Caversham Preparatory School
Whistleblowing Policy

All staff must behave responsibly and professionally in all dealings with children and specifically with pupils for whom they have a duty of care. All staff must follow the procedures set out in our 'Staff Code of Conduct'. Staff should always avoid behaviour which might be misinterpreted by others. As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people are in positions of trust in relation to the young people in their care. A relationship between a member of staff and a pupil cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people and all members of staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Staff should note that it is an offence for a person aged 18 or over and in a position of trust to touch a child in a sexual way or have a sexual relationship with a child, even if the relationship is consensual. A position of trust could arise even if the member of staff does not teach the child.

Part One - Low Level Concern Policy (including self-reporting)

The overarching aim of the school's Low Level Concern Policy is to facilitate a culture in which the clear values and expected behaviours which are set out in our Code of Conduct are lived, constantly monitored, and reinforced by all staff. In particular, the intention of this policy is to:

- maintain a culture of openness, trust and transparency in which staff are confident and clear about expected behaviours of themselves and their colleagues, the delineation of boundaries and reporting lines;
- ensure staff feel empowered to raise any low-level concern, whether about their own or a colleague's behaviour, where that behaviour might be construed as falling short of the standards set out in our Code of Conduct; and
- provide for responsive, sensitive and proportionate handling of such concerns when they are raised – maintaining on the one hand confidence that concerns when raised will be handled promptly and effectively whilst, on the other hand, protecting staff from false allegations or misunderstandings.

The following key principles apply:

- We will consider and thoroughly investigate any allegation expeditiously, fairly and consistently, avoiding all unnecessary delays. The aim will always be to ensure a quick resolution to the benefit of all concerned; the nature, seriousness and complexity of the allegation will have a bearing on timescales.
- In the first instance, and always prior to any internal investigation taking place, the school will immediately (no longer than one working day), contact the CSPoA for further professional advice and discussion. We will discuss with the CSPoA the content and context of the allegation and will agree a course of action, including any involvement with the Police. Discussions will be recorded in writing and communication with both the individual and parents of the child/children agreed. For the avoidance of doubt, the school

does not require parental consent before reporting allegations to the CSPoA. Also, we are aware that GDPR cannot be allowed to stand in the way of safeguarding children.

- In the case of serious harm, the Police will be informed from the outset.
- Where appropriate, the person who is subject of an allegation will be notified as soon as is practicable and will be provided with as much information as possible at that time (NB: in some instances, the school may not be permitted to disclose full details).
- The Principal and Proprietors understand that they must carefully consider whether the circumstances of the case warrant suspension or whether alternative arrangements should be put in place. The Principal and Proprietors appreciate the importance of considering the views of the CSPoA and all statutory guidance in force at the time.
- Whilst care will be taken to ensure the effective protection of the child making the allegation, we will always provide appropriate support to the person who is the subject of the allegation.
- There are restrictions on the reporting or publishing of allegations against staff and the school will take all reasonable steps to ensure that confidentiality is maintained and guard against unwanted publicity while an allegation is being
- investigated. These restrictions apply up to the point where the accused is charged with an offence, or the DfE/Teaching Regulation Agency (TRA) publishes information about an investigation or decision in a disciplinary case.
- The school understands its duty of care to consider making a referral to the DBS/TRA where a teacher has been dismissed (or would have been dismissed, had they not resigned) and a prohibition order may be appropriate. The school understands that such an order would be considered where an individual has displayed 'unacceptable professional conduct' or conduct that may bring the profession into disrepute' or a 'conviction, at any time, for a relevant offence'.
- Caversham Prep School will always seek advice about whether an allegation against a teacher is sufficiently serious to refer to the DBS/TRA. Reference will always be made to current guidance. For example, Teacher misconduct: the prohibition of teachers (October 2015). We understand that further guidance is published on the Teaching Regulation Agency website.
- If the subject of an allegation chooses to resign their employ, the school will continue with its investigation and will make every effort to reach a conclusion regardless of whether the individual chooses to assist the investigation.

The notification and prompt handling of all concerns about adults, including those raised by individuals about themselves, is fundamental to safeguarding children. It helps to identify and prevent abuse and to protect adults against misunderstandings or misinterpretations. It also encourages openness, trust and transparency and it clarifies expected behaviours. Those raising concerns or reporting allegations in good faith will always be supported, and adults in respect of whom concerns, or allegations have been raised will not suffer any detriment unless the concern or allegation is found to be substantiated.

Any low-level concerns must be reported to the Principal (DSL) in the first instance. The Principal will record the concern and take immediate advice from the Proprietor. Any low-level concern recorded against a teacher will be kept in the safeguarding file and will be kept for the duration of the staff's employment. If the DSL is unsure whether a low-level concern shared about a member of staff meets the harm threshold, he will consult the CSPOA.

Low Level Concerns about Supply Staff and Contractors

All low-level concerns about supply staff and contractors will be notified to their employers.

What is a low-level concern, including those that are self-reports?

Self-reporting

From time to time an individual may find him/herself in a situation which might appear compromising to others, or which could be misconstrued. Equally, an individual may for whatever reason have behaved in a manner which on reflection he/she considers falls below the standard set out in the Code of Conduct and, falls below the expected professional standards, or breaches this policy.

Self-reporting in these circumstances is encouraged as it demonstrates both awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how they could be perceived. As such, the school sees self- reporting as an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

Low level concerns about an adult

From time to time an individual may notice behaviour, statements, or actions in others which leave them concerned. These are behaviour or actions which fall short of a formal allegation of abuse. These tend to be behaviours which indicate that our Code of Conduct has not been met. Any such concerns can be dealt with as a low-level concern.

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 for an allegation (see below).

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 Designated Officer.

Examples of such behaviour could include, but are not limited to:
- being over friendly with children;
- having favourites;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating (including shouting or being verbally aggressive) or
- offensive language (including the belittling of children on their own or in front of peers).

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

What should I do if I have one?

Where a low-level concern (including self-reports) exists, it should be reported to the DSL or to the Principal as soon as reasonably possible in the same day as the incident (where the concern relates to a particular incident). If the DSL received the report, they must inform the Principal of all the low-level concerns and in a timely fashion (within the day). There must be no delay. Where a low-level concern relates to a person employed by a supply agency or a contractor to work in the school, that concern should be shared with the Principal or DDSL. Their employer will be notified about the concern by the Principal or DDSL, so that any potential patterns of inappropriate behaviour can be identified.

How will my low-level concern be handled (including a self-report)?

The DSL will discuss all low-level concerns they receive with the Headteacher/Principal on the same day as the concern was raised. The Headteacher/Principal, in collaboration with the DSL, will, in the first instance, satisfy themselves that it is a low-level concern and should not be reclassified as an *allegation* and dealt with under the appropriate 'allegations' procedure (outlined later in this document). The circumstances in which a low-level concern might be reclassified as an allegation are where:

- the threshold is met for an allegation (see below);
- there is a pattern of low-level concerns which collectively amount to an allegation; or
- there is other information which, when taken into account, leads to an allegation

The DSL is the ultimate decision maker in respect of all low-level concerns; however it is safe and best practice that they consult with the DDSL and take a more collaborative decision-making approach. Where the DSL is in any doubt whatsoever whether the LLC needs to be considered as an allegation, advice will be sought from Reading.

Having established that the concern is low level (and is not an allegation), the Principal or DSL as appropriate will first discuss it with the individual who has raised it and will take any other steps to investigate it as necessary. Most low-level concerns by their very nature are likely to be minor and will be dealt with by means of management guidance, training, etc. The person to which the low-level concern relates must be informed of any concern raised about them *once all risk has been identified and assessed*. The person who has raised the low-level concern about their colleague will remain anonymous.

What records will be kept?

Where a low-level concern has been communicated, or a Self-Report raised by an individual about themselves, a confidential record will be kept in a school central file which logs all low-level concerns. When staff leave the school, any record of low-level concerns which are stored about them will be kept for a period of 10 years, and following this, reviewed as to whether or not that information needs to be kept. Consideration will be given to:

- whether some or all of the information contained within any record may have any reasonably likely value in terms of any potential historic employment or abuse claim so as to justify keeping it, in line with normal safeguarding records practice; or
- if, on balance, any record is not considered to have any reasonably likely value, still less actionable concern, and ought to be deleted accordingly

Retention is necessary to see whether any patterns of concerning, problematic or inappropriate behaviour can be identified Where a pattern of such behaviour is identified, the school should decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, in which case it should be referred to the Designated Officer.

A Self-Report also falls under our Low-Level Concerns.

No record will be made of the concern on the individual's personnel file unless either:

- the concern (or group of concerns) has been reclassified as an allegation; or
- the concern (or group of concerns) is sufficiently serious to result in formal action under the school's grievance, capability or disciplinary procedure.

Specifically, if a referral is made to the LADO/other external agencies where the behaviour in question:

- had not originally been considered serious enough to consider a referral to the DO but merited consulting with and seeking advice from them;
- is determined to meet the threshold of an allegation when considered with any other low-level concerns that have previously been raised about the same individual;
- then records relating to the behaviour will be placed and retained on the staff member's personnel file, whilst also being retained on the school central low-level concerns file.

References

Low Level concerns should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. It follows that a Low-Level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference. However, where a low-level concern (or group of concerns) has met the allegations threshold for referral to the Designated Officer and found to be substantiated, it should be referred to in a reference (see below).

Part Two - Allegations

The purpose of this section of the policy is to outline how allegations against adults will be handled. Allegations will always be dealt with in accordance with statutory guidance provided in KCSIE.

What is an allegation?

Allegations represent situations that might indicate a person may/would pose a risk of harm to children if they continue to work in regular or close contact with children in their present position, or in any capacity. This policy applies to all adults in the school if it is alleged that they have met one of the following four statements, often referred to as 'harm tests':

- 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 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 (potential transfer of risk)

An allegation may be triggered by one specific incident or by a pattern of behaviour by the adult, or low-level concerns which when considered *collectively* amount to an allegation.

What should I do if I have an allegation?

Allegations about staff, agency staff, contractors, visitors, or volunteers should be reported to the Principal and DSL immediately.

The DSL will liaise with the Designated Officer of the Local Authority

The adult to whom the concern or allegation relates **must not be informed at this early stage.**

If the allegation is about a member of the Lawson Family you must inform the DDSL immediately.

They will then liaise with the Designated Officer of the Local Authority as set out below.

Duties as an employer and an employee

This policy relates to members of staff, contractors, visitors, and volunteers who are currently working in any school, regardless of whether the school is where the alleged abuse took place.

Supply/Agency Staff

This policy also refers to agency staff/supply staff (KCSIE 2024) (see below). In some circumstances, schools will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency or business. Whilst schools 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 local authority Designated Officer (LADO) to determine a suitable outcome.

Decisions will need to be made in discussion with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation. Agencies should be fully involved and co-operate in any enquiries from the LADO, Police and/or 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.

Supply teachers, whilst not employed by the school, are under the supervision, direction and control of the school when working in the school. They should be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency are taken into account by the school during the investigation. When using an agency, schools should inform the agency of its process for managing allegations. This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.

Non-recent allegations

Where an *adult* makes a non-recent allegation via the school that they were abused as a child by a current member of staff, the individual should be advised to report the allegation to the Police.

Where an *adult* makes a non-recent allegation via the school that they were abused as a child by a former member of staff, the individual should similarly be advised to report the allegation to the Police.

Non-recent allegations against current /former staff made by a *child* must 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.

Dealing with an allegation

The procedures for dealing with allegations need to be applied with common sense and judgement.

Many cases may well either not meet the criteria set out above or may do so without warranting consideration of either a Police investigation or enquiries by local authority Children's Social Care services.

Some rare allegations will be so serious they require immediate intervention by Children's Social Care services and/or the Police.

Initial Enquiries

The Principal *may* need to gather some initial information to help them determine whether there is any foundation to the allegation before contacting the LADO. Schools should ensure they understand the local authority arrangements for managing allegations, including the contact details and what information the LADO will require when an allegation is made. This information can be found in local policy and procedural guidance provided by the LADO service. Before contacting the LADO, the Principal should conduct these basic enquiries to establish the facts, being careful not to jeopardise any future Police investigation.

When to inform the individual of the allegation should be considered carefully on a case-by-case basis, with the Governors, the LADO, and if appropriate local authority children's social care and the Police. Unless agreed, the person to which the allegation has been made must not be informed or interviewed at this stage, so as not to jeopardise potential evidence gathering by external agencies.

Outcomes after initial enquiries

If, after the initial gathering of information it is decided by the above group of colleagues that the concerns do not meet threshold for an allegation (and therefore no contact with the LADO is required), but they have a concern around conduct, the Principal will be supported by the Board to take steps thereafter.

If, after the initial information gathering stage, it is decided that the concerns do amount to a Safeguarding allegation that does meet threshold for contacting the LADO (at least for advice about whether a referral is needed), the Principal will do so (or the DDSL in their absence or delegation), and will be supported by the Board to do so.

Initial Discussion with Designated Officer

The purpose of an initial discussion is for the Designated Officer(s) and the case manager (school initially-Headteacher/DSL) to consider the nature, content and context of the allegation and agree a course of action. The Designated Officer(s) 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 about the individual's current contact with children. There may be situations when the DSL will want to involve the Police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with the Designated Officer(s) in order to help determine whether Police involvement is necessary.

The DSL will discuss with the Governors what action should follow both in respect of the individual and those who made the initial allegation.

Situations can arise where the LADO is contacted, but advises that, whilst the matter does/does not reach threshold for a referral to them, it should be managed internally as a conduct issue. In these situations, the Principal will be supported by the Governors as needed.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded by the DSL and agreement reached with the Governors on what information should be put in writing to the individual concerned and by whom.

Informing Parents

Parents or carers of the child or children involved will be told about the allegation as soon as possible if they do not already know of it.

However, where a 'strategy discussion' is required, or the Police or Children's Social Care services need to be involved, the DSL will not inform the parents of the allegation until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers.

Parents or carers will also be kept informed of the progress of the case and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child may be told the outcome in confidence, on the advice of the Governors only.

Parents and carers will also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing, as set out in section

141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they will be told to seek legal advice.
In cases where a child may have suffered significant harm, or there may be a criminal prosecution, Children's Social Care services, or the Police as appropriate, will consider what support the child or children involved may need.

Inter-agency Strategy Discussion

Where a referral to the LADO has met threshold, and where there is cause to suspect a child is suffering or is likely to suffer significant harm, a 'strategy discussion' will be convened by the DSL or the Police in accordance with the statutory guidance Working Together to Safeguard Children. If the allegation is about physical contact, the 'strategy discussion' or initial evaluation with the Police will take into account that teachers and other school staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour (see Use of Reasonable Force Policy).

Where a 'strategy discussion' is needed, or Police or Children's Social Care services need to be involved, the case manager (school) will not inform the accused person until those agencies have been consulted and have agreed what information can be disclosed to the accused. The case manager should only inform the accused person about the allegation after consulting the Designated Officer(s) and actions have been decided. It is extremely important that the case manager provides the accused with as much information as possible at that time.

Where it is clear that an investigation by the Police or Children's Social Care services is unnecessary, or the 'strategy discussion' or initial evaluation decides that is the case, the Designated Officer(s) will discuss the next steps with the case manager. In those circumstances, the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to an internal school-based investigation (see below).

Internal school investigations

In some cases, whilst an investigation by the Police or Children's Social Care services is unnecessary, the school will be guided by the agencies that further enquiries will be needed to enable a decision about how to proceed. If so, the Designated Officer(s) will discuss with the case manager how and by whom the school investigation will be undertaken. The LADO's role is not to investigate the allegation, but to ensure that an appropriate investigation is carried out by the school. In straightforward cases, an internal school investigation will normally be undertaken by Jacqueline Lawson. The outcome of the investigation must be fed back to the LADO.

Where a safeguarding concern or allegation triggers another procedure, such as grievance or disciplinary, that procedure shall only be followed once the immediate safeguarding concern or allegation has been fully investigated.

Suspension of an employee

The Proprietors will consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension will be considered prior to taking that step.

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases, this will require the case manager to consider suspending the accused until the case is resolved. Suspension should not be an automatic response when an allegation is reported: all options to avoid suspension should be considered prior to taking that step.
If the DSL is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the LADO, Children's Social Care or the Police as required. However, suspension is highly unlikely to be justified on the basis of such concerns alone.

Suspension will be considered only in a case where there is cause to suspect a child or other children at the school are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the case manager will consider carefully whether the circumstances warrant suspension from contact with children at the school or until the allegation is resolved.

In cases where the school is made aware that the Secretary of State has made an interim prohibition order in respect of an individual who works at the school, immediate action will be taken to ensure the individual does not carry out work in contravention of the order, i.e. pending the findings of the TRA investigation, the individual must not carry out teaching work.

The DSL will also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the LADO, Police and Children's Social Care services have no objections to the member of staff continuing to work during the investigation, the case manager will aim to be as inventive as possible to avoid suspension.

Based on assessment of risk, the following alternatives will be considered by the case manager before suspending a member of staff:

- redeployment within the school so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school so the individual does not have unsupervised access to children

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the

allegation. The Proprietors will consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

Where it has been deemed appropriate to suspend the person, written confirmation will be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. The Principal will make clear to the suspended employee where they can obtain support. The person will be informed at the point of their suspension who their named contact is within the organisation and will be given their contact details.

Children's Social Care services, the LADO or the Police cannot require the school to suspend a member of staff or a volunteer, although the case manager will give appropriate weight to their advice. The power to suspend is vested in the Proprietors.

Where a 'strategy discussion' or initial evaluation concludes that there should be enquiries by Children's Social Care services and/or an investigation by the Police, the DSL should canvass Police and Children's Social Care services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform the school consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision will be taken on a case-by-case basis having undertaken a risk assessment.

Support for employees

Caversham Prep has a duty of care to their employees. We will provide effective support for anyone facing an allegation, and/or other members of staff involved in the process as witnesses, and will act to manage and minimise the stress inherent in the allegations process. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and, at the same time, supports the person who is the subject of the allegation and any witnesses. Support for the accused individual is vital to fulfilling this duty. Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the Children's Social Care services or the police. The individual will be advised to contact their trade union representative, if they have one, or a colleague for support.

The DSL will keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual and/or witnesses. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

Timescales

It is in everyone's interest to resolve cases as quickly as possible and ensure consistency with a fair and thorough investigation. All allegations will be investigated as a priority to avoid any delay. The time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness, and complexity of the allegation.
For cases where it is clear immediately that the allegation is unsubstantiated or malicious, it is aimed that they will be resolved within one week.

Confidentiality

When an allegation is made, the school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act (2002) introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions are disapplied if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so, or if a judge lifts restrictions in response to a request to do so. The provisions commenced on 1 October 2012.

The legislation imposing restrictions makes clear that "publication" of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public." This means that a parent who, for example, published details of the allegation on a social networking site, would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

In accordance with the Authorised Professional Practice 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. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates' court to request that reporting restrictions be lifted).

The DSL will take advice from the LADO, 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 should arise.

Oversight and monitoring

The DSL has overall responsibility for oversight of the procedures for dealing with allegations, for resolving any inter-agency issues, and for liaison with Safeguarding Partners on the subject. In addition to liaising with the police and other agencies and monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

Police forces should also identify officers who will be responsible for:

- liaising with the DSL
- taking part in the strategy discussion or initial evaluation;
- subsequently reviewing the progress of those cases in which there is a police investigation; and
- sharing information on completion of the investigation or any prosecution.

If the 'strategy discussion' or initial assessment decides that a Police investigation is required, the Police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

Information sharing

In a 'strategy discussion' or the initial evaluation of the case, the agencies involved will share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Where the Police are involved, wherever possible, the employer will ask the Police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process. This will be done as their investigation proceeds and will enable the Police to share relevant information without delay at the conclusion of their investigation or any court case.

Children's Social Care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

Following a criminal investigation or a prosecution

The Police should inform the employer immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after the person has been charged. In those circumstances, the Designated Officer(s) should discuss with the case manager whether any further action,

including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the Police and/or Children's Social Care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to be given as to the result of the Police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

Outcome of an allegation

The following definitions will be used when determining the outcome 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;

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;

Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

On conclusion of a case

There is a legal requirement for the Proprietors to make a referral to the DBS where they 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. If an allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the Proprietors will refer the case to the DBS for consideration of whether inclusion on the barred lists is required. In the case of a member of teaching staff at a school, the matter will be referred to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching in relation to their professional misconduct.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager will consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The DSL will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still a pupil at the school. Likewise, those members of staff who have been witnesses during processes must be supported.

Malicious or unsubstantiated allegations

If an allegation is determined to be unsubstantiated or malicious, the DSL will refer the matter to the Children's Social Care services to determine whether the child concerned is in need of services or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the Principal and Proprietor will consider whether any disciplinary action

is appropriate against the pupil or staff member who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she were not a pupil.

Learning lessons

At the conclusion of a case in which an allegation is substantiated, the Proprietor will review the circumstances of the case to determine whether there are any improvements to be made to the school's procedures or practice to help prevent similar events in the future. This will include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether suspension was justified. Lessons will also be learnt from the use of suspension when the individual is subsequently reinstated.

Resignations and 'settlement agreements'

If the accused person resigns, or ceases to provide their services, this will not prevent an allegation being followed up in accordance with the statutory guidance KCSIE. A referral to the DBS must be made if the criteria are met (see criteria in KCSIE). The Proprietors will also consider whether a referral to the TRA is appropriate (see criteria in KCSIE).

If the accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement/compromise agreement. Any settlement/compromise agreement that would prevent the proprietor from making a DBS referral even though the criteria for referral are met, is likely to result in a criminal offence being committed. This is because the proprietor would not be complying with its legal duty to make the referral.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible, the accused will be given a full opportunity to answer the allegation and make representations about it. However, the process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated on the basis of all the information available, will continue even if that cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough Police investigation where that is appropriate.

Record keeping

Details of allegations that are found to have been malicious will be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the Police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record will be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation, if that is longer. The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.

References

Cases in which an allegation was proven to be false, unsubstantiated or malicious will not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious will also not be included in any reference. See KCSIE for further information on references.

Policy Administration

Linked Policies

This policy also needs to be in line with other school polices and therefore should be read in conjunction with the following school policies:

- Safeguarding and Child Protection Policy
- Staff Handbook
- Employment Contract

Review Schedule

This policy is subject to annual reviews by a member of the SMT unless circumstances require an earlier review.

Update and Review Log

Updated/ Reviewed By	Date	Notes
Chris Neal	August 208	
Jacqueline Lawson	August 2018	Reviewed
Naomi Williams	September 2020	
Andrew Lawson	October 2020	Reviewed
Andrew Lawson	August 2022	
Margaret Brown	September 2022	Governor Review
Jacqueline Lawson	January 2024	Governor Review

Jacqueline Lawson	August 2025	Reviewed in the light of KCSIE 2025