



Quick Brick Training Academy

Complaints, Comments and Compliments

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Statement of Intent.

All education settings have a duty to promote and safeguard the welfare of children who are students.

All staff members in the setting are made aware and reminded of this policy as part of their induction. As part of the annual safeguarding training staff will be asked to revisit this policy and refresh their awareness and understanding this may be recorded as part of the annual Section 175 audit.

The procedure documented within this policy must be followed in any case where there is an allegation made about a member of staff or volunteers and contractors at the academy and,

- Allegations may meet the harms threshold.
- Allegations/concerns that do not meet the harms threshold- referred to in Keeping Children Safe in Education, 2021 as ‘low level concerns’.

For the purpose of this policy and procedure guidance, Allegations that may meet the Harm Threshold are covered in Part One, and those not meeting the Harm Threshold, referred to in

QBTA Policy and Procedures

Keeping Children Safe in Education, 2022 as 'low level concerns', are covered in Part Two of this document

How concerns arise

Concerns about possible abuse of children by staff will usually arise in one of two ways, either,

- A direct allegation by a pupil or third party, for example a parent
- An observation by a member of staff that the behaviour of a colleague is inappropriate or potentially or actually abusive.

In either case the concern must be recorded and reported to the Head of the academy immediately unless the allegations are about the Head of academy in which case, it must be reported to the Salford LADO. Contact details of the **Local Authority Designated Officer (LADO)**

0161 603 4350

If the Head of centre is absent, the allegation will be reported to the member of staff in charge.

As this is a statutory duty, it is expected that all members of staff in the academy, where they have concerns, will report them in accordance with this policy. Staff should also consider the child protection procedures and if a child has been harmed a referral should be made into the Salford Bridge Partnership. Once an allegation is made, the Allegations Process should be followed.

1. Part One Levels of Concern

Allegations that meet the harm threshold

Governing bodies and proprietors should ensure there are procedures in place to manage concerns/allegations, against staff (including volunteers) that might indicate they would pose a risk of harm to children. <https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs#what-is-the-harm-test>

1.1 Initial Action following an allegation where a child has been harmed.

Should the academy identify a child has been harmed, or that there may be an immediate risk of harm to a child or if the situation is an emergency, they should contact children's social care via:

Salford Bridge Partnership:

QBTA Policy and Procedures

0161 603 4500 from 8.30am to 4.30pm

Emergency Duty Team:

0161 794 8888 outside office hours, and as appropriate the police immediately.

The Head of centre will ensure that they have a full understanding of the nature of the allegation using the record of concern sheet.

Following an allegation the Head Teacher or Chair of Governors will ensure that they give consideration to;

- **Looking after the welfare of the child** -The Designated Safeguarding lead will be responsible for ensuring the child is not at risk and referring cases of suspected abuse to Salford Bridge Partnership.
- **Investigating and supporting the person subject to the allegation**- The Head of centre should discuss the case with the LADO, including the nature, content and context of the allegation, and agree a course of action. In order to proceed the Head of centre must have a full understanding of the nature of the allegation made by a member of staff or third party, only speaking to the child if it is unavoidable or it is the child making the allegation.

No one in the academy should investigate the incident. Interviewing either, those directly involved or any witnesses, as this could jeopardise any future police investigation and potentially prejudice a fair hearing at a later date.

Before contacting the LADO, The Head of centre, in line with local guidance, will simply establish that:

- An allegation has been made
- Who was involved? – including their full name, address, and date of birth
- If the individual was in the academy at the time of the allegation
- If the individual did, or could have, come into contact with the child
- The general nature of the allegation - What happened?
- If there were any witnesses – if so who were they?
- When and where the incident is alleged to have occurred

- If there is any CCTV footage? This information can be recorded on the initial record of concern sheet.

At this stage advice should be sought from the LADO with regards to informing the person subject to the allegation, that an allegation has been made.

Allegations against a member of staff who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police. Further information regarding reporting Non-Recent Abuse is available on the NSPCC website.

Where the Head of centre 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 DSL and make a risk assessment of the situation. It may be necessary for the DSL to make an additional referral into the Salford Bridge Partnership in regards to these children.

1.2 Consultation and Referral

Once the nature of the allegation has been established the Head of centre should determine if it meets any of the criteria set out in Paragraph 355 Keeping Children Safe in Education, February 23, detailed above. If so, the Case Manager should immediately discuss the allegation with the Local Authority Designated Officer (LADO) on the same day.

It is important to ensure any allegation is taken seriously and advice can be sought by contacting the Education Safeguarding Officer.

Additional support may be available via the host schools safeguarding SLA. Should the nature and complexity of the allegation, or the lack of appropriate resources in the academy require it, the allegation may be dealt with by an independent investigator.

1.3 Initial consideration of the allegation

The purpose of the initial discussion is for the LADO and the case manager to consider the nature, content and context of the allegation and agree a course of action. This will include a discussion to determine whether police involvement is necessary. The discussion may establish that the allegation is not demonstrably false or unfounded.

If the parents/carers of the child concerned are not already aware of the allegation the LADO will also discuss how and by whom they should be informed.

There may be some circumstances where the academy may advise the parents/carers of an incident involving their child straight away, for example, if the child has been injured while at the academy or in an academy related activity, and requires medical treatment.

The case manager will usually inform the individual who is the subject of the allegation. However informing them of the allegation should be considered carefully on a case by case basis. The head of centre should discuss and take guidance as required from the LADO, and if appropriate children's social care and the police.

Once the individual has been informed of the allegation, and if they are a member of a union or a professional association, they will be advised to contact that organisation.

1.4 Strategy Meeting /Evaluation with the Police

If the allegation is not demonstrably false or unfounded, a formal referral will be made to the LADO and in accordance with 'Working Together to Safeguard Children, 2018' a meeting and strategy discussion will be convened.

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

- a police investigation of a possible criminal offence
- enquiries and assessment under section 47 of the Children Act 1989 if a child is in need of protection or under section 17 of the Children Act 1989 if the child appears to be in need of services
- consideration by the employer of disciplinary action in respect of the individual

The case manager will attend any strategy meeting, unless there are good reasons not to do so, and provide details about the circumstances and context of the allegation and the pupil and member of staff concerned.

1.5 Suspension

An assessment of the possible risk of harm to children posed by a person about whom an allegation has been made must be undertaken and managed. This should be considered in relation to the child or children involved in the allegation, and any other children in the accused individual's home, work or community life.

Suspension will be considered in any case where;

- There is cause to suspect a child is at risk of significant harm
- The allegation is so serious that it might be grounds for dismissal In cases where suspension is considered necessary, the case manager will;
- Record the rational and justification for such action
- What alternatives to suspension where considered and why they were rejected.
- Give written confirmation within one working day, giving as much detail as appropriate for the reasons for the suspension

- Ensure the person who has been suspended is fully supported, including the contact details of their named contact within the academy.

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.

The case manager **must** consider carefully whether the circumstances of a case warrant a person being suspended from contact with the children until the allegation is resolved. Children's social care or the police may give their view to the LADO but they cannot require the case manager to suspend a member of staff or a volunteer, although the case manager should give appropriate weight to their views.

Such alternatives allow time for an informed decision regarding possible moves to suspension, however this will depend on the nature of the allegation.

1.6 Supporting those involved

Employers have a duty of care to their employees. They should act to,

- 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;
- advise the individual to contact their trade union representative, or a colleague for support;
- appoint a named representative to keep the person informed about progress of the case;
- provide access to counselling or medical advice where appropriate.
- not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence

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

- formally told about the allegation as soon as possible. The case manager should consult the LADO and where involved children's social care and/or the police on what information can be disclosed;
- kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member; and
- 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

1.7 Confidentiality and information sharing

In order to manage an allegation made against a member of staff effectively the agencies involved should share all relevant information they have about the person who is the subject of the allegation, as well as about the alleged victim.

Any investigation is done in confidence. Every effort is made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

No one in the academy may provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence.

No one in the academy may disclose any information to anyone about the details of an investigation, as this may prejudice the right of the person under investigation to a fair hearing.

The academy will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

1.8 Allegations Outcomes

There are five defined terms 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 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 to 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

If the allegation is substantiated and:

- the person is dismissed; resigns, or otherwise ceases to provide his or her services; or
- the employer ceases to use the person's services. The employer has a legal duty to make a referral to the DBS for consideration of whether inclusion on the barred lists is required

Following a police investigation or a prosecution the police should inform the LADO immediately of the outcome. The LADO will then discuss with the case manager whether any further action, including disciplinary action is appropriate, and if so how to proceed. Information provided by the police should also be used to inform the decision.

1.9 Referral to DfE – Disclosure and Barring Service

If the allegation is substantiated and the person is dismissed, the academy ceases to use the persons services, the person resigns, or otherwise ceases to provide his or her services, the LADO should discuss with the academy Manager whether a referral will be made to the DBS for consideration of inclusion on the barred list is required.

DBS referrals will be made as soon as possible, when an individual is removed from regulated activity. This may also include when they have been

- suspended
- redeployed to work that is not regulated activity
- dismissed, or

- have resigned

1.10 Resignations and settlement agreements

Where a person under investigation tenders his or her resignation, or ceases to provide their services, the investigation into the allegation will still need to be completed in accordance with the guidance.

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 which the person concerned refused to cooperate with the process.

The academy will not enter into “settlement agreements” by which if a person agrees to resign, the academy agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference.

The academy should not cease their investigations if the person leaves, resigns or ceases to provide their services. Every effort should be made to reach a conclusion in all cases of allegations that have bearing on the safety or welfare of children.

1.11 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 subject to the investigation gives consent to retention of the information.

For all other allegations, that result in either an outcome of substantiated, unfounded or unsubstantiated it is important the following information is kept on the file of the person accused. The QBTA will ensure that;

- A clear and comprehensive summary of any allegations made.
- Details of how the allegation was followed up and resolved
- A note of any actions taken, decisions reached and the outcomes i.e. substantiated, unfounded or unsubstantiated
- a copy provided to the person concerned, where agreed by 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.

Cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious should not be included in employer references. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious should also not be included in any reference.

Education establishments have an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. 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.

1.12 Oversight and monitoring

The academy will work closely with the LADO who has overall responsibility for oversight of the procedures for dealing with allegations. The academy will cooperate in supplying statistical information required by the LADO.

1.13 Action on the conclusion of a case

In cases where it is decided in the conclusion of the case that the person who has been suspended can return to work, the academy will consider how best to facilitate that. Guidance and advice are usually provided via the LADO. 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 academy manager should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the centre.

1.14 Actions in respect of malicious allegations

In the rare event that an allegation is shown to have been deliberately invented or malicious the Head of centre will consider whether any disciplinary action is appropriate against the person who made it, if they are part of the academy community. The head of academy should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate. The police will be asked to consider whether any action might be appropriate against the person responsible if they are outside the academy community.

1.15 Allegations concerning sessional workers or volunteers not directly employed by the academy

In some cases, the academy will need to consider an allegation against an individual, not directly employed by them, and where the academy disciplinary procedures do not fully apply. For example, sessional workers provided by an employment agency or business. In these cases the academy should ensure that although not the employer, all allegations are dealt with properly.

- Sessional workers and volunteer staff, although not employed by the academy, are under the supervision, direction and control of the academy.

- Sessional workers and volunteer staff should be advised to contact their trade union representative if they have one, or a colleague for support
- The Allegations management meeting which, arranged by the LADO, should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency are taken into account by the academy and host school during the investigation. It is imperative that when using an agency for supply staff, the academy should inform the agency of its process for managing allegations.

2 Part Two. Level of Concern

Concerns that do not meet the harm threshold

Responding to Keeping Children Safe in Education, February 2023, education provision governing bodies should ensure, in line with the academy ethos. This policy details the process for dealing with concerns that do not meet the Harm Threshold as detailed in Part two of this document.

The aim of addressing concerns that do not meet the harm threshold is to encourage an open and transparent culture in the academy where early identification of inappropriate, problematic and concerning behaviour can be addressed in order to minimise the risk and opportunity of abuse.

Such concerns may arise in a number of ways and be reported by different sources. For example, suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken. Keeping Children Safe in Education, 2022 refers to these incidents as 'low level concerns'

Once incidents are reported they should be addressed on a case by case basis with consideration given to the context, experience and training of the member of staff.

In order to prevent incidents of 'low level concerns' the academy will promote an open and transparent culture where,

- There are clear professional boundaries set in line with the academy ethos and values
- Information regarding concerns is shared appropriately and with either the DSL, head of centre or the LADO.
- Appropriate records are made and include decisions and outcomes when such incidents are addressed. As good practice the academy Code of Conduct document should reference low level concerns, and give staff within the academy a clear understanding of the definition of 'low level concerns' and what action they should take to address their 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 academy 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 the academy policy
 - engaging with a child on a one-to-one basis in a secluded area or behind a closed door, or
 - humiliating pupils.

2.1 Process of reporting 'low level' concerns

Behaviour which is not consistent with the standards and values of our academy and does not meet the organisational expectations set out in the Code of Conduct can lead to 'low level' concerns.

Such incidents should be reported by the individual witnessing the to;

- The Designated Safeguarding Lead, or
- The Head of centre

If the concern is in relation to a sessional workers and volunteers or contractor, once the concern has been reported to either the Designated Safeguarding Lead or Head of centre, the individuals employer should also be notified.

2.2 Recording 'low level' concerns

Reports of 'low level' concerns should be recorded in writing and include;

- The details of the behaviour/concern. Including chronological and concise details which are as precise and accurate as possible.
- The context in which the behaviour/concern took place
- Details of the individual reporting the concern (unless they wish to remain anonymous)
- The record should be signed, timed and dated

These records will be kept confidentially and secure in line with the Data Protection Act 2018, and GDPR. These records should be regularly reviewed in order for potential patterns of concerning behaviour to be identified.

If patterns of concerning behaviour are identified, the Designated Safeguarding Lead or Head of centre will decide on the course of action. Should these concerns now meet the Harm Threshold, a further discussion will take place with the LADO.

It is recommended that these records of 'low level' concern are retained until the individual leaves the employment of the academy.

2.3 Responding to 'low level' concerns

Low Level concerns should be responded to in a sensitive and proportionate way. Maintaining confidence that such concerns, when raised will be handled promptly and effectively whilst, protection staff from any false allegations or misunderstandings.

In most cases low level concerns will simple quire a conversation with the individual about whom the concerns has been raised.

In responding to reports of 'low level' concerns the Designated Safeguarding Lead or Head of centre should;

- Collect as much information as possible relating to the concern raised
- Speak directly to the person raising the concern, if possible,
- Speak to the individual involved and any witnesses.

The aim if this is to clarify the behaviour and also the context in which the behaviour occurred.

The Designated Safeguarding Lead or Head of centre will then review and categorise the behaviour, checking to see if it meets the 'Harm Threshold' or not.

If the Designated Safeguarding Lead or Head of centre is in any doubt as to whether the Harm Threshold is met, they can contact the LADO for further advice.

If it is clear the behaviour does not meet the Harm Threshold, consideration should be given regarding the actions to be taken. The Designated Safeguarding Lead or Head of centre should,

- If they have been contacted, record all conversations including advice given, with the LADO.
- Record any actions to be taken following the report of the 'low level' concern,
- Record the rational for any decisions/actions taken

2.4 Next Steps

The process of reporting 'low level' concerns is included in the induction of all new staff into the academy. All staff will revisit annually of the following,

- The QBTA Whistle Blowing Policy
- The QBTA Code of Conduct for staff
- The process of reporting concerns about adults who work with children, including the process for reporting 'low level' concerns.

In addition the Designated Safeguarding Lead will regularly review the implementation of the Low level concerns reporting process and any evidence of its effectiveness.

3. Monitoring and Review

This policy document will be monitored and reviewed annually in accordance with best practice or in the following circumstances:

- Changes in legislation and/or government guidance
- As required by the Local Safeguarding Children Partnership, and Ofsted
- As a result of any other significant change or event.

In the interests of safeguarding and protecting the welfare of children and young people it is suggested that all staff receive a copy of the settings Allegations Management Policy, and sign a safeguarding checklist to say they have read and understood the content.