

## Policy: Managing allegations and safeguarding concerns against staff, volunteers, visitors, contractors and children

**Reviewed:** September 2024

**Next review:** September 2025

**Mid-year updates:**

### Policy Monitoring

Libra Policies are reviewed when the need arises in line with legislation updates, guidance, and useful information we receive in order to improve and enhance our provision. Additionally, Policies are updated annually by relevant members of staff and the Senior Leadership Team.

### Equality Statement

We believe that this policy is in line with the Equality Act as it is fair, it does not prioritise or disadvantage any child or member of staff, and it helps to promote equality at this school.

We all have a responsibility to ensure equality permeates into all aspects of school life and that everyone is treated equally irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We want everyone connected with this school to feel safe, secure, valued and of equal worth. We acknowledge the findings of the Race Disparity Audit that clearly shows how people of different ethnicities are treated across the public services of health, education, employment and the criminal justice system.

We wish to work closely with the School Council and to hear their views and opinions as we acknowledge and support Article 12 of the United Nations Convention on the Rights of the Child that children should be encouraged to form and to express their views.

### Introduction

The proprietors and senior management team work tirelessly to create a culture of honesty and openness across the school that will allow children, staff, volunteers, visitors and contractors to make truthful reports of any inappropriate behaviour and provide confidence and security that all allegations will be taken seriously.

The risk of allegations against staff, volunteers, visitors, contractors and children can be minimised by having in place an open and transparent safeguarding ethos, robust safer recruitment protocols, comprehensive staff induction and training, a staff and visitor behaviour code of conduct, a strong safeguarding ethos with continuous discussion and training and a children's behaviour code of conduct to support and encourage children to be honest and fair.

An allegation is best defined as a claim or assertion that someone has done something illegal or wrong, typically one made without proof. It could be information that comes to light suggesting an employee, a volunteer, visitor, contractor or child:

- Behaved in a way that has harmed a child, may have harmed a child, or might lead to a child being harmed
- Possibly committed or is planning to commit a criminal offence against a child or related to a child
- Behaved towards a child or children in a way that indicates s/he is or would be unsuitable to work with children
- Behaved in a way that has harmed, or may have harmed a child
- This applies if the allegation is about a current incident or has occurred historically

This includes child on child abuse allegations as well as behaviour that may have happened outside Libra that might make an individual unsuitable to work with children, this is known as transferable risk. An allegation can relate to an adult's behaviour outside work, and their relationships with others, if they:

- Have 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 weapon.
- Have, as a parent or carer, become subject to child protection procedures.

- 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.

The concerns should be considered within the context of the four categories of abuse (i.e. physical, sexual and emotional abuse and neglect). These will include concerns relating to inappropriate relationships between members of staff and children or young people.

If concerns arise about a member of staff's behaviour in relation to their own children, the police and/or Children's Social Care must consider informing Libra in order to assess whether there may be implications for children with whom the person has contact at work / in the organisation, in which case this procedure will apply.

Allegations of historical abuse will be responded to in the same way as contemporary concerns. In such cases, it is important to find out whether the person against whom the allegation is made is still working with children and if so, to refer to the Local Authority Designated Officer. Decisions regarding informing the person's current employer or voluntary organisation should be made in consultation with the LADO.

Libra has the responsibility to resolve all allegations as quickly as possible through a confidential (including no publication of material that may identify the person), fair, thorough and consistent process. All Libra staff, volunteers, visitors and contractors are vulnerable to allegations because of their potential contact with children who present with complex social and emotional needs. Managing allegations against staff and anyone else connected with Libra is a stressful, demanding, complex and delicate process for all involved. Libra acknowledges our responsibility to provide a duty of care to our staff, volunteers and anyone connected with Libra and fully support the person who is the subject of the 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:** where there is no evidence or proper basis which supports the allegation being made.

## Aims and Objectives:

We aim to:

- To ensure that children are protected and supported following an allegation that they may have been abused by an adult working for or on behalf of Libra
- To ensure that there is a fair, consistent and robust response to any safeguarding allegation made, so that any risk posed to other children by an abusive individual is managed effectively
- To ensure that an appropriate level of investigation into concerns or allegations takes place when the allegation is recent, or at any time the person in question has been employed or volunteered with Libra
- To ensure that Libra continues to fulfil its responsibilities towards members of staff, or volunteers who may be subject to such investigations
- To ensure Libra acts in accordance with legislation

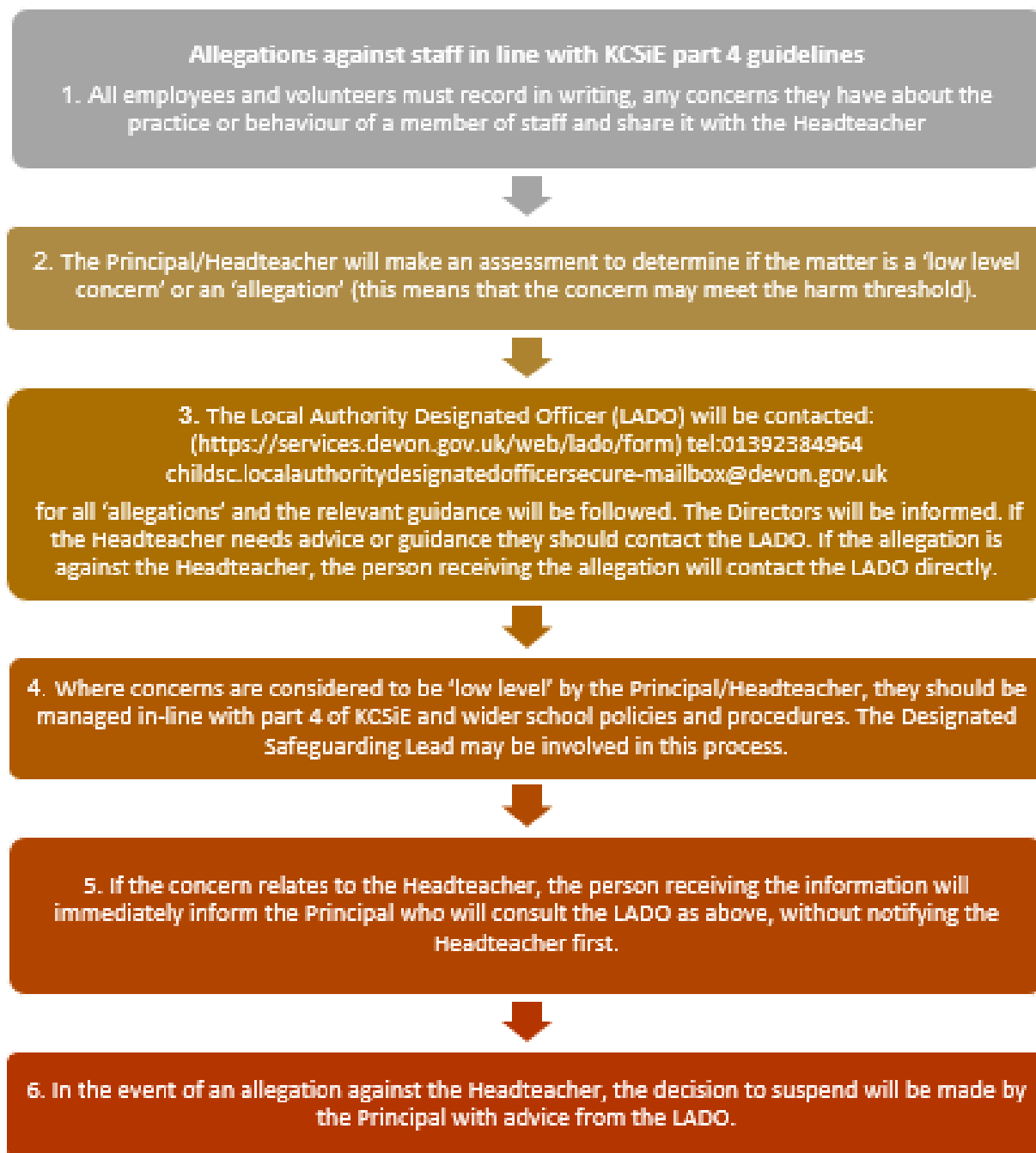
## Monitoring and evidence

- CPOMS records
- Personnel records
- Safer recruitment records
- Single central register
- Complaints book

## Procedures for managing allegations

Libra will manage allegations against staff and anyone connected with Libra in accordance with the agreed Devon Safeguarding and Child Protection Procedures 'Managing Allegations' procedures which can be accessed on this link: [Allegations Against Staff or Volunteers \(trixonline.co.uk\)](https://trixonline.co.uk) and in line with KCSiE part 4 guidelines. Libra has a nominated 'Designated Safeguarding Lead' and 'Deputy Designated Safeguarding Lead', DSLs, whose role is to work with the principal and deputy principal and the Local Authority Designated Officer (LADO) on all allegations.

### Managing Allegations against staff Procedures



Any allegations against the proprietors, principal and any staff connected through familial links to these positions must be referred directly to the LADO for investigation by the DSLs within 1 working day:

DEVON: Child Protection Team (LADO) on 01392 384964 and/or via their online referral form: [Child Protection Team Devon](#) or email [childsc.localauthoritydesignatedofficersecure-mailbox@devon.gov.uk](mailto:childsc.localauthoritydesignatedofficersecure-mailbox@devon.gov.uk) to be sent a copy of the notification form.

## The Difference Between an Allegation of Harm and a Concern

It might not be clear whether an incident constitutes an 'allegation'. It is important to remember that to be an **allegation** the alleged incident must be sufficiently serious as to suggest that harm has or may have been caused harm to a child/ren or that the alleged behaviour indicates the individual may pose a risk of harm to children (or otherwise meet the criteria above).

[Keeping Children Safe in Education](#) provides this definition of a low-level concern:

*The term 'low-level' concern does not mean that it is insignificant. 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 or 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 harm threshold or is otherwise not serious enough to consider a referral to the LADO.*

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

- *Being over-friendly with children.*
- *Having favourites.*
- *Taking photographs of children on their mobile phone, contrary to school policy.*
- *Engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or*
- *Humiliating pupils.*

Incidents which fall short of the threshold could include an accusation that is made second or third hand and the facts are not clear, or the member of staff alleged to have done this was not there at the time, or there is confusion about the account. If it is difficult to determine the level of risk associated with an incident the following should be considered:

- Was the incident a disproportionate or inappropriate response in the context of a challenging situation?
- Where the incident involved an inappropriate response to challenging behaviour, had the member of staff had training in managing this?
- Does the member of staff understand that their behaviour was inappropriate and express a wish to behave differently in the future? For example, are they willing to undergo training?
- Does the child or family want to report the incident to the police, or would they prefer the matter to be dealt with by Libra?
- Have similar allegations been made against the member of staff – is there a pattern developing?

Keeping Children Safe in Education, Part 4, Section 2 provides that if there is any doubt as to whether the information which has been shared about a member of staff as a low-level concern in fact meets the harm threshold and thus should be treated as an allegation, the LADO should be consulted.

## Good practice

Libra will include the LADO in discussions as to whether the issue should be dealt with as an allegation of harm or a concern. If the decision is reached that the concern falls short of the harm threshold, there may still be a role for the LADO to provide advice and support to. Such a consultation process allows for concerns to be evaluated objectively and to ascertain whether similar concerns may have been raised by a previous employer but not met the threshold for investigation. Whilst the LADO will only record the details of those allegations which appear to meet the threshold for consideration set out above, Libra will record the details of any low-level concern that arises in respect of a member of staff. The LADO should keep a record of the number of consultations that are determined to be low-level by employers and include that information in their annual report to the LSCP.

Where it is decided that the incident does not meet the threshold of harm/risk of harm and is a concern only, then Libra will take steps to ensure any conduct or behaviour issues are addressed with the member of staff through normal employment practices and a record is kept.

## Sharing low-level concerns

All low-level concerns are shared initially with the Designated Safeguarding Lead (DSL), Deputy Safeguarding Leads and senior management team through CPOMS. A collaborative decision-making approach is taken to ensure a fair and open approach which may involve a consultation with the LADO. Low-level concerns which are shared about visitors and contractors are notified to their employers so that any potential patterns of inappropriate behaviour can be identified.

## **Recording low-level concerns**

All low-level concerns are recorded in writing through CPOMS. If the concern has been raised via a third party, the DSL will collect as much evidence as possible by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously; and
- To the individual involved and any witnesses.

The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. This information will be recorded in writing along with the rationale for their decisions and action taken as is completed for all low-level concerns. The record should include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible. These records are stored within CPOMS and are kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).

In the weekly senior management team safeguarding meetings records are reviewed so that potential patterns of concerning, inappropriate, problematic or concerning behaviour can be identified. Where a pattern of such behaviour is identified, there is a collaborative decision on a course of action, either through the company disciplinary procedures or where a pattern of behaviour moves from a low-level concern to meeting the harm threshold, in which case it is referred to the LADO. Consideration will also be given to whether there are wider cultural issues within the school and staff body that enabled the behaviour to occur and where appropriate policies could be revised, or extra training delivered to minimise the risk of it happening again.

## **Initial Action by Person Receiving or Identifying an Allegation or Concern**

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind. They should not:

- Investigate or ask leading questions if seeking clarification.
- Make assumptions or offer alternative explanations.
- Promise confidentiality but give assurance that the information will only be shared on a 'need to know' basis.

They should:

- Make a written record of the information (where possible in the child / adult's own words), including the time, date and place of incident/s, persons present and what was said.
- Sign and date the written record.
- Immediately report the matter to the DSL, or the deputy in their absence or; where the designated senior manager is the subject of the allegation report to the deputy or another member of the senior management team. Staff should report this using CPOMS in the first instance and then contact the DSL to explain the urgency.

## **Initial Action by the Designated Safeguarding Lead**

When informed of a concern or allegation, the DSL should not investigate the matter or interview the member of staff, child concerned or potential witnesses.

They should:

- Obtain written details of the concern / allegation, signed and dated by the person receiving (not the child / adult making the allegation)
- Approve and date the written details
- Record any information about times, dates and location of incident/s and names of any potential witnesses.

Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

The DSL (or deputy in their absence) will report the allegation to the LADO and discuss the decision in relation to the agreed threshold criteria in [Section 1, Introduction and Criteria](#) within 1 working day. Referrals should not be delayed gathering information and a failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.

If an allegation requires immediate attention, but is received outside normal office hours, the DSL should consult the Children's Social Care emergency duty team or local police and inform the LADO as soon as possible.

## **Initial Consideration by the DSL and the LADO**

There are up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence.
- Children's Social Care enquiries and/or assessment about whether a child is in need of protection or services.
- Consideration by an employer of disciplinary action.

The LADO and the DSL should consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is false. Care should be taken to ensure that the child is not confused as to dates, times, locations or identity of the member of staff. If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO should refer to Children's Social Care and ask them to convene an immediate strategy meeting / discussion:

- If a child is not believed to have suffered, or to be likely to suffer Significant Harm but a police investigation will continue, the Local Authority Designated Officer (LADO) should conduct this discussion with the police, the DSL and any other agencies involved to evaluate the allegation and decide how it should be dealt with.
- This Evaluation discussion should take place within 1 working day and must consider how to take matters forward in a criminal process parallel with a disciplinary process or whether any disciplinary action will need to await the completion of the police enquiries and/or prosecution. The progress should be reviewed by the police no later than 4 weeks after the initial evaluation meeting and thereafter at fortnightly or monthly intervals

## **Strategy Meeting/Discussion**

Wherever possible, a strategy meeting/discussion should take the form of a meeting. However, on occasions, a telephone discussion may be justified. The following is a list of possible participants:

- LADO.
- Social care manager to chair (if a strategy meeting)
- Relevant social worker and their manager.
- Detective sergeant.
- The Designated and/or named Safeguarding Children Health Professional (ICB); and always when an allegation concerns a health agency worker /professional.
- Consultant paediatrician.
- Designated senior manager for the employer concerned.
- Human resources representative.
- Legal adviser where appropriate.
- Senior representative of the employment agency or voluntary organisation if applicable.
- Manager from the fostering service provider when an allegation is made against a foster carer.
- Supervising social worker when an allegation is made against a foster carer.
- Those responsible for regulation and inspection where applicable (e.g. CQC, GMC or Ofsted);
- Where a child is placed or resident in another authority, representative/s of relevant agencies in that area.
- Complaints officer if the concern has arisen from a complaint.

The strategy meeting/discussion should:

- Decide whether there should be a Section 47 Enquiry and/or police investigation and consider the implications.



- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information.
- Consider the current allegation in the context of any previous allegations or concerns.
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children (e.g. [section 93, Education and Inspections Act 2006](#) in respect of teachers and authorised staff)
- Consider whether a complex abuse investigation is applicable.
- Plan enquiries if needed, allocate tasks and set timescales.
- Decide what information can be shared, with whom and when.

The strategy meeting/discussion should also:

- Ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed.
- Consider what support should be provided to all children who may be affected.
- Consider what support should be provided to the member of staff and others who may be affected and how they will be kept up to date with the progress of the investigation.
- Ensure that investigations are sufficiently independent.
- Make recommendations where appropriate regarding suspension, or alternatives to suspension.
- Identify a lead contact manager within each agency.
- Agree protocols for reviewing investigations and monitoring progress by the LADO, having regard to the target timescales.
- Consider issues for the attention of senior management (e.g. media interest, resource implications);
- Consider reports for consideration of barring.
- Consider risk assessments to inform the employer's safeguarding arrangements.
- Agree dates for future strategy meetings/discussions.

A final strategy meeting/discussion should be held to ensure that all tasks have been completed, including any referrals to the DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learnt. The strategy meeting/discussion should consider the following definitions when determining the outcome of allegation investigations:

1. **Substantiated:** there is sufficient evidence to prove the allegation.
2. **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
3. **False:** there is sufficient evidence to disprove the allegation.
4. **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to either prove or disprove the allegation; the term therefore does not imply guilt or innocence.
5. **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

## **Allegations Against Staff in their Personal Lives**

If an allegation or concern arises about a member of staff, outside of their work with children, and this may present a risk of harm to child/ren for whom the member of staff is responsible, the general principles outlined in these procedures will still apply. The strategy meeting / discussion should decide whether the concern justifies:

- Approaching the member of staff's employer for further information, to assess the level of risk of harm; and/or
- Inviting the employer to a further strategy meeting/discussion about dealing with the possible risk of harm.

If the member of staff lives in a different authority area to that which covers their workplace, liaison should take place between the relevant agencies in both areas and a joint strategy meeting/discussion convened.

In some cases, an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family or other household member) may present a risk of harm to child/ren for whom the member of staff is responsible. In these circumstances, a strategy meeting/discussion should be convened to consider:

- The ability and/or willingness of the member of staff to adequately protect the child/ren.
- Whether measures need to be put in place to ensure their protection.
- Whether the role of the member of staff is compromised.

## **Disciplinary Process**

### **Disciplinary or Suitability Process and Investigations**

The LADO and the DSL should discuss whether disciplinary action is appropriate in all cases where:

- It is clear at the outset or decided by a strategy meeting/discussion that a police investigation or LA Children's Social Care enquiry is not necessary; or
- The employer or LADO is informed by the police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.

The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and consider:

- Information provided by the police and/or Children's Social Care
- The result of any investigation or trial
- The different standard of proof in disciplinary and criminal proceedings.

If formal disciplinary action is not required, Libra will instigate appropriate action within 3 working days. If a disciplinary hearing is required, and further investigation is not required, it should be held within 15 working days. If further investigation is needed to decide upon disciplinary action, Libra and the LADO should discuss whether Libra has appropriate resources or whether Libra should commission an independent investigation because of the nature and/or complexity of the case and to ensure objectivity.

The aim of an investigation is to obtain, as far as possible, a fair, balanced and accurate record to consider the appropriateness of disciplinary action and/or the individual's suitability to work with children. Its purpose is not to prove or disprove the allegation. If, at any stage, new information emerges that requires a child protection referral, the investigation should be held in abeyance and only resumed if agreed with LA Children's Social Care and the police. Consideration should again be given as to whether suspension is appropriate in light of the new information. The investigating officer should aim to provide a report within 10 working days. On receipt of the report Libra should decide, within 2 working days, whether a disciplinary hearing is needed. If a hearing is required, it should be held within 15 working days.

## **Sharing Information for Disciplinary Purposes**

Wherever possible, police and Children's Social Care should, during their investigations and enquiries, obtain consent to provide Libra with statements and evidence for disciplinary purposes. If the police or CPS decide not to charge, or decide to administer a caution, or the person is acquitted, the police should pass all relevant information to the employer without delay. If the person is convicted, the police should inform the employer and the LADO straight away so that appropriate action can be taken

## **Record Keeping and Monitoring Progress**

Libra will keep a clear and comprehensive summary of the case record on the staff's confidential personnel file and give a copy to the individual. The record should include details of how the allegation was followed up and resolved, the decisions reached, and the action taken. It should be kept at least until the person reaches normal retirement age or for 10 years if longer.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification where a future DBS request reveals non convicted information and will help to prevent unnecessary reinvestigation if an allegation re-surfaces after a period of time. In this sense it may serve as a protector to the individual themselves, as well as in cases where substantiated allegations need to be known about to safeguard future children. Details of allegations that are found to be malicious should be removed from personnel records.

## **Unsubstantiated and False Allegations**



Where it is concluded that there is insufficient evidence to substantiate an allegation, the Chair of the strategy meeting / discussion or initial evaluation should prepare a separate report of the enquiry and forward this to the DSL to enable them to consider what further action, if any, should be taken. False allegations are rare and may be a strong indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, Libra, in consultation with the LADO, should 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. If it is established that an allegation has been deliberately invented, the police should be asked to consider what action may be appropriate.

## **Substantiated Allegations and Referral to the DBS**

The [Disclosure and Barring Service \(DBS\)](#) was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). The relevant legislation is set out in the [Protection of Freedoms Act 2012](#).

If an allegation is substantiated and the member of staff is dismissed or if Libra ceases to use the person's service or the person resigns or otherwise ceases to provide his/her services, the LADO will discuss with Libra whether a referral should be made to the Disclosure and Barring Service (DBS). If a referral is to be made; it should be submitted within 1 month of the allegation being substantiated.

## **Learning Lessons**

Libra, the DSL and the senior management team will work with the LADO to review the circumstances of the case to determine whether there are any improvements to be made to the Libra's procedures or practice.

## **Role of the designated safeguarding lead (deputy designated safeguarding leads in their absence)**

Have responsibility for:

- Following Part 4 of the Keeping Children Safe in Education process for dealing with all allegations.
- Receiving and co-ordinating all low-level concerns and allegations
- Ensuring that Libra deals with allegations in accordance with this policy
- Resolving any inter-agency issues
- Liaising with the Safeguarding Children Partnership on the subject
- Ensuring that Libra works pro-actively and positively to multi agency working in line with statutory guidance (Working Together to Safeguard Children).
- Working with Social Care, the Police, Health Services and other services to promote the welfare of children and protect them from harm. This includes:
  - providing a co-ordinated offer of early help when additional needs of children are identified.
  - contributing to inter-agency plans to provide additional support to children subject to child protection plans.
  - allowing access for children's social care from the host local authority and, where appropriate from a placing local authority, for that authority to conduct, or to consider whether to conduct, a section 17 or section 47 assessment.

## **Persons to be Notified**

Libra must inform the local authority designated officer (LADO) within **1 working day** when an allegation is made and prior to any further investigation taking place. The LADO will advise the DSL whether informing the parents of the child/ren involved will impede the disciplinary or investigative processes. Acting on this advice, if it is agreed that the information can be fully or partially shared, Libra will inform the parents / carers. In some circumstances, however, the parent/s may need to be told straight away (e.g. if a child is injured and requires medical treatment).

The parent/s and the child, if sufficiently mature, will be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing. Libra will seek advice from the LADO, the police and / or Children's Social Care about how much information should be disclosed to the accused person.

Subject to restrictions on the information that can be shared, Libra will, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g. disciplinary action, and dismissal or referral to the DBS or regulatory body).

The accused member of staff will:

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process
- If suspended, be kept up to date about events in the workplace.

## **Confidentiality**

Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information will be restricted to those who have a need to know to protect children, facilitate enquiries, manage related disciplinary or suitability processes.

Section 13 of the Education Act 2011 introduced restrictions implemented in September 2012 on the publication of any information that would identify a teacher who is the subject of an allegation of misconduct that would constitute a criminal offence, where the alleged victim of the offence is a registered pupil at the school. Such restrictions remain in place unless or until the teacher is charged with a criminal offence, though they may be dispensed with on the application to the Magistrates' Court by any person, if the court is satisfied that it is in the interests of justice to do so, having regard to the welfare of:

1. The person who is the subject of the allegation; and
2. The victim of the offence to which the allegation relates.

There is a right of appeal to the Crown Court. This restriction also applies to allegations made against any teacher who works at a school, including supply and peripatetic teachers. There is a new offence of publishing any information in breach of these restrictions. Publication includes any communication, in whatever form, which is addressed to the public at large or any section of the public.

## **Support**

Libra, together with Children's Social Care and / or police, where they are involved, should consider the impact on the child concerned and we will provide support as appropriate. Libra will ensure that there is liaison between the agencies to ensure that the child's needs are met.

As soon as possible after an allegation has been received, the accused member of staff will be advised to contact their union or professional association if that is relevant and to provide a member of the senior management team who will not be involved in any investigation to act as a point of contact and to ensure that the member of staff is provided with support to meet any welfare needs. We recognise that managing an allegation is an extremely stressful time for the member of staff and their family and the senior management team will do everything that we can to support them.

## **Suspension**

Suspension is a neutral act, and it will not be automatic. It will be considered in any case where:

- There is cause to suspect a child is at risk of harm; or
- The allegation warrants investigation by the police; or
- The allegation is so serious that it might be grounds for dismissal.

The possible risk of harm to children will be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staff's home, work or community life. If a strategy meeting / discussion is to be held or if Children's Social Care or the police are to make enquiries, the LADO should canvass their views on suspension and inform Libra. Only Libra, however, has the power to suspend an accused member of staff and they cannot be required to do so by a local authority or police. If a suspended person is to return to work, Libra together with the member of staff will consider what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor), and how best to manage the member of staff's contact with the child concerned, if still in the workplace.

## Resignations and 'Compromise Agreements'

Libra together with the LADO and other agencies will make every effort to reach a conclusion in all cases even if:

- The individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations.
- It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete.

Libra will not use compromise agreements under any circumstances (i.e. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed) as this would likely result in a criminal offence being committed for failure to comply with the duty to refer. Libra are obliged and required to make a referral to the Disclosure and Barring Service to consider whether to add the individual to the barred list. This applies irrespective of whether a referral has been made to local authority Children's Social Care and/or the designated officer or team of officers. It is an offence to fail to make a referral without good reason.

## Whistleblowing

Libra actively works to achieve a culture of open and honest communication. All staff are made aware of Libra's whistleblowing policy and feel confident to voice concerns about the attitude or actions of colleagues. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately, they should report the matter to the LADO.

## Staff training

Staff receive safeguarding training in induction followed by annual external and internal update training sessions. Staff have access to a safeguarding staff handbook of information and procedures. This staff handbook contains:

- Devon and Somerset LADO and MASH contact information
- Flow charts for reporting a concern in Devon and Somerset
- Recognising a safeguarding concern
- Responding to a Safeguarding Concern
- Information about Children who are particularly vulnerable
- Whistleblowing
- Allegations against staff
- Staff Training and Supervision
- Supporting Staff
- Confidentiality, Information Sharing and GDPR
- Categories of Abuse
- Signs of abuse
- Risk indicators
- Recognising Physical Abuse
- Recognising Emotional Abuse
- Recognising Signs of Sexual Abuse
- Recognising Neglect
- Anti-Bullying/Cyberbullying
- Racist incidents
- Radicalisation and Extremism
- Domestic Abuse (inc Operation Encompass)
- Exploitation (inc Child Sexual Exploitation, Sextortion, Child Criminal Exploitation and County Lines)
- Female Genital Mutilation (FGM)
- Forced Marriage
- One chance rule
- Mental Health
- Private Fostering Arrangements
- Looked After Children and previously Looked After Children
- Child on Child Abuse (inc Sexual Violence, Sexual Harassment and Harmful Sexual Behaviour)
- Sexual Harassment, Sexual Violence and Harmful Sexual Behaviour

- Developmental Sexual Activity
- Inappropriate Sexual Behaviour
- Online Safety
- Youth Produced Sexual Imagery (Sexting)

## **Policy Responsibilities**

### **The senior management team will:**

- work in conjunction with the Directors to ensure all school staff, children and parents are aware of and comply with this policy.
- provide an environment that is safe, fun, stimulating and challenging to all children.
- promote an awareness of and respect for a diversity of cultures, values, beliefs and abilities.
- encourage parents to take an active role in policy development where appropriate.
- ensure all relevant risk assessments are in place to ensure a safe school environment.
- provide leadership and vision in respect of equality.
- provide guidance, support and training to all staff.
- consider providing remote learning to children in circumstances when in-person attendance is either not possible or contrary to government guidance in accordance with school risk assessments and safeguarding guidance. This might include occasions when:
  - we decide that it is not possible for the school to open safely, or that opening would contradict guidance from local or central government.
  - individual children, for a short period, are unable to physically attend school but are able to continue learning.
- monitor and evidence the effectiveness of this policy.

### **Teaching and learning support staff will:**

- comply with all aspects of this policy.
- implement the school's equalities policy and schemes.
- report and deal with all incidents of discrimination.
- attend appropriate training sessions.
- report any concerns they have about any aspect of the school community.
- receive relevant training, periodically and ongoing as required, according to their role.
- have equal chances of training, career development and promotion.
- receive equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications.

### **Children will:**

- be aware of and contribute to all appropriate policies through the school council.
- work with and support the school council on all agenda items.
- strive to take pride in their work and work to the highest standard that they are capable of.
- listen carefully to all instructions given by the teacher, ask for further help if they do not understand and participate fully in all lessons.
- participate in discussions concerning progress and attainment.
- treat others, their work and equipment with respect.
- support the school Code of Conduct and guidance necessary to ensure the smooth running of the school.
- talk to others without shouting and or using physical aggression and will use language which is neither abusive nor offensive.
- hand in homework properly completed and on time.
- wear correct uniform.

### **Parents and Carers will be encouraged to:**

- be aware of and comply with all school policies including this one.
- be encouraged to become involved in policy development by taking part in parent engagement opportunities and by maximising learning opportunities between home and school.
- Keep informed via termly newsletters of the children's curriculum.

- be encouraged to take an active role in the life of the school by attending parent-teacher consultations / Parent Open Days / fundraising and social events.
- ensure regular and punctual attendance of their child.
- notify school on the first day of child absence.
- have holidays out of term time and authorised by school.
- encourage effort and achievement.
- encourage completion of homework and return it to school on time.
- provide the right conditions for homework to take place.
- ensure correct school uniform is worn.
- support the school Code of Conduct and guidance necessary to ensure smooth running of the school.
- speak with children and staff respectfully and expect the same in return.

## Linked Policies and documents:

This policy statement should be read alongside our organisational policies, protocols, guidance, and other related documents:

- **Staff Safeguarding Handbook:** Recognising and Responding to Abuse / Safeguarding Procedures / Role Description for the Designated Safeguarding Officer / Dealing with Disclosures and Concerns about a Child or Young Person / Flowchart for Reporting Concerns at the foot of this policy document / Recording Concerns and Information Sharing
- Safer recruitment
- Disclosure and Barring Checks Policy
- Managing Allegations and Safeguarding Concerns against Staff, Volunteers, Contractors or Children Policy
- Extremism, Radicalisation incorporating 'Prevent Duty' Policy
- FGM
- CSE and CCE Policy and Procedures
- Staff and visitor behaviour code of conduct
- Photographic and Video Images (Use of) Policy
- Whistleblowing
- Managing bullying behaviour
- Supervision of children including children missing without authority
- Complaints
- Health and safety
- Risk management
- Data Protection and the GDPR Policy

## Policy Location

This policy can be found:

- on SharePoint within the staff and master's folder
- on the school website [www.libraschool.co.uk](http://www.libraschool.co.uk)
- available upon request from the office: [admin@libraschool.co.uk](mailto:admin@libraschool.co.uk) / 01598 740044

