



## Managing Low Level Concerns and Allegations against Adults Policy

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<b>Lead responsibility</b>	Jennie Clarke
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# 1 Introduction

## 1.1. Principles

- 1.1.1. Children can be vulnerable to harm and abuse in many settings including those where staff occupy positions of trust in relation to children. Schools have a duty to safeguard pupils and create a safe learning environment so it is crucial that there is a robust process in place for dealing with any allegations of harm or abuse by a staff member or volunteer against a pupil.
- 1.1.2. Alban Schools Trust schools and nurseries have a duty of care to its staff and must ensure that members of staff against whom an allegation has been made are treated fairly and are provided with effective support.
- 1.1.3. It is essential that any allegation of abuse made against a person who works with children and young people, including those who work in a voluntary capacity, is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child, and at the same time supports the person who is subject to the allegation.
- 1.1.4. Statutory guidance states that Governing bodies should have policies and processes to deal with any concerns or allegations which do not meet the harm threshold, referred to in this policy as 'low-level' concerns. It is important that schools and nurseries have appropriate policies and processes in place to manage and record any such concerns and take appropriate action to safeguard children.

## 1.2. Guidelines for all Schools and Nurseries

- 1.2.1. All Schools must have procedures in place to deal with any safeguarding concerns or allegations made against adults working in or on behalf of their setting in a paid or unpaid capacity. The framework for managing allegations is set out in the statutory guidance [Keeping Children Safe in Education](#) issued by the Department for Education.
- 1.2.2. These procedures are written, and must be read, in conjunction with the section on [Managing Allegations Against Adults Who Work With Children and Young People](#) published in the Hertfordshire Safeguarding Children Partnerships' interagency Procedures Manual.
- 1.2.3. This procedure also takes account of the overview of how allegations should be handled as set out in the Department of Education's publication [Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children](#).
- 1.2.4. Reference should also be made to the Safer Recruitment Consortiums guidance - [Guidance for Safer Working Practice for professionals working in education settings' 2022](#).
- 1.2.5. Staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school's safeguarding regime. Concerns can be reported confidentially as per the Trust's Whistleblowing Policy which can be found in the shared policy drive.

## 1.3. Definitions

- 1.3.1. Local Authority Designated Officer (LADO)  
The Local Authority Designated Officer (LADO) is designated as the lead officer with responsibility in respect of all allegations against staff working with children and young people. They are involved in the management and oversight of individual cases, provide advice and guidance to employers and voluntary organisations and monitor the progress of cases to ensure that they are dealt with as quickly as possible. A flowchart detailing when and how allegations should be referred to the LADO can be found at Appendix 1.

## 1.4. Scope of this Policy

This policy has sets out the procedures and on managing the two levels of concerns and allegations:

- (i) Concerns / allegations that may meet the harm threshold.
- (ii) Concerns / allegations that do not meet the harm threshold – referred to for the purposes of this guidance as 'low-level concerns'.

# 2. Allegations that meet the harm threshold:

## 2.1. Definition: Allegations that meet the harm threshold

2.1.1. This policy sets out the procedures for managing cases where an allegation has been made that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children. It should be used in respect of all cases in which it is alleged that a member of staff<sup>1</sup> in a school that provides education for children under 18 years of age 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; or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

This includes behaviour that may have happened outside of school (transferable risk) where appropriate, an assessment of transferable risk should be undertaken and in the case of doubt, advice should be sought from the LADO.

These behaviours should be considered within the context of the four categories of abuse: physical, sexual, emotional abuse and neglect.

2.1.2. Allegations can be made in relation to physical chastisement and restraint but can also relate to inappropriate relationships between members of staff and children and young people:

- having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see sections 16 – 19 Sexual Offences Act 2003);
- ‘grooming’ i.e. meeting a child under 16 with intent to commit a relevant offence (see section 15 Sexual Offences Act 2003);
- other ‘grooming’ behaviour giving 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.

2.1.3. In addition, these procedures should be applied when there is an allegation that any person who works with children:

- Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon;
- As a parent or carer, has become subject to child protection procedures;
- Allegations are made against a 16 or 17-year-old who has been put in a position of trust by a school in relation to anyone under the age of 18.

## **2.2. Identifying Concerns**

2.2.1. Concerns may arise through, for example:

- Suspicion
- Complaint
- Safeguarding concern or allegation from another member of staff
- Disclosure made by a child, parent or other adult within or outside the school
- Pre-employment vetting checks

## **2.3. Initial action by person identifying a concern or allegation**

2.3.1. Where staff have a concern about another staff member that meets the harm threshold they must report directly to the Headteacher. Where there are concerns about the Headteacher it must be referred to the schools Chair of Governors or Trust CEO.

2.3.2. The person who initially receives an allegation may not be the person who manages the allegation.

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<sup>1</sup> All references in this document to ‘members of staff’ should be interpreted as meaning all paid or unpaid staff, supply staff, volunteers and contractors

2.3.3. The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind. They should:

- Make a written record of the information (where possible in the child's own words), including the time, date and place of incident/s, persons present and what was said;
- Sign and date the written record and immediately report the matter to the Headteacher (or the DSL in their absence)
- If there are any overt physical injuries ensure you take advice from either the LADO or the police and Children's Services who will advise you whether you will need to take a complete a body map or photographs of any overt physical injuries. In most cases this will form part of the investigation by the police or Children's services but if you are asked to gather this evidence you **must** get consent from the parents, and the child, and you **must** ensure there are two other staff members present when collecting this evidence. Do not ask a child to remove clothing to investigate injuries.

## **2.4. Managing an allegation**

2.4.1. When informed of a concern or allegation, the Headteacher should not initially investigate the matter or interview the member of staff, child concerned or potential witnesses. They should:

- Obtain written details of the concern/allegation, signed and dated by the person receiving (not the child/adult making the allegation);
- Record any information about times, dates and location of incident(s) and names of any potential witnesses;
- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions
- If the allegation relates to the Headteacher, the school's Chair of Governors or the Trust's CEO should be informed.

2.4.2. The LADO should be informed within twenty-four hours or no later than by the end of the following working day whichever is the soonest when allegations appear to meet the criteria listed in 2.1.1 of this procedure and prior to any further investigation taking place. Referrals should not be delayed to gather information. While awaiting a response from the LADO, the Headteacher must ensure that the child and staff member are safe.

2.4.3. The purpose of an initial discussion is for the LADO and the Headteacher to consider the nature, content and context of the allegation and agree on a course of action. It also alerts the LADO about cases that may also reach them via another route for example, if the parent goes straight to the police or Children's Services – allowing the LADO to have as full a picture as possible. To gain an overview the LADO may also want to know details of any previous complaints, any adult witnesses, any child witnesses, any noted injuries, any tensions between staff and parents and a clear idea of the time and location of when issues may have occurred.

2.4.4. This initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded, by both the Headteacher and the LADO, and agreement reached as to what information should be put in writing to the individual concerned and by whom. Although the LADO may feel the threshold for a continued investigation has not been met, the school may feel they still have sufficient concerns regarding the individual facing the allegation, in which case they must decide what course of action they want to take and this may include warnings of a various nature or possible disciplinary action.

2.4.5. Advice should be sought from the Trust's HR Lead once the LADO has been alerted. The Trust's HR Lead will be able to provide further advice around specific actions including any requirement to follow disciplinary procedures.

2.4.6. The Headteacher should inform the accused person about the allegation as soon as possible after consulting the LADO. It is extremely important that the accused person is provided with as much information as possible at that time. However, where a Joint Evaluation Meeting (JEM) is needed, or police or children's social care services need to be involved, the case manager should not share information

about the allegation until those agencies have been consulted unless it has already been agreed with the LADO that certain information can be shared. The accused person can be given the Hertfordshire [guide for the subject of the allegation](#) leaflet.

- 2.4.7. The LADO will advise the school whether or not informing the parent(s or carer(s)) of the child(ren) involved will impede the disciplinary or investigation processes. Acting on this advice, if it is agreed that the information can be fully or partially shared, the school should inform the parent(s or carer(s)). In some circumstances, however, the parent(s) or carer(s) may need to be told straight away (e.g. if a child is injured and requires medical treatment). The parent(s) or carer(s) can be given the Hertfordshire [guide for families](#) leaflet.
- 2.4.8. If an allegation has been found not to be false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will request that Children's Services hold a strategy meeting, which they will attend. Once the Section 47 investigation is concluded, the LADO will resume oversight of the allegation.
- 2.4.9. In the event of an allegation being made of serious harm or abuse by any person living, working or looking after children at one of the AAT nurseries (whether the allegations relate to harm or abuse or abuse committed on the premises or elsewhere), Ofsted or the relevant childminder agency must be informed. The nursery must also notify Ofsted or the relevant childminder agency of the action taken in respect of the allegations. These notifications must be made as soon as is reasonably practicable, but at the latest within 14 days of the allegations being made. This is a requirement under the Early Years Foundation Stage Statutory framework. A registered provider who, without reasonable excuse, fails to comply with this requirement, commits an offence.

## **2.5. Suspension**

- 2.5.1. Schools must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school until the allegation or concern is resolved. An individual should only be suspended if there is no reasonable alternative. Suspension should be considered only in a case where there is cause to suspect a child or other children at the school is at risk of harm or the case is so serious that it might be grounds for dismissal. Suspension should not be the default option but if used, the reasons and justification should be recorded by the school and the individual notified of the reasons. The JEM may advise an school to suspend but the actual decision will rest with the Headteacher or Chair of Governors/Trust CEO (where the allegation is against the School Headteacher).
- 2.5.2. A suspension risk assessment and checklist should be undertaken. The following alternatives should be considered by the Headteacher 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 another member of staff to be present when the individual has contact with children;
  - redeployment 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;
  - Where practically possible, temporarily redeploying the member of staff to another school within the Trust.
- 2.5.3. When considering suspension, further reference should be made to the Trust's Disciplinary policy which can be found on the shared policy drive.

## **2.6. Joint Evaluation Meeting (JEM)**

- 2.6.1. This meeting will normally include the LADO or their representative, a Child Protection Adviser from Children's Services, the Headteacher or the DSL or a senior manager from the school, the Trust's HR consultant, and depending on the circumstances the police and the Trust's legal services. Other relevant

individuals may be invited depending on the circumstances. If the allegation is about physical contact, the JEM or initial evaluation with the police should 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 DfE has guidance on reasonable force in schools.

- 2.6.2. Where the initial consideration or JEM decides the allegation does not involve a possible criminal offence or require a Children's Services investigation, it should be dealt with by the school. In such cases if the nature of the allegation does not require formal disciplinary action, appropriate action should be instigated within three working days. If a disciplinary hearing is required and can be held without further investigation the hearing should be held within 15 working days.
- 2.6.3. If the JEM decides a Section 47 enquiry<sup>2</sup> or police investigation is required, any unilateral action by the school will need to be suspended, unless otherwise agreed, until their investigations are complete. Protocols for sharing information with a police or Children's Services investigation need to be agreed especially as a common outcome will be to refer the issue back to the school to consider as a disciplinary issue. The strategy meeting should also consider what support should be provided to the member of staff and others who may be affected and how they will be kept up to date with the progress of the investigation.
- 2.6.4. Where further investigation is required to inform consideration of disciplinary action, the school should discuss who will undertake that with the LADO. In some circumstances it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the school or the person's line manager to ensure objectivity. In any case the investigating officer should aim to provide a report to the school within 10 working days.
- 2.6.5. The following definitions should be 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 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.

## 2.7. Action following a criminal investigation or a prosecution

- 2.7.1. The police or the Crown Prosecution Service (CPS) should inform the school and LADO straight away 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 LADO should discuss with the School Headteacher, the chair of governors and the Trust's CEO whether any further action, including disciplinary action, is appropriate and, if so, how to proceed.

## 2.8. Action on conclusion of a case

- 2.8.1. If the allegation is substantiated and the person is dismissed or the school ceases to use the person's services, or the person resigns or otherwise ceases to provide their services, the LADO and the school should discuss whether a referral to the Disclosure and Barring Service (DBS) for consideration of inclusion on the barred lists and /or (for teachers) to the Department of Education is needed.
- 2.8.2. **There is also a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child or if a person otherwise poses a risk of harm to a child. In such circumstances, the duty to refer an individual to the DBS arises where an employer has removed the individual from relevant work with children or the person has chosen to cease relevant work in circumstances where they would have**

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<sup>2</sup> A Section 47 enquiry means that Children's Services must carry out an investigation when they have 'reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm'

**been removed had they not done so.** The DBS will consider whether to bar the person from working in regulated activity, which will include work in Schools and other educational establishments. Local authorities, schools, nurseries and other bodies all have a statutory duty to make reports, and to provide relevant information to the DBS. Referrals should be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person's services. More information about making referrals to the DBS can be found at <https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>

- 2.8.3. Schools are strongly advised, along with the advice from the LADO and the Trust's HR consultant, to consider whether teachers should be referred to the Teacher Regulation Agency. Further guidance can be found at <https://www.gov.uk/guidance/teacher-misconduct-referring-a-case>

## **2.9. Supporting those involved**

- 2.9.1. The Trust has a duty of care to its employees. The Trust will act to manage and minimise the stress inherent in the allegations and disciplinary process. Support for the individual is key to fulfilling this duty. Individuals should 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 from Children's Services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. When appropriate they should also be given access to welfare counselling or Occupational Health advice where this is provided by the school.
- 2.9.2. The school should appoint a named representative, who is different to the investigating manager, 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 must not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.
- 2.9.3. Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or local authority Children's Services need to be involved, the Headteacher should consult those agencies and agree what information can be disclosed to the parents. They should also be kept informed about the progress of the case, but only in relation to their child – no information can be shared about the staff member. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed.
- 2.9.4. If an allegation made by a pupil is determined to be unsubstantiated, unfounded or malicious, the Headteacher should refer the matter to the Children's Services 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 Headteacher should consider whether any support can be offered to the pupil to understand why the allegation had been made.
- 2.9.5. A substantiated outcome does not necessarily result in dismissal but that a safeguarding concern has been upheld – the Headteacher should assess and manage the risk in conjunction with the Trust HR lead.

## **2.10. Information sharing**

- 2.10.1. In a JEM or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.
- 2.10.2. Where the police are involved, wherever possible the employer should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

## **2.11. Supply Staff**

- 2.11.1. In some circumstances, Schools will have to consider an allegation made against an individual not directly employed by the Trust and where the Trust's disciplinary procedures do not fully apply, for example,

supply teachers provided by an employment agency or business (referred to in this section as ‘the agency’).

- 2.11.2. Where the Trust is not the employer of supply staff, schools should ensure allegations are dealt with properly. In no circumstances should a school decide to cease using a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome. In this instance, the Headteacher (or DSL under the direction of the Headteacher) should discuss 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.
- 2.11.3. The agency should be fully involved and co-operate in any enquiries from the LADO, police and/or children’s social services. 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 LADO as part of the referral process.
- 2.11.4. Supply teachers, whilst not employed by the Trust, are under the supervision, direction and control of the school during the period of their engagement. They should be advised to contact their trade union representative if they have one, or a colleague for support. 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 school during the investigation.
- 2.11.5. 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.

## **2.12. Non-recent allegations**

- 2.12.1. Abuse can be reported, no matter how long ago it happened.
- 2.12.2. 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 non-recent allegations.
- 2.12.3. 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.

## **3. Allegations that do not meet the harm threshold:**

### **3.1. Definition: Low Level Concerns**

- 3.1.1. This policy sets out the procedures to deal with any concerns or allegations which do not meet the harm threshold, referred to in this guidance as ‘low-level’ concerns.
- 3.1.2. As part of their whole school or college approach to safeguarding, schools and nurseries will work to ensure that they promote an open and transparent culture in which all concerns about all adults working in or on behalf of their setting (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.
- 3.1.3. Creating a culture in which all concerns about adults are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should:
  - enable schools and colleges to identify inappropriate, problematic or concerning behaviour early
  - minimise the risk of abuse, and
  - ensure that adults working in or on behalf of the school or college are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution.
- 3.1.4. A low-level concern does not mean that it is insignificant – only that the behaviour does not meet the threshold set out in section 2 above.
- 3.1.5. 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 a member of staff may have acted in a way that:
  - is inconsistent with the Trust’s Staff Code of Conduct which can be found in the shared policy drive, 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 LADO.
- 3.1.6. Keeping Children Safe in Education states that 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 school policy
  - engaging with a child on a one-to-one basis in a secluded area or behind a closed door, or
  - humiliating children
- 3.1.7. Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

### **3.2. Sharing Low Level Concerns**

- 3.2.1. We recognise 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. We 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
  - 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
- 3.2.2. Low-level concerns may arise in several ways and from a number of 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.
- 3.2.3. It is crucial that all low-level concerns are shared responsibly with the right person and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from becoming the subject of potential false low-level concerns or misunderstandings.

### **3.3. Responding to a low level concern:**

- 3.3.1. The Headteacher must always be made aware of the concern and make the decision on which actions to take. They can delegate the actions to the DSL if they wish. Unless the concern is about the Headteacher, in which case the Trust CEO or Chair of Governors should be informed.
- 3.3.2. All low-level concerns should be responded to in a sensitive and proportionate way – on the one hand demonstrating that such concerns when raised will be handled promptly and effectively whilst, on the other hand, protecting staff from any potential false low-level concerns or misunderstandings.
- 3.3.3. If the concern is raised via a third party, the headteacher 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
- 3.3.4. The Headteacher Trust CEO/Chair of Governor will use the information collected to categorise the type of behaviour and determine any further action, in line with the school's staff behaviour policy and code of conduct.
- 3.3.5. The Headteacher/Trust CEO/Chair of Governor will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with the DSL.

## 4. Confidentiality

- 4.1. It is extremely important that when an allegation is made, the school makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.
- 4.2. Schools should take advice from the LADO, police and local authority social care services to agree the following:
  - Who needs to know and, importantly, exactly what information can be shared;
  - How to manage speculation, leaks and gossip;
  - What if any information can be reasonably given to the wider community to reduce speculation; and
  - How to manage press interest if and/or when it should arise.
- 4.3. From 1st October 2012 the Education Act 2011 introduced reporting restrictions **preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school.** (Reporting restrictions apply until the point that the accused person is charged with an offence.)
- 4.4. Any information and data collected in line with this policy will be processed in accordance with the Data Protection Act 2018 and the Trust's GDPR policy which can be found on the shared policy drive.

## 5. Record keeping

- 5.1. For all allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person's confidential personnel file, and a copy provided to the person concerned within 5 working days.
- 5.2. The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS Disclosures 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. The record should be retained, in line with Data Protection legislation, at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.
- 5.3. Records must be kept no longer than necessary and in compliance with GDPR and Data Protection Act 2018.
- 5.4. For low level concerns, it is important that a clear and comprehensive summary of the concern, details of how the concern was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person's confidential personnel file.
- 5.5. The Headteacher/Trust CEO/Chair of Governors must keep a log of all low-level concerns reported to them. The purpose of this log is to be able to identify and address any patterns that may occur either with individuals or across the setting.
- 5.6. The log of low-level concerns should be reviewed on a half termly basis by the member of staff overseeing it, to consider any emerging patterns or concerns, either about or staff member or staff across the setting.
- 5.7. The number of low-level concerns and allegations, alongside any identified patterns should be reported to Trustees and Local Governing Bodies as part of the regular safeguarding reports.

## 6. References

- 6.1. Cases in which an allegation was proven to be false, unsubstantiated, unfounded or malicious must not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious etc. must also not be included in any reference.
- 6.2. Low-level concerns that have not met the threshold for referral to the LADO and which relate exclusively to safeguarding (and not misconduct or poor performance) should not be included in references unless

there is a pattern of behaviour emerging that the school is monitoring. The staff member will be made aware if this is the case.

## 7. Learning lessons

- 7.1.** After any cases where the allegations are substantiated, the case manager will review the circumstances of the case with the local authority's designated officer 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.
- 7.2.** If the staff member was suspended this will include consideration of:
- 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.

## 8. Process for monitoring impact

- 8.1.** The Trust will monitor the impact of this policy using:
- Logs of reported incidents
  - Staff surveys
- 8.2.** School and nursery Governors and Trustees will be provided with numbers of incidents and outcomes as part of the regular safeguarding reports. These reports will also detail any lessons learnt.

## Appendix 1

### Managing Allegations or Concerns about Adults who work or volunteer with Children

Is it **alleged** (or there is a concern) that an adult who works with children has:

- harmed a child
- committed a criminal offence in relation to a child
- behaved towards a child/ren in a way that indicates they may pose a risk to children
- behaved or
- may have behaved in a way that indicates they may not be suitable to work with children

Yes

**Child has or suspected to have suffered significant harm**

Physical Abuse, Sexual Abuse, Emotional Abuse and Neglect

Yes

- Record the concern (paper / electronic) Inform the Headteacher (Chair of Governors if the concern is about the Headteacher)
- Report the allegation / concern directly to Children's Social Care on 0300 123 4043
- Call the LADO
- If necessary inform Ofsted
- Inform parents or carers **unless** doing so may put the child/ren at risk
- Consider the NSPCC Helpline 0808 800 5000

No

**You do not need to contact the LADO**

However, other procedures may be relevant e.g. disciplinary or Inter-agency safeguarding procedures or low level concerns procedures. Discuss with the Headteacher (if the matter is not relating to them).

No

**Please contact the Local Authority Designated Officer on 01992 555420**

**Before** making contact please take note of the following:

**DO**

- Clarify, with the person reporting the matter, basic information such as when, where, who. It is ok to make your own notes of what you are told.
- Take all allegations or concerns seriously

**DO NOT**

- Investigate the matter at this stage.
- Avoid seeking written statements until after you have spoken to the LADO.
- Seek alternative explanations or offer your own personal view
- Inform the person concerned

## Appendix 2

### **Example Low Level Concern Report Form** **(to be used on ALL occasions)**

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

- is not consistent with the Code of Conduct, and/or
- relates to their conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult’s suitability to work with children.

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.

**This form should be completed and given to the Headteacher as soon as possible.**

<b>Details of Child</b>
Child’s Name:
Child’s Class:
<b>Details of person reporting concern</b>
Name:
Job Title:
<b>Details of person whom the concern relates to</b>
Name:
Job Title:
<b>Details of concern</b>
What happened (What was said, observed, reported. Please include as much detail as possible)
Date of concern:
Location of concern:
How did you become aware of the concern:
Names of others present if applicable:

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Action taken: (What did you do following the incident/disclosure/concern?)	
Any other relevant information	
Signed:	Date and time:

**Checklist for completing low level concern form:**

- Concern described in sufficient detail?
- Distinguished between fact, opinion and hearsay?
- Child's own words used? (Swear words, insults or intimate vocabulary should be written down verbatim)
- Free from discrimination/stereotyping or assumptions?
- Concern recorded and passed to Principal in a timely manner?

**For completion by the Headteacher/DSL:**

Headteacher/DSL Response:	
Date and time reported to Headteacher/DSL:	
LADO Contacted: Yes / No	
Action Taken:	
Rationale for decision making / action taken:	
Outcome of Action taken:	
Signed:	Date and time: