farrer & Co, 2020)

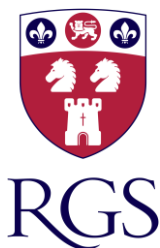
WHEN AN ALLEGATION IS RECEIVED

The Headmaster, generally in conjunction with the DSL, will review the allegation and will seek advice from the LADO immediately, if it appears to meet the criteria above. If the allegation / concern does not meet the threshold for referral to the LADO then the **Low-Level Concerns Policy** will be followed (from Autumn 2021).

If it is clear that the allegation is unfounded, false or malicious, it will be resolved without delay, and within one week, following advice from the school's independent safeguarding advisors (Clennell Education Solutions) and the LADO (if contacted), and the supply agency when relevant. Where further mediation is required, then the school will seek to support a dispute resolution approach to facilitate an end to the matter.

If the allegation does not involve a criminal offence, is not a formal disciplinary matter and there are no child protection concerns, then the matter should be resolved within three days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

If the allegation appears abusive or there is any reason to investigate the allegation further, then the Headmaster will follow the advice of the LADO and any other agencies involved in the case. No member of staff or member of the Governing body will investigate the



allegation before the LADO has been contacted.

The Newcastle LADO is Melanie Scott (0191 211 6730)

Email: melanie.scott@newcastle.gov.uk

Children's Safeguarding Standards Unit
Civic Centre
NE1 8PU

Discussions with the LADO will be recorded in writing and the Headmaster and LADO will agree how communications with both the individual and the parents of the child/children will proceed. It is the school's policy to take advice from the LADO in good time, when there is a possibility that a child may have been harmed or in danger of harm.

The school recognises that it has a duty of care to its staff and will act to support them during the investigation. The Headmaster will inform the member of staff who is subject to the allegation as soon as possible, after consulting the LADO and any other agencies involved in the case e.g. police or social care.

The member of staff will be advised to contact his or her professional association/union/legal advisor. In addition, the member of staff will be reminded that they continue to have access to the School Counsellor and that they can also access support via the Workplace Options scheme to which the school subscribes all its staff. The Headmaster will agree with the staff member a named representative who will keep the person informed of the progress of the case and discuss further appropriate support. The Headmaster will give as much information as possible to the member of staff or their representative throughout the course of the investigation.

Suspension will not be automatic and will only occur when there is no reasonable alternative including redeployment, extra supervision arrangements or moving children to a different class. Any decision to suspend or temporarily re-deploy staff is made without prejudice and rests with the Headmaster or with the Chair of Governors, but will be considered in a case where not to suspend, may continue or increase the risk of significant harm or hamper investigations. Suspension will be necessary if the allegation warrants investigation by the police or there might be grounds for dismissal. In all other cases, the school will consider other arrangements, based on an assessment of risk and on the advice of the LADO. If immediate suspension is considered necessary, then the rationale and justification for such a course of action, including what alternatives to suspension were considered, will be agreed and recorded by the Headmaster or Chair of Governors and the LADO.

Parents or carers of the child/children involved should be told about the allegation as soon as possible (if they do not already know of it) but where a strategy discussion or other agencies are involved, the Headmaster will not inform the parents until it has been agreed what information can be disclosed. At this point parents/carers will be made aware of the legal requirement in the Education Act 2002 to maintain confidentiality about allegations made against teachers whilst investigations are ongoing, including comments on social media which could identify the teacher. Parents/carers will be kept informed about the progress of the case, told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process, although the information within a disciplinary hearing cannot be disclosed to them.

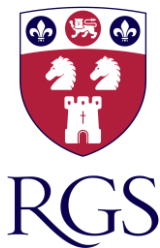
FURTHER INVESTIGATION

If the initial evaluation and discussion with the LADO indicates that no further investigation is required and no criminal offence has been committed and there is no need for a formal disciplinary hearing, then appropriate measures will be taken within three working days and both the school and the LADO will make a record of the decision and the reasons for it. If the school believes that there are grounds for a formal disciplinary procedure, then the school will begin the procedures within 15 working days and the LADO will be kept informed.

Under the guidance of the LADO, there may be a number of subsequent investigations including further investigations in school. A strategy meeting or an initial evaluation meeting may be held to agree and coordinate what actions are required and by which agency. This

This policy applies to the whole school and is published to parents & staff

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meeting will involve the school.

If the LADO believes that the case is straightforward, they may ask the school to carry out further investigations and will discuss how this will be carried out. Normally, this will be undertaken by a senior member of staff but in some cases an independent investigator may be required.

If there is cause to suspect that a child has suffered, or is likely to suffer significant harm Social Care will be requested to hold a *Child Protection strategy meeting* and liaise with the Secure Records Office to access any historical records. Children's Social Care will inform the LADO of the outcome of their enquiries.

If a criminal offence may have been committed there may be the need for a *Police-led strategy meeting*. The police will inform the employer and the LADO of the final outcome i.e. decision not to charge or caution.

CONFIDENTIALITY

Paragraphs 213-216 of KCSIE 2021 explain the regulations regarding confidentiality during an investigation. In summary:

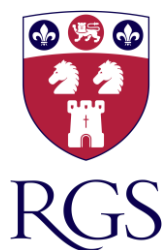
- The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.
- The 2002 Education Act restricts reporting or publication of any material that may lead to the identification of the teacher as the subject of the allegation, if the allegation is by or on behalf of a pupil of the same school.
- Reporting restrictions apply until the accused person is charged with an offence or the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the investigation.
- If an individual effectively waives their right to anonymity the reporting restrictions are disapplied.
- Publication of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited, this includes publication on social networks.
- In accordance with guidance published by the College of Policing in May 2017, the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. If they wish to depart from that rule, the police must apply to the magistrates' court for reporting restrictions to be lifted.

FOLLOWING THE COMPLETION OF ALL INVESTIGATIONS

Once all investigations are complete, the School will then conclude any required and appropriate action and disciplinary process. *If the allegation is substantiated*, the school will consult the LADO to discuss whether a referral should be made to the DBS and this should be made within a month. The LADO will check this has happened. If a teacher is found guilty of misconduct then the School will also consider a referral to the Teaching Regulation Agency (TRA).

If the allegation is unsubstantiated (neither proved nor disproved) then the person (and, in the case of a child, their parents) who made the allegation and the member of staff involved will be informed. The school will give due consideration to the need to support both parties and manage future contact between them.

If the allegation *proves to be false or malicious* then the school, in consultation with the LADO, may refer the matter to Children's Social Care to determine whether the child is in need of services or might have been abused by someone else. In all circumstances, where an allegation has been deliberately invented or malicious, the school will inform the police who will consider whether any action might be appropriate against the person responsible. We may then follow our Serious Disciplinary Procedure in school.



The school has a legal obligation to make a referral to the DBS where we think that an individual has engaged in conduct that harmed or is likely to harm a child; or if a person otherwise poses a risk of harm to a child. The school takes this responsibility very seriously and will make a referral, having consulted with the LADO, even if the person concerned has left the school's employment for any reason.

If a teacher is found to have engaged in *unacceptable professional conduct or conduct that may bring the profession into disrepute* and this resulted in their dismissal, or they would have been dismissed if they had not resigned, then the school has a duty to consider making a referral to the TRA who may make a recommendation to the Secretary of State that a prohibition order is appropriate. A referral to the DBS automatically triggers a referral to TRA, but the school will always consider and record its decision regarding a separate referral to TRA even if the DBS referral threshold is not reached.

RECORD KEEPING

Unless the allegation is malicious, the school will keep a clear and comprehensive summary of allegations made, details of how the allegation was followed up and resolved, and details of any action taken and decisions reached, on the person's confidential personnel file and give a copy to the individual. The information will be retained on file at least until the accused has reached normal pension age or 10 years from the date of the allegation (if this is longer).

Following KCSIE guidance, cases in which an allegation was proven to be false, unsubstantiated or malicious will not be included in an employer reference provided by the school. Similarly, a history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious will be excluded from any reference.

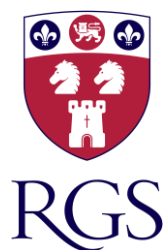
LEARNING LESSONS

At the conclusion of the case in which the allegation is substantiated, the school will work with the LADO and other agencies to review the circumstances of the case and whether the school can make changes to its practice to prevent similar events in future. This review will also include issues arising from decisions to suspend the member of staff, the duration of the suspension and the impact should a member of staff subsequently be reinstated.

APPENDIX

Examples of actions interpreted as abusive:

Physical Abuse	Sexual Abuse	Emotional Abuse and Neglect
Any form of physical assault (including attempts):- Kicking Punching	Abuse of a position of trust. Any form of sexual assault. Possession of indecent or abusive photographs or images of children.	Racial / homophobic comments or behaviour, or failing to address this in others. Persistent sarcasm or belittling children.



Pushing Slapping Shaking Throwing a missile	Showing indecent or pornographic material to children. Inappropriate touching, language or behaviour towards a child.	Bullying children, or failing to address it in others. Inappropriate punishments. Creating a climate of fear. Failing to protect a child from physical danger.
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CONTACT DETAILS

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