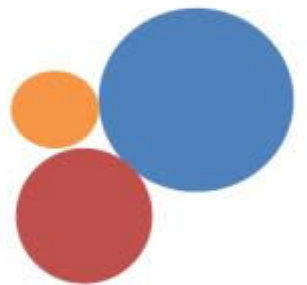




L.E.A.D. Academy Trust  
Lead • Empower • Achieve • Drive

# Managing Allegations Against Staff Policy



## Contents

1.	Terms of Reference .....	5
2.	The Law .....	5
3.	Purpose .....	5
4.	Introduction and Criteria .....	6
5.	Roles and Responsibilities .....	7
5.1	Local Authority .....	7
5.2	Local Authority Designated Officer (LADO) .....	7
5.3	Academies within the Trust.....	8
6.	Procedures for managing allegations received.....	8
6.1	Suspension Considerations.....	9
6.2	Supporting those involved with the allegation .....	9
6.3	Investigation Outcomes.....	10
6.4	Timescales .....	10
6.5	Specific actions .....	10
7.	Confidentiality and information sharing.....	11
8.	Record-keeping .....	11
9.	Resignations and Settlement Agreements.....	12
10.	References.....	12
11.	Case Evaluations to establish learning points.....	12
12.	Non-recent allegations.....	12
13.	Concerns that do not/may not meet the harm threshold (Low level concerns) .....	13
13.1	Definition of low-level concerns.....	13
13.2	Sharing low-level concerns .....	14
13.3	Responding to low-level concerns.....	14

13.4	Record keeping .....	14
13.5	References .....	15
14.	Appendix 1 – Spectrum of Behaviour chart .....	16
15.	Appendix 2 - low-level concern form .....	17
16.	Appendix 3 – Suspension Risk Assessment:.....	19
17.	Appendix 4 - Supply staff guidelines .....	20
18.	Appendix 5 - Concerns matrix and threshold guidance .....	21

1.



## 2. Terms of Reference

This policy is designed to provide information and guidance as to how allegations against staff are to be managed across the Trust and to ensure that all staff, students, parents, or carers are aware of the procedure for the investigation of allegations in order that all complaints are dealt with consistently, fairly, and as efficiently as possible.

L.E.A.D. Academy Trust takes any allegation, concern or complaint made against staff seriously and as such will apply this policy and its required procedures consistently across all Academy locations. The Trust believes that allegations, concerns and complaints can be minimised through having robust policies and procedures in place which would include and open and transparent policies in areas such as Safeguarding, Child Protection and Safer Recruitment. These, combined with appropriate inductions, code of conduct and regular training around safeguarding can ensure staff are aware of how their behaviours impact on the children within our Academies and minimise the potential for concerns being raised.

Any investigation undertaken in line with this policy will be done so in a way that does not prejudice either the pupil or member of staff.

## 3. The Law

The framework for managing cases of allegations of abuse against people who work with children is set out in 'Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children', which provides an overview of how allegations should be handled. It is relevant for the purposes of s.157 and s.175 of the Education Act 2002.

Other legislation and guidance:

- The Children Act 1989
- Section 175 of the Education Act 2002 (local authorities, governing bodies of maintained schools and institutions in the further education (FE) sector)
- Section 157 of the Education Act 2002
- The Education (Independent School Standards) (England) Regulations 2010
- The Children Act 2004
- Section 11 of the Children Act 2004 (other agencies)
- Keeping Children Safe in Education September current version

## 4. Purpose

The purpose of the policy is to create and embed a culture of openness, trust, and transparency in which the clear values and expected behaviours which are set out in the staff code of conduct are observed, monitored, and reinforced by all staff.

The procedure for dealing with complaints against staff depends on the situation and circumstances surrounding the allegation. This policy aims to strike a balance between the need to protect pupils from abuse and the need to protect staff and volunteers for false or unfounded allegations. Therefore, these procedures may be adapted as required by the case. This policy will be used alongside our safeguarding policies.

The academy will:

- a) ensure staff are clear about what is expected in relation to appropriate behaviours and are confident in distinguishing these from concerning, problematic or inappropriate behaviour both within themselves and others, the delineation of professional boundaries and reporting lines.
- b) empower staff to share any concerns with the Headteacher or with the designated senior leader in the headteacher's absence.
- c) Ensure a concern or allegation about the Headteacher, will be reported directly to the Director of School who will risk assess if the concern needs to be referred to the LADO.
- d) In a situation where there is a conflict of interest in reporting the matter to the Headteacher this will be reported directly to the Director of School and then be referred to the LADO,
- e) address unprofessional behaviour and support the individual to correct it at an early stage.
- f) identify concerning, problematic or inappropriate behaviour, including patterns of behaviours, that may need to be consulted upon with, or referred to, the LADO.
- g) provide for responsive, sensitive, and proportionate handling of such concerns when they are raised.

## 5. Introduction and Criteria

All allegations or concerns made against those who work with children may cover a wide range of circumstances however all complaints will be taken seriously.

It is important to recognise that the words 'allegation' and 'concern' can be and are used interchangeably by different people. Sometimes individuals may shy away from the word 'allegation' and express it as a 'concern' instead. The crucial point is that whatever the language used, the question to ask is whether the behaviour referred to may meet the harm threshold (and hence be referable) or may not meet the harm threshold (in which case it will be treated as a low-level concern). The focus must be on the behaviours being described in the allegation and not the language being used by the individual raising this.

This policy applies to all staff within any L.E.A.D. Academy Trust location. The Trust has separate procedures for dealing with allegations against supply workers, contract staff or volunteers (See appendix 4).

This policy will apply where an allegation suggests that a member of staff has:

- **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.**
- **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 including behaviour taking place outside of the academy.**

The Trust commits to dealing with any allegation quickly, and in a fair and consistent way to provide effective child protection while also supporting the individual who is the subject of the allegation.

Any concerns will 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 pupils or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if it claimed to be consensual (see ss16-19 Sexual Offences Act 2003).
- 'Grooming', i.e., meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003).
- Other 'grooming' behaviour which may not meet the criminal threshold but gives rise to concerns of a broader child protection nature (e.g., inappropriate text / e-mail messages or images, gifts, socialising etc.).
- Possession of indecent photographs / pseudo-photographs of children.

Allegations of historical abuse will be responded to in the same way as a contemporary concern. 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 inform the person's current employer or voluntary organisation or refer their family for assessment.

## 6. Roles and Responsibilities

### 6.1 Local Authority

Working Together to Safeguard Children requires that:

- Local authorities ensure that allegations against people who work with children are not dealt with in isolation. Any action necessary to address corresponding welfare concerns in relation to the child or children involved should be taken without delay and in a coordinated manner.
- Local authorities should have a designated officer, or team of officers (either as part of multi-agency arrangements or otherwise), to be involved in the management and oversight of allegations against people that work with children. The designated officer, or team of officers, should be sufficiently qualified and experienced to be able to fulfil this role effectively, for example qualified social workers.
- Arrangements should be put in place to ensure that any allegations about those who work with children are passed to the designated officer, or team of officers, without delay.
- Local authorities should put in place arrangements to provide advice and guidance to employers and voluntary organisations and agencies on how to deal with allegations against people who work with children to employers and voluntary organisations.
- Local authorities should also ensure that there are appropriate arrangements in place to effectively liaise with the police and other agencies to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

### 6.2 Local Authority Designated Officer (LADO)

- Responsible for receiving reports about allegations and involved in the management and oversight of individual cases.
- Provides advice and guidance to employers and voluntary organisations.
- Liaises with the Police, Children's Social Care and other agencies.
- Monitors and quality assure the progress of cases to ensure that they are dealt with as quickly as possible and consistent with a thorough and fair process.
- Provides advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS) and regulatory bodies such as Ofsted etc.
- Seeks to resolve interagency issues.
- Liaises with other LADOs where applicable.

### 6.3 Academies within the Trust

- Responsible for having a senior member of staff/DSL, along with the headteacher to whom allegations or concerns should be reported.
- Have a deputy or senior member of staff to whom reports should be made in the absence of the headteacher or alternative Designated Safeguarding Lead or where that person is the subject of the allegation or concern.
- Liaise with the Local Authority Designated Officer (LADO).
- Take part in strategy meetings/discussions.
- Review the progress of cases in which there is a Police Officer investigation.
- Share information as appropriate, on completion of an investigation or related prosecution.

## 7. Procedures for managing allegations received that meet the threshold

Where an allegation is received by either an academy or the Trust, the Headteacher will appoint a case manager to lead the investigation. This will usually be a DSL trained member of SLT within the academy or in cases where the allegation is against the Headteacher, this will be escalated to an appropriate independent investigator. Procedures for handling cases will be applied with common sense and reasonable judgement. The case manager will:

1. Conduct basic enquiries to determine whether to make a referral to the LADO or to help determine whether there is no foundation to the allegation – it should be noted this is not a full investigation until the LADO referral has been completed. It is expected that a case manager or Headteacher will advise L.E.A.D. HR that a referral has been made.
2. Discuss the allegation with the designated officer at the local authority (LADO). This is to consider the nature, content and context of the allegation and agree a course of action, including:  
Whether further enquiries are necessary to enable a decision on how to proceed.  
Whether suspension should be applied (see section 6.1 below).  
Whether it is necessary to involve the police and/or children's social care services. The case manager may, on occasion, consider it necessary to involve the police before consulting the LADO. This may be in cases for example where the employee against which the allegation is made is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the LADO as soon as practicably possible after contacting the police.
3. Discuss with the LADO whether a suspension should be put in place or whether alternative arrangements can be made to mitigate any risk to children. This risk assessment should be documented to confirm why the decision was taken for future reference (see appendix 3).
4. Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice.



5. Following discussions with the LADO, discuss the case with HR and define a strategy for progressing the matter further. This will include determining when to inform the employee of the concerns or allegations and likely course of action in line with Trust disciplinary procedures. Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies.
6. If immediate suspension is considered necessary, this will be confirmed in writing within one working day.
7. If it is decided that no further action is to be taken, record this decision and the justification for it and agree with the LADO what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation.
8. Progress to an investigation of the allegation or concern in conjunction with HR advice.
9. Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member).

If the academy is made aware that the Secretary of State has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved in the allegations, internal investigations may be delayed until the case manager is authorised to commence proceedings. Wherever possible the academy will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in any internal processes should this be required at a later point.

## 7.1 Suspension Considerations

As outlined above, during discussions with the LADO, the case manager will consider all options to mitigate the need to suspend any individual from the academy. A risk assessment will be undertaken, and the following aspects may be considered subject to reasonable and practicable considerations to avoid the need to suspend:

- Redeployment within the academy 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 the individual to alternative work in the academy so that they do not have unsupervised access to children.
- Temporarily redeploying the individual to another role in a different location, for example to an alternative academy within the Trust.

It should be noted this list is not exhaustive and other options may be considered as part of this process. The case manager should discuss all options with the HR team prior to making any decisions on suspension in addition to reviewing these options with the LADO.

## 7.2 Supporting those involved with the allegation

The Trust aims to minimise the stress involved on those who have had allegations made against them and support is vital to fulfilling this duty. Individuals will be informed of the concerns or allegations made against them as soon as possible and given an explanation of the likely course of action unless

there is an objection by the police or social care. The individual should be advised they have the right to contact their Trade Union or access support of a colleague during this process, should they wish to do so. Access to welfare counselling (EAP) and occupational health support will also be advised. A named representative will also be nominated along with their contact details, who is responsible for ensuring the individual is informed of progress throughout.

All matters regarding the ongoing investigation of the allegation are to remain strictly confidential. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to prejudice the gathering and presenting of evidence.

### 7.3 Investigation Outcomes

Upon conclusion of investigations, a report will be prepared by the case manager and will advise on one of the following provisions in their opinion based on the evidence available:

- **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.

### 7.4 Timescales

It is in everyone's interest to resolve cases as quickly as possible, however due consideration must be given to ensure a fair and thorough investigation. All allegations should 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, however these targets should be achieved in all but truly exceptional cases.

Where the initial consideration indicates that the allegation does not involve a possible criminal offence, it will be for the employer to deal with, unless the LADO advises otherwise. Investigations should commence as soon as possible. Where there is police or other third-party involvement, internal investigations may be required to be postponed until this process has concluded.

### 7.5 Specific actions

**Criminal investigation or prosecution:** In these circumstances, the case manager will discuss with the LADO whether any further action, including whether disciplinary action is appropriate considering information provided by any other third parties involved.

**Substantiated allegations:** Where an investigation concludes that there is evidence to suggest the allegation may be substantiated, internal disciplinary proceedings will commence. Following the conclusion of these processes, should it be determined by the panel hearing the case that the individual is to be dismissed, a referral to DBS will be undertaken along with Teacher Regulation Agency (TRA) for those who are teachers for consideration of prohibition orders. Referrals will also be made in cases where an individual resigns prior to a disciplinary hearing completing.

**Individuals returning to work after suspension:** The case manager, in conjunction with HR, will consider how best to facilitate this return to work. This may include consideration of whether the individual can continue to work with the child referred to in the allegation or whether other measures can be put in place.

**Unsubstantiated, unfounded, false, or malicious reports:** Where an investigation concludes that the allegations fall under this category, the case manager will consider appropriate next steps with the Headteacher. It may be that the child involved with the allegation may require additional external support, in which case appropriate services will be contacted. Where investigations conclude the child, or other member of staff, has deliberately or maliciously made the allegation, a consideration will be made by the Headteacher as to whether any other disciplinary related processes should commence.

## 8. Confidentiality and information sharing

When an allegation is made, all efforts will be made to ensure confidentiality is maintained and to guard against unwarranted publicity while the allegation is being investigated or considered. The reporting restrictions as defined by the Education Act 2002 apply to both the Trust and others involved including parents/carers. These restrictions apply until the point of charge with an offence.

The legislation imposing restrictions makes clear that “publication” of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public.” This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

The case manager should take advice from the LADO, police, and children’s social care services to agree who needs to know and, importantly, exactly what information can be shared in addition to how to manage speculation, leaks, and gossip. The academy will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. In the case of Trust academies, a senior leader should make contact with the press office of the Trust to seek advice and support in managing the appropriate sharing of information.

## 9. Record-keeping

The case manager will maintain clear records, using Confide, 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 recorded as such on Confide and archived 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 (Confide) 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 academy will provide a copy to the individual, in agreement with children's social care or the police as appropriate.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), 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.

## 10. Resignations and Settlement Agreements

The Trust commits to ensuring every effort is made 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 or where an individual leaves employment prior to the case concluding.

Settlement agreements must not be used in cases where allegations indicate that an individual is a risk or may pose a risk of harm to children or is deemed unsuitable to work with children. Where investigations and internal processes may have resulted in a referral to the DBS and/or TRA, it may be a criminal offence to progress with a settlement, or to provide a reference to potential future employers. Therefore, when any individual resigns during such a process, it should be made clear that the Trust will continue to fulfil its obligations under these provisions and will provide all relevant information as required.

## 11. References

When providing employer references, the Trust will not refer to any allegation which 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.

The Trust will however include any substantiated allegations provided that the information is factual and does not include opinions. This also includes reference to any sanctions following disciplinary proceedings that are considered "spent" related to safeguarding matters.

## 12. Case Evaluations to establish learning points

After any cases where an investigation has been conducted, the case manager will review the circumstances of the case with the LADO and Headteacher to determine whether there are any improvements that can be made to procedures or practice to help prevent similar events in the future. This will be logged under the 'Lessons Learned' tab on Confide.

## 13. Non-recent allegations

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

We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with such matters.

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

#### 14. Concerns that do not/may not meet the harm threshold (Low-level concerns)

Where a concern or allegation is raised about a member of staff which does not meet the threshold as outlined in **section 4** of this document, these will be considered as “low-level concerns”. This does not mean that it is insignificant, however this does relate to where an adult’s behaviour towards a child does not meet expected standards or whereby behaviours cause a “nagging doubt” or sense of unease.

This would include:

- Where behaviours of a staff member are inconsistent with the academy code of conduct.
- Inappropriate conduct outside of work and does not meet the allegation threshold or is otherwise not serious enough to consider a referral to the LADO

In instances where school leaders are unclear that the allegation meets the ‘harm threshold’, it may be necessary to seek the advice of the LADO on a consultation basis but not submit a referral to determine whether behaviours would be considered as low-level. It is the headteacher’s responsibility (or their representative if they are not available), to make the decision about contacting the LADO for advice, and to determine what constitutes a low-level concern if the LADO is not contacted. For further advice, if necessary, the Trust’s Directors or the Safeguarding Compliance Lead will be contacted.

**Any** concern raised where there is ‘conflict of interest’ between the staff member subject to the concern and the staff member managing the concern should be discussed in the first instance with the Director of School, who will then ensure a referral is completed to the LADO.

Concerns may arise through, for example:

- Suspicion
- Complaint
- Disclosure made by a child, parent, or another adult within or outside the academy
- Pre-employment vetting checks

We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

##### 14.1 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 academy may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work.
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority.
- 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
- using inappropriate sexualised, intimidating or offensive language.

## 14.2 Sharing low-level concerns

The Trust recognises the importance of creating a culture of openness, trust, and transparency to encourage all staff to share low-level concerns so that they can be addressed appropriately. This will be created 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 via Confide or using paper forms where a login for Confide is unavailable.
- 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 academy's safeguarding system.

## 14.3 Responding to low-level concerns

If the concern is raised via a third party, the Headteacher or a nominated member of SLT will record the concern on Confide, then collect evidence where necessary by speaking directly to the person who raised the concern, unless it has been raised anonymously. They will also speak to any individuals involved including any witnesses.

The Headteacher will use the information collected to categorise the type of behaviour in line with the academy's code of conduct. Where a breach may have occurred, the Headteacher or nominated member of SLT should seek further advice from HR on possible next steps.

Where a low level concern is about the Headteacher then they should be reported to the director of schools, chair of governors and the Trust DSLs. Where there is 'conflict of interest' between the staff member subject to the concern and the staff member managing the concern should be discussed in the first instance with the Director of School, who will risk assess if a referral needs to be made to the LADO.

If the headteacher is not the nominated person investigating a concern they will make the ultimate decision in any further course of action (where appropriate in conjunction with the DSL) Where the threshold for LADO investigation may have not been met, the headteacher should always consider whether there is evidence for a disciplinary process to begin. The headteacher should always seek advice from their HR business partner.

## 14.4 Record keeping

All low-level concerns will be recorded on Confide or 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, held securely with the Headteacher, and comply with current GDPR regulations. The information will also be reviewed regularly (at least once a term), so potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the Headteacher or nominated member of SLT will decide on a course of action, either through disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 4 of this document, it will be referred to the LADO.

We will retain these records for 7 years from the date of the member of staff either leaving the academy or retiring.

#### 14.5 References

Low level concerns will not be included in references unless they are substantiated including where the concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated or where the concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance.

Where a query may arise as to whether a concern or concerns should be included in references, please contact the Trust Safeguarding Lead.

## 15. Appendix 1 – Spectrum of Behaviour chart

### Allegation

Behaviour which indicates that an adult who works with children 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 they 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.

### Low-Level Concern

Does not mean that it is insignificant, it means that the adult's behaviour towards a child does not meet the threshold set out above. 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 may have acted in a way that:

- is inconsistent with an organisation's staff code of conduct, including inappropriate conduct outside of work, and
- does not meet the allegation threshold or is otherwise not serious enough to consider a referral to the LADO.

### Appropriate Conduct

Behaviour which is entirely consistent with the organisation's staff code of conduct, and the law.



## 16. Appendix 2 - low-level concern form (to be used when Confide is not available or appropriate)

Please use this form to share any concern – no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’ – that an adult may have acted in a way that:

- is inconsistent with both Academy and Trust staff codes of conduct, including inappropriate conduct outside of work, and
- does not meet the allegation threshold or is otherwise not serious enough to consider a referral to the LADO.

You should provide a concise record – including brief context in which the low-level concern arose, and details which are chronological, and as precise and accurate as possible – of any such concern and relevant incident(s) (and please use a separate sheet if necessary).

The record should be signed, timed, and dated.

<b>1. Name of individual raising the concern</b> <i>Leave blank if concern was raised anonymously or the individual wishes to remain anonymous</i>	
<b>2. Date the concern was raised</b>	
<b>3. Name and role of individual about whom concern has been raised</b>	
<b>4. Details of the concern(s) reported (give description and context)</b> <i>A ‘low level’ concern is any 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 may have acted in a way that is inconsistent with the staff code of conduct but does not meet the allegations threshold set out in Section 1 of Part 4.</i>	
<b>5. Details of steps have been taken to investigate this concern</b> <i>Steps should include speaking to the individual who raised the concern, the individual about whom the concern is raised and any witnesses. You will need to review your Code of Conduct and Safeguarding Policies to determine if there has been a breach.</i>	

<p><b>6. Set out the Individual’s response to the concern</b></p>	
<p><b>7. Is this concern ‘low level’ or should it be treated as an allegation against staff and managed in accordance with Section 1 of Part 4?</b></p> <p><i>To reach this decision, consider the information set out in 5 and 6 above. If you are unsure, seek advice from your HR business partner, and/or Trust directors /DSL and/or discuss the matter with your LADO. Set out your reasons for reaching your conclusion, including the advice provided by your advisors and any discussions with your LADO</i></p>	
<p><b>8. Have ‘low level’ or other concerns been raised about this individual previously?</b></p> <p><i>If so, please provides dates, brief details and relevant file/document reference for the concern(s). Also consider whether previous concern(s) raised coupled with this new concern meet the threshold set out in Section 1 of Part 4.</i></p>	<p>Yes [ ]                      No [ ]</p>
<p><b>Details of further action required</b></p> <p><i>Action could range from no action or a conversation to discuss the concern, to being clear why the behaviour is concerning and formal disciplinary action.</i></p>	

**17. Appendix 3 – Suspension Risk Assessment:**

**Employee Name:**

**Date created on:**

**Context:**

Areas Of Potential Risk	Main Responsibilities	Potential Risks to pupils, school or employee	Method of Potential Mitigation of Risks	Monitoring / Action
<b>Additional notes:</b>				
<b>Period of time for any Actions/ measures to remain in place:</b>				
<b>Agreed Review Date:</b>				

## 18. Appendix 4 -Allegations Against Supply Workers & Volunteers: Safeguarding Guidelines :

There may arise circumstances where academies will have to consider allegations against an individual not directly employed by them. Supply workers and volunteers, whilst not employed by the school, are under the supervision, direction and control of the Academy/Trust when working in the school.

Whilst the Trust expects all supply workers and volunteers to act with integrity and respect at all times, there may be an occasion whereby allegations are raised that require investigation. This procedure is a requirement of Keeping Children Safe in Education (KCSIE– Part 4) and relates to supply workers and volunteers who work in any of our academies regardless of whether the academy is where the alleged abuse took place. Any allegations against a supply worker who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police (KCSIE Part 4).

This procedure sets out the process for managing cases of allegations that might indicate a person would pose a risk of harm if they continued to work in regular or close contact with children.

**This procedure applies primarily to supply workers, however, in principle, it also covers volunteers. Should there be any concerns about the behaviour of a volunteer, please liaise directly with your HRBP.**

Under no circumstances should an academy cease to use a supply teacher due to safeguarding concerns without finding out the facts and liaising with the local authority designated officer (LADO) to determine a suitable outcome.

This procedure **MUST** be shared with any agency prior to engagement and to supply staff at academy induction.

### **KCSIE Requirements**

It is a requirement under KCSIE that supply agencies should be fully involved and co-operate in any enquiries from the LADO, police and/or children's social services. The Academy 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 LADO as part of the referral process.

Procedures for managing allegations against supply staff should be in line with local safeguarding procedures and processes.

**The responsibility of the investigation lies with the academy.**

If any allegations are raised regarding a supply worker or volunteer, the Academy that they are assigned to will be responsible for conducting an investigation. With regards to supply workers, the Academy must discuss with the agency that they are employed with, whether it is appropriate to suspend the supply teacher or redeploy them to another part of the school whilst carrying out their investigation. You should also make your HR Business Partner aware as soon as possible and preferably prior to any investigation taking place.

Academies have a duty of care to investigate in line with the following definitions:

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

### **Investigation procedure**

- The purpose of the investigation is to establish a fair and balanced view of the facts relating to any allegation against a supply worker and should be conducted by a nominated person within the Academy.
- There is an expectation for the supply worker to co-operate fully and promptly in any investigation. This includes advising of any relevant witnesses they wish to call, disclosing any relevant documents and attending any investigative meetings as requested.
- Where there may be concern in relation to safeguarding either through investigation or initial concerns being raised, this must be discussed with a Local Authority Designated Safeguarding Officer (LADO) prior to any action being taken under these guidelines.
- Depending on the nature of the allegations and the advice provided by a LADO, initial fact-finding investigation meetings are likely to take place without notice being given. In the case of serious allegations, it is likely further investigation meetings will be required.
- If the initial sharing of information and an evaluation leads to a decision that no further action is taken in regard to the individual facing the allegation or concern, the decision should be discussed with the LADO. Consideration should be given to what action should follow in respect of the individual and those who made the initial allegation and be documented accordingly.
- When dealing with allegations, the Academy will apply common sense and judgement, deal with the allegation very quickly, fairly, consistently, and provide protection for the child if necessary, and support the person subject to the allegation.

- The case manager should inform the accused person about the allegation as soon as possible after consulting with the LADO about what information can be shared at that stage.
- Whilst there is no statutory entitlement to allow representation to an investigation meeting, supply staff should be advised to contact their trade union representative if they have one, or a colleague for support and, if required, to overcome any disability or language difficulties.
- The allegations management meeting, which is often 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 during the investigation.
- The supply agency's human resources manager or nominated person should be invited to meetings if practicable and without causing unnecessary delay and should be kept up to date with information about policies and processes.
- Notes will be taken of all investigation meetings and a copy of these will be provided to the supply agency as part of the conclusion of the investigation process.
- The investigation needs to be carried out prior to determining if a supply worker is removed from the Academy unless advised by the LADO.
- If suspension is deemed appropriate, the agency must be notified and will be required to provide a replacement.
- If a supply worker is suspended, they will be provided with a named contact at the Academy. The agency will communicate with the supply worker regarding next steps.
- If a supply worker is under investigation and/or suspended from any Academy, the Trust will not accept the individual in any Trust Academies until there is an outcome of an investigation. We would recommend/expect that the individual will not be deployed to any other school by the agency whilst this matter is being investigated and is concluded.

This procedure applies to all people who carry out work across the Trust, whether engaged as a volunteer or supplied by an agency or under a service term agreement; however, the approach to any investigation may vary on a case-by-case basis.

### **Supply Agency - Responsibilities and Requirements**

- The supply agency will ensure all supply workers are provided with a copy of these guidelines.
- If suspension is necessary, the supply agency will communicate this to the worker and instruct them of next steps and provide advice and details of the supply agency's disciplinary procedures.
- If a supply worker is suspended, the supply agency will provide alternative cover. It is the expectation that alternative cover is provided within 48 hours.
- The cost of the alternative cover arrangements will be covered by the Academy. The pay arrangement between the supply worker being investigated and the Academy will cease whilst the investigation is on-going.
- Once an investigation has been completed, the outcome of the report is forwarded to the agency and it is the agency's responsibility to take the matter forward.
- The agency must contact the Academy with any outcome of their processes and the steps they will take with regards to ensuring that factual references are provided which accurately reflect the outcome of any disciplinary processes/sanctions.
- The agency will inform the supply worker of the outcome of any investigation and any further action they wish to take.
- The agency will provide assurances that any actions following a police investigation, fact-finding investigation or recommendations from the LADO are actioned accordingly and must

provide assurances to the Trust that they have managed their safeguarding requirements appropriately and updated their letter of comfort accordingly.

**These guidelines will be reviewed periodically and always in response to changes in statutory requirements.**

## **Allegations and concerns regarding adults**

### **THRESHOLD GUIDANCE DOCUMENT**

#### **Introduction**



This document provides guidance to academies about what constitutes a low level concern and when a referral should be made to the Local Authority Designated Officer (LADO) following an allegation or concern about an adult working with children.

The procedures for dealing with allegations and concerns need to be applied with professional judgement. Many cases may well either not meet the criteria set, or may do so without warranting consideration of either a police investigation or enquiries by local authority children’s social care services. In these cases, local arrangements should be followed to resolve cases without delay.

Some rare circumstances allegations will be so serious they require immediate intervention by children’s social care services and/or police. The Local Authority Designated Officer(s) should be informed of all allegations that come to an organisation’s attention that appear to meet the criteria so they can consult police and children’s social care services as appropriate.

<b>Incident /Issue/Behaviour</b>			
<b>(Consider under the following headings)</b>			
<b>Response</b>  (all concerns, responses and actions should be recorded on Confide)	<b>Accidental</b>  (Generally the first incident)	<b>Neglectful</b>  (a further incident)	<b>Intentional</b>  (one serious incident or a series of incidents where previous action has not amended the behaviour or issue)
	<ul style="list-style-type: none"> <li>• Meeting with individual</li> <li>• Investigate</li> <li>• Advise</li> <li>• Monitor</li> <li>• Review</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting with individual</li> <li>• Investigate</li> <li>• Formal plan in place for addressing issue / behaviour</li> <li>• Monitor</li> <li>• Review</li> </ul>	<ul style="list-style-type: none"> <li>• Review of previous issues / behaviour</li> <li>• Review any formal plans in place</li> <li>• Refer to LADO / police</li> </ul>
<p><b>At any point if the threshold for referral to LADO may be met then a referral should be submitted</b></p> <p><b>If at any point there is potentially a disciplinary case to answer then the headteacher should discuss with their HR business partner</b></p>			

It should be noted that there may be occasions when a concern or allegation may not follow a safeguarding process but disciplinary procedures would be more appropriate. Headteachers should always consult with their HR Business Partner if they feel that this might be the case.

<b>Concerns matrix Tiers 1-4</b>			
<b>Tier 1: Low level concern incident that needs recording and may be a conduct issue.</b>	<b>Tier 2: Low Level concern incident that does not require a referral to LADO but needs investigating and recording.</b>	<b>Tier 3: Incident which requires referral to LADO and consideration of referral to other agency such as police or Ofsted</b>	<b>Tier 4: incident which requires referral to LADO and consideration of suspension/ police referral/ arrest/ immediate action to protect child.</b>
<b>Threshold for LADO Not Met</b>		<b>Threshold for LADO Met</b>	
<ul style="list-style-type: none"> <li>Complaint made by parent or carer</li> <li>Comment made by a pupil that does not seem to have any corroborating evidence. There is no injury seen, and/or witness accounts do not corroborate the allegation. The headteacher is confident this does not meet the threshold for a referral but will investigate further.</li> </ul> <p>In such cases the headteacher would not necessarily refer to the LADO, but should record their decision on Confide, (in case further information comes to light which calls into question why no formal LADO referral was made). This will be dealt with by the employer through internal procedures.</p>	<p>Member of staff is alleged to have acted or reacted in a way considered inappropriate but not harmful.</p> <p>Parental or pupil complaint about such an incident, to outside agency e.g. allegation made but headteacher believes at this point they can deal with this internally.</p> <p>This category also includes volunteers and professionals where there are domestic issues which require them to inform their headteacher (for example a section 47 investigation at home) but the headteacher is clear there are no risks presented by this person in their place of work. These are incidents where an escalation to a police referral would be considered as a disproportionate response.</p>	<p>Allegation is made which meets the threshold for referral to LADO under safeguarding procedures and could meet the threshold for referral to police. Such cases may not always involve serious injury to a child but present as a breach of the position of trust the professional or volunteer was in. A referral may result in a 'no crime' outcome from police, but the allegations process must be followed if the referring information met the threshold.</p> <p>It is essential in these cases that there is a clear outcome and this is communicated to the professional/volunteer. These referrals can result in a note on future DBS checks and could have an impact on the professional.</p>	<p>Allegation made with corroborating evidence, where a pupil has been injured or harmed.</p> <p>Suspension should be considered in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children until the allegation is resolved. The power to suspend is vested in the employer alone.</p>

<b>Physical Abuse</b>	
<b>Threshold Not Met</b>	<b>Threshold Met</b>

<p>Examples:</p> <ul style="list-style-type: none"> <li>• child objecting to a sanction imposed in school</li> <li>• describing an event to parent who then comes in to complain about how their child says they have been treated, but does not have all the information.</li> <li>• Young person in a confrontation and making accusations where there were several witnesses and there is an incident report that appears to refute the child's account that they were harmed.</li> <li>• An allegation that is made second or third hand and facts are not clear, or the professional alleged to have done this was not there at the time, or there is confusion about the account.</li> </ul>	<p>Examples:</p> <ul style="list-style-type: none"> <li>• Child accusing teacher of pushing them, when it appears they were being guided away from a situation (covered by 'Use of Reasonable Force' DfE 2013).</li> <li>• Staff member seen by parent to be pulling a child away from a situation, parent considers this is done roughly but professional claims it was to remove child from a confrontation where they may have been harmed/ may have harmed another child.</li> </ul>	<p>Examples:</p> <ul style="list-style-type: none"> <li>• a credible disclosure by a child or young person that uses the word 'hit' or 'hurt'; yet there is no injury seen and no corroborating evidence of child's account.</li> <li>• Restraint that has caused an injury to the person being restrained.</li> <li>• An incident witnessed where there is a physical exchange between staff and child or young person. It is unclear whether self-defence or retaliation was involved. The matter needs full investigation.</li> </ul>	<p>Examples:</p> <ul style="list-style-type: none"> <li>• Child has clearly been injured or could have been injured as a direct result of the actions of a professional or volunteer.</li> <li>• Incident within the professional/ volunteers home life that is of high risk and high level of concern.</li> </ul>
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Sexual Abuse			
Threshold Not Met		Threshold Met	
<p>Examples:</p> <ul style="list-style-type: none"> <li>A school girl telling a friend, who tells the teacher, that another teacher 'makes her feel funny when he looks at her' but no other concerns or complaints expressed.</li> </ul>	<p>Examples:</p> <ul style="list-style-type: none"> <li>A professional or volunteer makes an inappropriate remark that appears on the surface to be naive rather than potentially grooming, or acts in a way that could be deemed unprofessional.</li> </ul>	<p>Examples:</p> <ul style="list-style-type: none"> <li>A very young child still requiring personal care/ nappy changing, indicates that a nursery worker touched him/her in the genital area</li> <li>A professional or volunteer has been sending inappropriate but not necessarily sexual, texts to young people he/she works with.</li> </ul>	<p>Examples:</p> <ul style="list-style-type: none"> <li>Professional or volunteer arranging to meet young person outside the work environment and asking them not to tell anyone; or making inappropriate contact through social media with sexual overtones.</li> </ul>

Emotional abuse/ neglect			
Threshold Not Met		Threshold Met	
<p>Examples:</p> <ul style="list-style-type: none"> <li>• A child with a history of challenging behaviour, alleging s/he feels bullied by a well-respected member of staff.</li> <li>• Concerns that family members of the professional or volunteer may be involved in criminal activity.</li> </ul>	<p>Examples:</p> <ul style="list-style-type: none"> <li>• Teacher under stress who is heard to shout inappropriately at the children one day towards the end of term.</li> <li>• Childminder witnessed to ignore children crying and speak rudely to them, but further context not known.</li> </ul>	<p>Examples:</p> <ul style="list-style-type: none"> <li>• A foster carer where there have been several complaints about poor practice and standards of care; children in their care who are not always clean or appropriately dressed, or seen to be treated in a way that causes concern to observing professionals.</li> </ul>	<p>Examples:</p> <ul style="list-style-type: none"> <li>• Making racist or derogatory remarks to a child or young person in the presence of witnesses.</li> </ul>

Possible actions			
Threshold Not Met		Threshold Met	
Tier one	Tier two	Tier three	Tier four
Headteachers to investigate further to satisfy themselves this matter does not meet the threshold for a referral outside the organisation	Investigate further with a clear view that this could be escalated to a full LADO referral if more information comes to light.	Referral to LADO and consideration of what actions are required under local/national procedures/guidance.	Full referral to LADO and consideration of what actions are required under local/national procedures/guidance.

