

Safeguarding concerns or allegations made about staff, including supply teachers, volunteers and contractors policy.

At Peter Pan Nursery and Pre-School we respect and value all children and are committed to providing a caring, friendly and safe environment for all our children so they can play and learn in a relaxed and secure atmosphere. We believe every child should be able to participate in all our activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by, or invited to deliver services at Peter Pan Nursery and Pre-School. We recognise our responsibility to safeguard all who access our nursery and promote the welfare of all our children by protecting them from physical, sexual and emotional abuse, neglect and bullying.'

Section one: Concerns or allegations that may meet the harm threshold.

This policy should be followed where it is alleged that anyone working in the setting that provides care for persons under 18 years of age, including supply team, volunteers and contractors has:

- behaved in a way that has harmed a child, or may have harmed a child and/or
- possibly committed a criminal offence against or related to a child, and/or
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children, and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

The last bullet point above includes behaviour that may have happened outside of school or college, that might make an individual unsuitable to work with children, this is known as transferable risk.

Where appropriate, an SLT assessment of transferable risk to children should be undertaken. If in doubt seek advice from the local authority designated officer (LADO).

It is important that the complaints procedures make clear to whom allegations should be reported and that this should be done without delay. A "case manager" will lead any investigation. This will be an appropriate SLT who is not linked to the complaint/allegation.

The initial response to an allegation

Where the school or college identifies and has evidence that a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency, they should contact local authority children's social care and as appropriate the police immediately.

There are two aspects to consider when an allegation is made:

- **Looking after the welfare of the child** - the designated safeguarding lead (or a deputy) is responsible for ensuring that the child is not at risk and referring cases of suspected abuse to the local authority children's social care as above.
- **Investigating and supporting the person subject to the allegation** - the case manager should discuss if needed with the LADO, the nature, content and context of the allegation, and agree a course of action.

When dealing with allegations, schools and colleges should:

- apply common sense and judgement
- deal with allegations quickly, fairly and consistently, and provide effective protection for the child and support the person subject to the allegation.

Schools and colleges 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.

Before contacting the LADO, schools and colleges should conduct basic enquiries in line with their procedures to establish the facts and to help them determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation.

For example, whether:

- the individual was in the school or college at the time of the allegations
- age and stage of the child making the allegation
- the individual did or could have come into contact with the child
- there were any witnesses, and
- there is any CCTV footage

If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion involving the police and/or local authority children's social care will be convened in accordance with the statutory guidance *Working Together to Safeguard Children*. If the allegation is about physical contact, for example restraint, the strategy discussion¹²⁹ or initial evaluation with the LADO should consider that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour. Consider what is being alleged and does it fall under the category of reasonable force/ physical contact.

Where the case manager is concerned about the welfare of other children in the community or the member of staff's family, they should discuss these concerns with the designated safeguarding lead (or a deputy) and make a risk assessment of the situation. It may be necessary for the designated safeguarding lead to make a referral to local authority children's social care. ³⁷¹ Where it is clear that further investigation by LADO or the police or local authority children's social care is unnecessary, after initial assessment decides that is the case, the SLT involved should discuss the next steps with the DSL and complete the summary of complaint.

Where the initial discussion leads to no further action, the case manager should:

- record the decision and justification for it, and
- agree on what information should be put in writing to the individual concerned and by whom.

Where further enquiries are required to enable a decision about how to proceed:

the LADO and case manager should discuss how and by whom the investigation will be undertaken. The LADO will provide advice and guidance to schools and colleges when considering allegations against adults working with children. The role of the LADO is not to investigate the allegation, but to ensure that an appropriate investigation is carried out, whether that is by the police, local authority children's social care, the school or college, or a combination of these. In straightforward cases, the investigation should normally be undertaken by a senior member of the school or college's staff.

Suspension/ WFH:

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, for example working from home to enable a private investigation due to the intimate nature of the setting.

The case manager must consider carefully whether the circumstances warrant suspension from contact with children at the school, until the allegation is resolved. It should be considered only in cases where there is cause to suspect a child or other children at the school or college is/are at risk of harm, or the case is so serious that there might be grounds for dismissal. If in doubt, the case manager should seek views from their personnel adviser and the LADO, as well as the police and local authority children's social care where they have been involved.

Duty of care

The welfare of a child is paramount and this will be the prime concern in terms of investigating an allegation against a person in a position of trust. However, when an allegation or safeguarding concern is being investigated it is likely to be a very stressful experience for the adult subject to the investigation, and potentially for their family members. It is important that an employer offers appropriate welfare support at such a time and recognises the sensitivity of the situation.

Information is confidential and should not ordinarily be shared with other staff or with children or parents who are not directly involved in the investigation. 392. Employers have a duty of care to their employees.

They should:

- manage and minimise the stress caused by the allegation
- inform the individual as soon as possible, explaining the likely course of action, guided by the LADO, and the police where necessary.

Parents or carers of the child or children involved should be:

- formally told about the allegation as soon as possible.
- kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member, and
- where appropriate made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress as set out in section 141F of the Education Act 2002.

Allegation outcomes -

The definitions that should be used when schools and colleges determine the outcome of an allegation are set out below:

- **Substantiated:** there is sufficient evidence to prove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation
- **False:** there is sufficient evidence to disprove the allegation
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence, or
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

Ultimately the options open to the school or college depend on the nature and circumstances of the allegations and the evidence and information available. This will range from taking no further action, to dismissal or a decision not to use the person's services in future.

For further guidance on either of these outcomes please follow the guidance in KCSIE as to what the next steps should be.

Record-keeping.

Details of allegations following an investigation that are found to have been **malicious** or **false** should be removed from personnel records unless the individual gives their consent for retention of the information.

However, for all other allegations, i.e. **substantiated, unfounded and unsubstantiated** it is important that the following information is kept on the file of the person accused:

- a clear and comprehensive summary of the allegation
- details of how the allegation was followed up and resolved
- a note of any action taken, decisions reached and the outcome i.e. substantiated, unfounded or unsubstantiated
- a copy provided to the person concerned, unless states as serious the this must be agreed by local authority children's social care or the police, and
- a declaration on whether the information will be referred to in any future reference.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference. 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. All other records should 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.