



Downe House  
Muscat

## Safeguarding Allegations Policy (including low-level concerns)

*To be read in conjunction with the Safeguarding Policy and Staff Disciplinary and Dismissal Policy*

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## 1. Purpose

The purpose of this policy is to outline how allegations against adults will be handled by the school.

## 2. Application

This policy and its procedures apply to anyone working on behalf of Downe House Muscat including senior managers and the Board, paid staff, volunteers, sessional workers, agency staff and pupils.

## 3. Definitions and Responsibilities

### 3.1 What is an allegation?

Allegations represent situations that might indicate a person 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.

### 3.2 What should I do if I have an allegation?

Allegations about staff, agency staff, contractors, visitors, or volunteers should be reported to the Principal immediately. If the allegation is about the Principal, it must be referred to the Chair of the Board without informing the Principal.

The Principal will inform the Nominated Safeguarding Board Member. In certain situations the Child Protection Unit/ Police may be involved.

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

#### **4. Duties as an employer and an employee**

This policy applies to anyone working on behalf of Downe HouseMuscat including senior managers and the Board, paid staff, volunteers, sessional workers, agency staff and pupils regardless of whether the school is where the alleged abuse took place.

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 reporting to the authorities in accordance with the school's policies.

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 school or the authorities (if involved in the most serious cases).

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 Police as part of the referral process.

Supply teachers, whilst not always employed by the school, are under the supervision, direction and control of the school when working in the school. The allegations management meeting 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.

Allegations against a teacher who is no longer teaching should be referred to the Nominated Safeguarding Board Member, as should historical allegations.

Downe HouseMuscat has a duty of care to all employees. Downe HouseMuscat will provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended.

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.

## **5. 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 an investigation or enquiries to the authorities. Some rare allegations, after full consideration by the Principal and Safeguarding colleagues, will be so serious they may require immediate intervention by the authorities.

### **5.1 Initial actions**

- Before contacting the authorities, Principals, after first liaising with the Nominated Safeguarding Board member, may need to gather some initial information to help them determine whether there is any foundation to the allegation. Unless agreed, the person to which the allegation has been made will not be informed or interviewed at this stage, so as not to jeopardise potential evidence gathering by the authorities if they become involved. 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, the Principal will manage the situation under the Low-Level Concerns part of this policy ([section 19](#)).
- If, after the initial information gathering stage, it is decided by the above group that the concerns amount to an 'allegation' and not a 'low level concern', it may be decided that the Principal is required to contact the authorities. This will depend on the circumstances, for example if the person is deemed to be an immediate risk to children, or where there is clear evidence of a possible criminal offence.

### **5.2 Contacting the authorities**

- The purpose of an initial discussion with the authorities is for the Principal to discuss the nature, content and context of the allegation and agree a joint course of action. The authorities may ask the Principal 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.
- The initial sharing of information and evaluation may lead to a joint decision that no further action is to be taken in regard to the individual facing the allegation or concern. This decision and a justification for it should be recorded by both the Principal and the authorities, and agreement reached on what information should be put in writing to the individual concerned and by whom.
- If the allegation is about physical contact, the initial evaluation with the authorities 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.

- The Principal will not inform the accused person until the authorities have been consulted and have agreed what information can be disclosed to the accused. The Principal should only inform the accused person about the allegation after consulting the authorities and actions have been decided. It is extremely important that the Principal provides the accused with as much information as possible at that time.
- Where it is clear that an investigation by the authorities is unnecessary, the Principal in consultation with the Nominated Safeguarding Board member will decide the next steps. 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 dismissal, or a decision not to use the person's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative (see guidance on suspension, below).

### **5.3 Internal school investigations**

- In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the Principal, in collaboration with the Nominated Safeguarding Member will discuss how, and by whom the investigation will be undertaken. In straightforward cases, an internal school investigation will be agreed upon and should normally be undertaken by a senior member of school staff such as the DSL. The Principal should not conduct the investigation if the accused is a member of the senior management team. Instead, the investigation will be conducted by a senior member of staff from the group.
- Where necessary, due to lack of resource, or the nature or complexity of the allegation, the allegation will require an independent investigator. An independent investigator will be appointed by the above group. The independent investigator may be an employee (Principal/DSL) at another school in the group or an appointed individual external to the group.
- 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. *See Staff Disciplinary and Dismissal Policy*

## **6. Suspension of an employee**

- Downe House Muscat 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 Principal 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 Principal is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the authorities as required, taking into the considerations outlined above. However, suspension is highly unlikely to be justified on the basis of such concerns alone.

- Suspension requires the authorisation of the board. Our group policy is for the board to hold a conversation with the Principal and Head of HR (hereafter referred to as the 'group') to reach a rounded decision about whether suspension is the correct course of action.
- Suspension will be considered 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. Suspension will also be considered where it is the thought that this action is the best way to support the member of staff. However, a person should not be suspended automatically: the above group will consider carefully whether the circumstances warrant suspension from contact with children at the school or until the allegation is resolved.
- The above group 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 authorities have no objections to the member of staff continuing to work during the investigation, the group will aim to be as inventive as possible to avoid suspension.

Based on assessment of risk, the following alternatives will be considered by the group 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;
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school in the group.

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 group 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.

- If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by the Principal in their Allegation records. This should also include what alternatives to suspension have been considered and why they were rejected.
- 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 school 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.
- Where the initial evaluation concludes that there *should* be enquiries by the authorities, the Principal should canvass their 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. The authority's 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.

## **7. Support for employees**

- Downe House Muscat has a duty of care to their employees. Downe House Muscat will act to manage and minimise the stress inherent in the allegations process. 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 authorities. They will be given access to an employee support service, provided by Downe HouseMuscat.
- The Head of HR, after discussion with the group about who would be most suitable, will appoint a named representative to 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. 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 or would jeopardise any investigation.
- 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 it has been decided that the authorities need to be involved, the Principal will not do so until the authorities 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.
- Parents and carers will also be made aware of the requirement to maintain

confidentiality about any allegations made against teachers whilst investigations are ongoing. 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, the authorities, in collaboration with the school, will consider what support the child or children involved may need.

## **8. 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.
- If a disciplinary hearing is required and can be held without further investigation, this should be held within 15 working days

However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

## **9. 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 Principal will take advice from the 'group' to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- 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.

## **10. Oversight and monitoring**

The Principal will monitor 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.

The Principal should request from the authorities who will be responsible for:

- liaising with the Principal
- taking part in the initial evaluation of information;

- subsequently reviewing the progress of those cases;
- sharing information on completion of the investigation or any prosecution.

If an investigation is required, the authorities should also *ideally* set a target date for reviewing the progress of the investigation and provide the school with information about whether they intend 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 discussion with the Principal. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

## **11. Information sharing**

- In the initial evaluation of the case, the school and authorities 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 authorities are involved, wherever possible, Downe House Muscat will ask them 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 authorities to share relevant information without delay at the conclusion of their investigation or any court case.
- The authorities 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.

## **12. Following a criminal investigation or a prosecution**

The authorities should inform the Principal 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 Principal should discuss with the Nominated Safeguarding Board Member whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the authorities 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 investigation undertaken by the authorities or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

### **13. Outcome of an allegation**

#### **13.1 Definitions**

The following definitions will be used when determining the outcome of an allegation where an internal investigation has been completed:

**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 to cause harm to the 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 (this does not imply guilt or innocence)

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

### **13.2 On Conclusion of a case**

- Following consultation with any appropriate agencies, the school may make referrals to the appropriate authorities and/or regulatory bodies, which might include the police
- .
- Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the group 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 group 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.

### **13.3 Malicious or unsubstantiated allegations**

If an allegation is determined to be unsubstantiated or malicious, the Principal may need to contact the authorities 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 authorities should be asked to consider if action might be appropriate against the person responsible, even if he or she were not a pupil. This decision will depend on the circumstances.

## **14. Learning lessons**

After any cases where the allegations are substantiated, the case manager will review the circumstances of the case to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future
- Investigations of a similar nature could be carried out without suspending the individual

For all other cases, the case manager will consider the facts and determine whether any improvements can be made.

## **15. Non-recent allegations**

Abuse can be reported, no matter how long ago it happened.

Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

## **16. Resignations and 'settlement agreements'**

- If the accused person resigns, or ceases to provide their services, this will not prevent an allegation being followed up. The school will follow its policies and procedures may make referrals to authorities and/or regulatory bodies.
- 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.
- 'Settlement agreements' 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 investigation by the authorities where that is appropriate.

## **17. Record keeping**

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case.

The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file).

For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken, decisions reached and the outcome
- A declaration on whether the information will be referred to in any future reference

In these cases, the school will provide a copy to the individual, in agreement with the police as appropriate.

Where records contain information about allegations of sexual abuse, we will preserve these for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

## **18. References**

When providing employer references, we will:

- Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious
- Include substantiated allegations, provided that the information is factual and does not include opinions

## **19. Low-level concerns**

### ***19.1. Definition of low-level concerns***

The term 'low-level' concern is any concern – no matter how small – 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 Nominated Safeguarding Board Member

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

- Being overly 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
- Humiliating pupils

### ***19.2 Sharing low-level concerns***

Downe HouseMuscat recognises the importance of creating a culture of openness, trust and transparency to encourage all staff to confidentially share low-level concerns so that they can be addressed appropriately.

The school will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- Empowering staff to share any low-level concerns as per this policy
- Empowering staff to self-refer
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage

- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in the school's safeguarding system

### **19.3 Responding to low-level concerns**

If the concern is raised via a third party, the Principal will collect evidence where necessary by speaking:

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

The Principal will use the information collected to categorise the type of behaviour and determine any further action, in line with the school's staff code of conduct. The Principal will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with the DSL.

### **19.4 Record keeping**

All low-level concerns will be recorded in writing. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

Records will be:

- Kept confidential
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold, we will refer it to the chair of governors
- Retained at least until the individual leaves employment at the school

Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

### **19.5 References**

We will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the chair of governors is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance

Date of adoption of this policy	November 2023
Date for next review of this policy	November 2025
Policy owner (SLT)	Principal
Policy owner (Chair of the Board)	Chair