

# **Safeguarding concerns and allegations made about staff, supply staff, contractors, and volunteers**



<b>Summary</b>	This procedure and guidance relates to ALL concerns regarding conduct towards students, including low level concerns.
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<b>Applies to:</b> (please circle/delete as appropriate)	Staff, Supply Staff, Contractors and Volunteers
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## DOCUMENT CONTROL

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09.07.2024	2	Amended	Updated in line with solicitors' advice and references to KCSIE 2024

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## Introduction

1. RMAT takes the safeguarding of its students very seriously and we recognise that it is extremely important that any safeguarding concerns or allegations made against a member of staff, supply staff, contractors or volunteers is managed quickly and effectively. It is also important that low level safeguarding concerns are recognised and reported so behaviours can be appropriately managed.
2. This policy sets out how RMAT will manage safeguarding concerns and allegations made about a member of staff, supply staff, contractors, or volunteers at RMAT, together with allegations relating to incidents that happened when an individual or organisation was using RMAT premises for the purposes of running activities for children. It meets the requirements of the Department for Education statutory guidance for managing allegations set out in Part 4 of Keeping Children Safe in Education 2024.
3. This policy is set out in two parts. The first part deals with allegations made against members of staff, including supply staff, contractors, or volunteers, together with allegations relating to incidents that happened when an individual or organisation was using RMAT premises for the purposes of running activities for children. The second part deals with low level concerns raised in relation to members of staff, including supply staff, contractors, or volunteers.

### Part one: Managing allegations made against members of staff, supply staff, contractors or volunteers

4. This part of the policy will be followed when managing such allegations and may be adapted to each case as required. Whilst it will be used in all cases, Part 4 of Keeping Children Safe in Education 2024 requires that it is followed in any case where it is suspected or alleged that a member of staff, including agency staff, or a volunteer has:
  - behaved in a way that has harmed a child or may have harmed a child (see our child protection and safeguarding policy available on SharePoint or RMAT websites for what we mean by 'harm');
  - 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
5. The fourth bullet point above includes behaviour that may have happened outside of RMAT that might make an individual unsuitable to work with children. This is known as transferable risk.
6. This policy will also be used where allegations are made relating to incidents that happened when an individual or organisation was using RMAT premises for the purposes of running activities for children.
7. This policy will be used alongside our complaints policy and child protection and safeguarding policy, both of which can be accessed on SharePoint or RMAT websites.

## Reporting an allegation

8. The safety and welfare of our children and young people is of paramount importance and so all staff must report their allegations immediately.
9. Allegations made against a member of staff, supply staff, contractors or a volunteer should be reported to the Principal. Allegations involving a Principal or member of central services should be reported to the Chief Executive. Allegations involving the Chief Executive should be reported to the Chair of the Trust Board. The person who receives a report will then arrange contact to the local authority designated officer (LADO). The person who receives a report will then arrange for a case manager to be appointed which can be themselves.
10. When an allegation is made the Principal/Chief Executive/Chair of the Trust Board will consider two aspects:
  - looking after the welfare of the child; and
  - investigating and supporting the person subject to the allegation
11. In each case, the Principal/Chief Executive/Chair of the Trust Board will:
  - 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.
12. Before contacting the LADO, Principal/Chief Executive/Chair of the Trust Board will conduct basic enquiries to establish the facts to help determine whether there is any foundation to the allegation. The Principal/Chief Executive/Chair of the Trust Board will contact the LADO and an initial discussion will take place to consider the nature, content and context of the allegation and agree a course of action. The RMAT Designated Safeguarding Lead may also be involved in this discussion. This discussion may include that:
  - no further action is required; or
  - more information is required to determine a course of action; or
  - a strategy discussion should take place; or
  - police or social care should be involved.
13. RMAT will share relevant information with the LADO about the allegation, the child, and the person against whom the allegation has been made. If it is decided that a strategy discussion should take place, then the academy will always attend that meeting. Representatives from other agencies such as health, social care and police may also be invited to the meeting.
14. Where an allegation is made or becomes known to RMAT relating to incidents that happened when an individual or organisation was using RMAT premises for the purposes of running activities for children the Principal/Chief Executive/Chair of the Trust Board will inform the LADO in accordance with paragraph 13 of this policy.

## Investigating an allegation

15. An investigation into the allegation should normally be undertaken by a senior member of staff in RMAT. Where no suitable staff are available or the nature or complexity of the allegation requires it, RMAT may appoint an independent investigator.
16. When determining the outcome of an investigation Part 4 of Keeping Children Safe in Education 2024 states that the following definitions should be used when determining the outcome of the investigation:
  - **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 to 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
  - **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made
17. In no circumstances would RMAT cease to use a member of supply staff due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable outcome. Whilst RMAT is not the employer of supply teachers, we will ensure allegations are dealt with properly and involve the supply staff agency in the process.

## Supporting those involved

### Parents/carers of the child(ren) involved

18. Parents or carers of the child involved will be told about the allegation if they do not already know of it. Where a strategy discussion is required, or police or children's social care need to be involved, RMAT will not tell the parents or carers until it has been agreed with those agencies what information can be shared.
19. RMAT will keep parents or carers informed about the progress of the investigation. Where there is no criminal prosecution, RMAT will tell parents or carers the outcome of the investigation. The deliberations of any disciplinary hearing, and the information taken into account in reaching a decision, will not normally be disclosed but the parents or carers of the child will usually be told the outcome **in confidence**.

### The member of staff or volunteer

20. RMAT has a duty of care to its employees and will act to minimise the stress inherent in the investigation process.
21. The person who is the subject of the allegation will be informed as soon as possible, usually after the initial discussion with the LADO. The person will be advised of the likely course of action unless the police or children's social care raise an objection. In those circumstances the

academy will work with children's social care and the police to agree what information can be disclosed and when.

22. The Principal/Chief Executive/Chair of the Trust Board (as appropriate) will appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and up to date on other RMAT related matters. The Principal/Chief Executive/Chair of the Trust Board (as appropriate) will also consider what other support may be appropriate for the individual. RMAT will advise the individual to contact their trade union representative or a colleague for support. They may also be given access to support services provided by RMAT.
23. Where an allegation is made against a member of supply staff, the supply agency should provide additional support to that member of supply staff.

### Suspension

24. Suspension is not an automatic response to an allegation being made. RMAT will only suspend a member of staff following careful consideration of whether there is cause to suspect the child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. In many cases, it may be possible for alternative arrangements to be made so that the individual can continue working.
25. RMAT makes the decision whether or not to suspend a member of staff. Where the police or children's social care are involved in the case, RMAT will listen to their views regarding suspension.
26. RMAT has no authority or power to suspend a member of supply staff where an allegation is made against them. Instead, RMAT will immediately cease to use the services of that member of supply staff.
27. Where the member of staff is suspended, they will receive written confirmation within one working day and will be informed of the reason for the suspension.
28. After the suspension, if it is decided that the employee can return to work, measures will be put in place to support their return to work. This could include a phased return or offering another member of staff as a support system.
29. RMAT will not prevent social contact with work colleagues and friends unless there is evidence to suggest such contact may prejudice the gathering of evidence.

### Resignation

30. If the individual resigns or the supply staff member, contractor or volunteer ceases to provide their service, the investigation into the allegation will be completed. The individual will be given the opportunity to engage with the investigation.

### Action on conclusion of the case

31. If the allegation is substantiated and:
- the employee is dismissed or resigns; or
  - we cease to use the supply staff member's services as a result of the allegation;
  - we cease to use the contractor's services as a result of the allegation; or
  - we cease to use the volunteer's services as a result of the allegation;

RMAT will consider whether a referral to the DBS and/or to the TRA is required.

32. Where an allegation is found to be false, RMAT may refer the case to social services to determine whether the child needs support and/or to understand if there is a safeguarding reason why the false allegation was made.
33. Action may be taken against students who are found to have made malicious allegations in line with RMAT's PD (Behaviour) Policy.
34. Where an allegation is made against a member of supply staff the outcome of the investigation will be shared with the supply agency and the LADO.

### Post incident review

35. It is good safeguarding practice for schools and academies to review incidents upon their conclusion so they can learn from them and continue to improve standards of safeguarding. Where allegations are made against staff, supply staff, contractors or volunteers, RMAT may carry out a review at the conclusion of the case.

### Timescales

36. Investigations into allegations against staff, including agency staff or volunteers or volunteers will be concluded as quickly and efficiently as possible to ensure that any risks to the child or other children and stress to the individual is minimised as far as possible.

### Record keeping

37. Allegations found to be false or malicious will be removed from the employment record of the individual. For all other allegations, a clear and comprehensive summary of the allegation, how it was followed up and resolved, a note of actions taken, and decisions reached and a declaration on whether the information will be referred to in any future reference will be retained on the employment file. A copy will also be provided to the individual.
38. The record will be kept, including for people who leave RMAT, at least until the person reaches normal pension age or for 10 years if that will be longer, from the date of the allegation.
39. Details of any allegation made by a student will be kept in the confidential section of their record.



## Confidentiality

40. RMAT will make every effort to maintain confidentiality and guard against unwanted publicity whilst an allegation is being investigated.
41. 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. This applies to parents and carers as well as the press.

## Non recent allegations

42. Where an adult makes an allegation to RMAT that they were abused as a child, that adult will be advised to report the allegation to the police.
43. Non recent allegations made by a child will be reported to the LADO in line with the local authority's procedures for dealing with non-recent allegations.

## Part Two: Managing low level Concerns

44. This part of the policy will be followed when dealing with low level concerns raised in relation to members of staff, including supply staff, contractors or volunteers and may be adapted to each case as required. It will be used alongside RMATs complaints procedure, child protection and safeguarding policy, code of conduct and disciplinary procedure.
45. RMAT promotes a culture in which all concerns about all adults working in or on behalf of RMAT (including supply teachers, contractors and volunteers) are addressed appropriately.
46. This policy is designed to:
  - promote and support a culture of openness and trust where staff are clear about the behaviours expected of themselves and their colleagues.
  - ensure staff are comfortable to raise low-level concerns; and
  - provide for efficient and proportionate handling of those concerns

## Recognising low level concerns

47. This policy will be used to manage 'low-level' concerns, defined in Part 4 of Keeping Children Safe in Education 2024 as 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 allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO).

48. Examples of such behaviour could include, but is not limited to:

- being over friendly with children;
- having favourites;
- taking photographs of children on their mobile phone;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door;  
or
- humiliating children.

### Sharing low-level concerns

49. For our culture of openness and trust to prevail, all staff should share any low-level concerns they have. Serious Case Reviews and Safeguarding Practice Reviews have often evidenced how low-level concerns felt and/or expressed by staff relating to individuals who were later found to have sexually abused children at a school were not recorded. When they are not recorded, they cannot be reviewed or studied for patterns of behaviour.
50. To minimise and hopefully eradicate the risk of those opportunities being missed, it is critical that staff understand their role in identifying and reporting low level concerns.
51. All staff are encouraged to immediately report low level safeguarding concerns as defined in this policy so that the identified behaviours can be investigated and managed appropriately.
52. All low level concerns in relation to staff, supply staff, contractors or volunteers should be reported immediately to the Principal. Concerns about a Principal or member of Central Services should be reported to the Chief Executive. Concerns about the Chief Executive should be reported to the Chair of the Trust Board.
53. The procedure for reporting low level concerns is consistent with that for reporting allegations of abuse as set out in part one of this policy. Staff do not need to determine whether their concern meets the threshold set out in part one of this policy or is a low-level concern. The Principal, Chief Executive, Chair of the Trust Board (as appropriate) will make this determination once the staff member has reported the issue.

### Recording low-level concerns

54. All low-level concerns will be recorded in writing and will include details of the concern, the context and action taken. The records will be kept confidential and held securely in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation.
55. Records of low-level concerns will be reviewed so potential patterns of concerning; problematic or inappropriate behaviour can be identified. If patterns are identified, RMAT will decide on an appropriate course of action and will refer the matter to the LADO where the

behaviour moves from a concern to meeting the threshold set out in the first part of this policy.

56. The record of the low-level concern will be kept at least until the person leaves RMA.

### References

57. Low level safeguarding concerns will not be included in references except where they have met the threshold for referral to the LADO and found to be substantiated, in which case they should be referred to in references.