

Ormiston Academies Trust

## Ormiston Cliff Park Primary Academy Managing Allegations of Abuse Against Staff Policy, including low-level concerns

### Policy version control

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## 1. Introduction

- 1.1. This document sets out Ormiston Academies Trust procedure for managing allegations of abuse made against any member of staff, supply staff or volunteers. It should be followed wherever an allegation of abuse is made, and it should be noted that that a member of staff could be subject to an allegation even if they have not harmed a child or intended to harm a child. It is sufficient that the staff member's conduct could pose a risk to the child.
- 1.2. Our people strategy outlines our approach to delivering 'OneOAT' and to ensuring that OAT is a place where the best people actively join and stay working with us. Part of this commitment involves supporting our people in a range of ways. We recognise that sometimes allegations are made against staff and that these can cause concern and anxiety. This policy is intended to support people when these circumstances arise, through handling issues both sensitively and in a timely way to minimise this anxiety.
- 1.3. Safeguarding and promoting the welfare of children is everyone's responsibility. Everyone who comes into contact with children and their families has a role to play. This policy is part of a suite of policies aimed at protecting children from harm.
- 1.4. This procedure applies to all adults working in or for an Ormiston Trust academy and volunteers, including governors

## 2. Aims

- 2.1. To set out the procedure for managing allegations of abuse in compliance with statutory requirements and to set out the support available to staff and volunteers who may be the subject of an allegation of abuse.

## 3. Purposes

- 3.1. The framework for managing cases of allegations of abuse against teachers and other staff is set out in the statutory guidance 'Keeping Children Safe in Education' (September 2022 KCSIE). The guidance can be found here:

[Keeping children safe in education 2022 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/106522/keeping-children-safe-in-education-2022.pdf)

- 3.2. This procedure should be read alongside the statutory guidance KCSIE September 2022 Part 4 and the OAT Safeguarding & Child Protection Policy This guidance should be followed where it is alleged that anyone working in the academy or college that provides education for children 18 years of age and under, including supply teachers and volunteers 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 they may pose a risk of harm to children or to a particular child.

- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.
- 3.3. This guidance relates to members of HO staff, academy staff, supply staff and volunteers who are currently working in any academy, regardless of whether the academy is where the alleged abuse took place.
- 3.4. Allegations against a teacher who is no longer teaching should be referred to the police.
- 3.5. An allegation may arise from a number of sources:
- A report from a child victim
  - A concern raised by another child/adult in the academy /organisation/agency
  - A concern raised by a parent or carer.
  - A member of the public
- 3.6. It is essential that any safeguarding issue, concern or allegation is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time support the person who is the subject of the concern or allegation.

### 3.7. Supply Staff Allegations

- 3.7.1. You may have to consider an allegation when the individual is not directly employed by the academy and the disciplinary procedures do not fully apply. The academy must ensure the allegations are dealt with properly and in no circumstances should an academy decide to cease the use of a supply staff member due to safeguarding concerns, without finding out the facts and liaising with the local authority designated officer (LADO) to determine a suitable outcome.
- 3.7.2. The supply agency must be informed immediately of any concerns.
- 3.7.3. As part of a service level agreement, academies will inform any agency of its process for managing allegations and keep them up to date with information about the relevant policies and procedures

## 4. Managing an allegation

- 4.1. In the first instance, whenever an allegation is made against a member of staff, supply staff or volunteer that meets any of the above criteria, the principal must be informed immediately. The principal will be the case manager.

### 4.2. Initial consideration of the allegation by the case manager

- 4.2.1. The procedures for dealing with allegations will be applied with common sense and professional judgement ensuring effective protection for the child whilst supporting the person who is the subject of the allegation.

- 4.2.2. The case manager will keep the matter as confidential as possible but will consult with the designated safeguarding lead to ensure they have all the potentially relevant information about the child and that appropriate records of the case are kept both on the child and the staff member's file.
- 4.2.3. The case manager will refer to previous staff conduct records to establish any potential patterns of behaviour, prior to discussions with the designated officer (see below).
- 4.2.4. The case manager should not investigate the allegation at this stage but should conduct an initial fact find exercise. This should be done as quickly as possible after receiving the allegation, preferably on the same day.
- 4.3. Once the initial fact find has been completed, the case manager should inform and consult with OAT safeguarding and/or their education director to consider whether the harm threshold has been met. Advice should also be sought from the LADO.
- 4.4. Confidentiality must be maintained, and only a limited amount of people informed as appropriate
- 4.5. If, after the initial fact find and consultation with the education director, OAT safeguarding, and the LADO the allegation is deemed to have met the harm threshold, the principal will further consult with the Designated Officer (LADO) and inform OAT HR to discuss the next action points. Advice may also be sought from social care and the police as required.
- 4.6. The Head of Academies HR should be informed as soon as possible about any allegations against staff so that they can provide HR advice if an allegation:
- Could result in suspension, a discussion about the alternatives must take place with HR before suspending any employee.
  - Could result in, or has resulted in, a strategic case meeting being called by a Designated Officer.
  - Relates to a member of staff and, without prejudice to the case, the principal judges that it may result in disciplinary action being taken.
- 4.7. Where a safeguarding concern or allegation triggers another procedure such as a grievance or disciplinary, the academy should refer to the appropriate policy and contact the Head of Academies HR who will provide HR advice.
- 4.8. If an allegation requires immediate attention, but is received outside of normal office hours, the principal should consult Children's Social Care emergency duty team or the Child Abuse Investigation Team (CAIT) via local Police [academy to add local contact details]. The principal should also inform relevant people as soon as possible following this action.
- 4.9. Please refer to the following flowchart on the next page which sets out a summary of the overall procedure to be followed.

## Allegation procedure flowchart

Principal is informed of the allegation.

If the allegation relates to the principal, the education director is informed by the person raising the concern.

- Principal/education director to complete initial fact find
- Do not investigate further.
- Consider if the allegation meets any of the criteria below.
- Inform and seek advice/support from your education director and /or OAT safeguarding and the LADO

Principal/education director to assess - has the person

- 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 or to a particular child and or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Any judgement must be made in the best interests of the child and compliant with KCSIE 2022.

Yes/undecided

Principal/education director to further discuss with LADO, then inform and share advice received with OAT safeguarding, education director and HR

Insert LADO contact details here

Principal/education director to complete 'notification of LADO form' on OATnet see appendix 3.

**Recording Staff other than principal**, principal to record allegation, actions taken and reasons for actions- Information to be kept in individual staff file.

**Principal**, education director to record allegation, actions taken and reasons for actions-. Information to be kept in principal's staff file by OAT HR.

Ensure the OAT LADO referral form has been completed on OAT net see appendix 4

No

Staff member informed

Principal/education director to determine if any further action or support is needed, including parental contact.

**Recording Staff other than principal.** Principal to record allegation, actions taken and reasons for actions. Information to be kept in individual staff file.

**Principal**  
 Education director to record allegation, actions taken and reasons for actions  
 Information to be kept in principal's staff file by OAT HR

#### 4.10. Conducting a fact-finding exercise.

4.10.1. After a discussion with the Designated Officer (LADO), the case manager may be advised to undertake further and more detailed fact-finding and:

- Obtain written details of the concern/allegation
- Countersign and date the written details
- Record any information about times, dates and location of alleged incident(s) and names of any potential witnesses.
- Make a record of any discussion about the child and/or member of staff, any decisions made, and the reasons for those decisions.
- If more information is required than the initial disclosure, the principal may obtain any additional information which may be relevant such as previous history, risk assessments, whether the child or their family have made similar allegations and the individual's current contact with children.

#### 4.11. Possible outcomes of the fact-finding investigation

4.11.1. Following the fact-finding exercise, one or more of the outcomes may be applicable.

- The child is alleged to have suffered, or is likely to suffer, significant harm - this requires an immediate referral to social care.
- A criminal offence is alleged - this requires referral to the police.
- The allegation relates to poor or inappropriate behaviour and requires an investigation to be completed. The Head of Academies HR should be notified. In addition, the Head of Safeguarding should be informed to ensure staff/child support/external referral (as necessary)
- The allegation is clearly and demonstrably without foundation and no further action is required.
- Where it is clear that an investigation by the police or Local Authority children's social care is unnecessary, or the strategy discussion or initial evaluation decides that is the case, in those circumstances the options open to the academy are dependent on the nature and circumstances of the allegation and the evidence and information available. The academy should refer to the OAT Disciplinary or Capability Policy as appropriate.
- At all stages keep the LADO informed

4.11.2. Where a child is alleged to have suffered, or is likely to suffer, significant harm or a criminal offence is alleged, the Designated Officer will arrange a strategy meeting

#### 4.12. If a crime has been committed

4.12.1. If a crime has been committed, and there is no reason to suspect significant harm, the Designated Officer (LADO) will immediately inform the police and organise a strategy discussion to decide if a police investigation is needed.

4.12.2. If the member of staff is not charged, the principal and Designated Officer will decide how to handle the case. If a charge is necessary, the police will inform the member of staff.



#### 4.13. Police Involvement

- 4.13.1. If the case manager deems that the accused is an immediate risk to children or there is evidence of a possible criminal offence, they may consider it necessary to involve the police before consulting the designated officer (LADO). In such cases, the case manager will notify the Designated Officer (LADO) as soon as practicably possible after contacting the police.
- 4.13.2. Where there is no evidence of immediate risk or a criminal offence the case manager should discuss the allegations with the Designated Officer (LADO) in order to help determine whether police involvement is necessary.
- 4.13.3. All allegations of historical abuse, or allegations about a teacher who is no longer teaching must be referred to the police.
- 4.13.4. Wherever possible when the police are involved, the case manager 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 the academy's disciplinary process, should this be required at a later point.

#### 4.14. Strategy discussions/meetings

- 4.14.1. The Designated Officer (LADO) will convene the meeting with any other relevant people, such as the principal, social care, police, and the Head of Academies HR. The staff member against whom the allegations is made against should not attend. The general purpose of the meeting is to consider evidence and discuss next steps. It will be convened within one working day of the referral being made and chaired by the Designated Officer (LADO)
- 4.14.2. The education director should be invited if matter relates to a principal.
- 4.14.3. The Designated Officer (LADO) will send out a letter inviting attendees to the meeting, detailing what will be discussed. At the end of the strategy meeting, it will be agreed how and who will inform the staff member of the outcome.
- 4.14.4. Subsequent strategy meetings will be held fortnightly, or at a minimum, monthly, to review progress. Each strategy discussion outcome will depend on the facts of the matter and the particular agencies which may be involved.
- 4.14.5. Important note: where there is an allegation of harm or a crime has been committed, please also refer to sections 8 and 9 below and OAT DBS policy.
- 4.14.6. The strategy meeting will be conducted in accordance with local Safeguarding Children Partnership protocols.

##### 4.14.7. The purpose of the Strategy meeting is to:

- 4.14.7.1. Consider the risk to the child and other children.

- 4.14.7.2. Share all relevant information about the person who is the subject of the allegation and about the alleged victim.
- 4.14.7.3. Determine the need for investigation and by whom.
- 4.14.7.4. Plan the investigation/enquiries and set timescales for tasks to be undertaken.
- 4.14.7.5. Consider whether any other children are affected by the allegations e.g., the person's own children, grandchildren, or other children in the agency setting such as children placed with foster carers, childminders, or youth clubs.
- 4.14.7.6. Ensure that the person who is the subject of the allegation is kept informed and supported.
- 4.14.7.7. Decide how regular information and support will be provided to the child and family and by whom.
- 4.14.7.8. Plan all interviews and agree who should undertake them so that there is no confusion between a criminal investigation and disciplinary processes.
- 4.14.7.9. Consider the need to inform relevant parties.
- 4.14.7.10. Jointly consider how to manage any media interest.
- 4.14.7.11. Consider whether the circumstances require the person who is subject to the allegation to be suspended from contact with children; this may change as the investigation progresses and should be reviewed regularly.
- 4.14.7.12. Consider the appropriate course of action if the allegation is against a governor, a temporary member of staff or a supply teacher.

4.14.8. 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.
- **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.

- 4.14.9. If at the strategy meeting it is decided that the allegation relates to poor or inappropriate behaviour the matter will be referred back to the academy to manage under the relevant employment policies.

#### 4.15. Investigation Stage

- 4.15.1. The principal/ education director should liaise with the Head of Academies HR and National Director of Education- whichever is applicable to the role of the staff member against whom the allegation has been made.
- 4.15.2. Guidance on considerations of allegations and advice on investigation procedures can be found in the OAT Disciplinary Policy, there is also a specific guide for Investigating officers which will be provided by OAT HR.

#### 4.16. Suspension during an investigation

- 4.16.1. The principal must discuss any potential suspension with the Head of Academies HR prior to acting. See Appendix 2 for more information on suspension and the risk assessment
- 4.16.2. If the Head of Academies HR is unavailable, contact any of the OAT HR Team for advice.
- 4.16.3. The principal must also ensure the education director/ National Director of Education and Head of Safeguarding are informed.
- 4.16.4. At the conclusion of the investigation the possible outcomes are as follows:
- No further action
  - Refer the matter to Informal management guidance and/or training (management instruction)
  - Refer to a disciplinary hearing, misconduct or gross misconduct matter please refer to the OAT Disciplinary Policy.
  - Refer to the OAT Capability Policy and Procedure

#### 4.17. False, unfounded or malicious allegations

- 4.17.1. If an allegation, made by a child is proved to be false and/or malicious, action should be taken to determine whether the person who made the allegation is in need of services or may have been abused by someone else.
- 4.17.2. In the case of a deliberate invention or a malicious allegation, the case manager should consider talking appropriate action.
- 4.17.3. If it is clear to the case manager and The Designated Officer (LADO) that the allegation is demonstrably false or unfounded the member of staff should be informed orally and in writing of the allegation, that it is without foundation and that no further action will be taken.
- 4.17.4. Where appropriate, and if requested, support should be offered, which could include occupational health and counselling services.

- 4.17.5. If an allegation made by a member of staff is proved to be false and/or malicious, an investigation should take place in accordance with the Academy's Disciplinary Policy and Procedures. The police may also consider taking action against the individual making the allegation.
- 4.17.6. If an allegation made by a member of the public is shown to be deliberately invented, or malicious, the case manager will consider whether the police should be asked to consider if action against those who made the allegation might be appropriate.
- 4.17.7. If it is clear an allegation is false and /or unfounded, the accused staff member will be informed orally and in writing that no further action will be taken. Details of allegations that are found to have been malicious should be removed from personnel records.

## 5. Informing the individual and others

- 5.1. The principal should inform the member of staff against whom the allegation has been made against, about the allegation as soon as possible after consulting the Designated Officer (LADO) Safeguarding Manager and Head of Academies HR.
- 5.2. The principal will discuss with the Designated Officer (LADO) at the initial consideration stage as to how to inform parents or carers of the allegation.
- 5.3. If the case does not progress to a criminal prosecution and is dealt with through an internal process/policy the parents or carers will be notified of this, but due to confidentiality will not be given any information with regard to the outcome of any internal investigation.

## 6. A referral to children's social care is required

- 6.1. A referral is required:
- If a child has suffered, is suffering, or is likely to suffer significant or serious harm.
  - A child alleges a criminal offence has been committed.
  - Where there is an allegation of a sexual nature
- 6.2. These referrals are managed in accordance with referral processes and thresholds established by the local safeguarding partners.
- 6.3. The principal will liaise with the DSL when a referral to social care and or external body is required.

## 7. Record keeping and information sharing

### 7.1. Records

- 7.1.1. The principal will record details of all allegations and low-level concerns

7.1.2. The principal of each academy must ensure that there is a secure system for record keeping of all allegations and concerns which includes both individual case records and an overview of cases over time in order to determine trends/patterns of behaviours. The Trust will request an annual return of this information.

7.1.3. Access to individual records of cases should be kept to a minimum i.e., principal, academy HR.

7.1.4. A copy of an individual's case record should be kept in that individual member of staff's HR file in a separate, confidential area within the file. (i.e., sealed envelope)

7.1.5. Records should be completed as soon as possible after the allegation or concern is raised and be comprehensive.

7.1.6. This includes:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- A note of any action taken
- Decisions reached and rationale for those decisions
- Outcome (i.e., substantiated/malicious/false/unsubstantiated/unfounded)
- Any sanctions
- Any other relevant paperwork pertaining to the case

7.1.7. Even if no police or disciplinary action is taken, a record will be kept of any allegation

7.1.8. Any information or referral forms submitted to the Designated Officer or investigation agencies should be scanned into the file.

7.1.9. A copy should be provided to the person concerned, where agreed by children's social care or the police and a declaration as to whether the information will be referred to in any future reference.

7.1.10. Cases in which an allegation was found to be false, unfounded, unsubstantiated, or malicious will not be included in employer references. Any repeated concerns which are found to be false, unfounded, unsubstantiated, or malicious should also not be included in employer references.

## 7.2. Malicious or false allegations

7.2.1. If an allegation is found to be malicious or false all records must be removed from personnel files, unless the individual gives their consent for retention of the information.

## 7.3. Information sharing: need to know basis

7.3.1. Other staff will only be informed on a 'need to know' basis. Notification may be delayed if the police believe it could prejudice an investigation. Those who will be told are likely to include:

- Staff member.
- Child concerned and their parent(s)/ carers.
- Designated safeguarding lead
- Individual making the allegation.
- Principal and education director.
- OAT Safeguarding Manager
- Head of Academies HR
- PLMR
- Designated Officer and investigating agencies.

## 8. Supporting those involved

- 8.1. OAT has a duty of care to its' staff, supply staff and volunteers. Failure by any staff member to keep the matter confidential would be considered under the disciplinary policy.
- 8.2. The academy will support the individual, and other members of staff, if necessary, throughout the allegation process and will do all it can to manage and minimise stress.
- 8.3. If the individual is external to the academy, contact will be made with the relevant agency or service provider.
- 8.4. Information will be provided to the individual as soon as possible in line with the guidance set out in this procedure and throughout the allegation process. A named representative, not the Investigating Officer, will be appointed to keep the individual informed of the progress of the allegation.
- 8.5. The member of staff or supply staff may wish to contact their Trade Union Representative, if they have one, or a colleague for support. Staff should be provided with the contact details for the free Employee Assistance.
- 8.6. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence. The staff member should, however, be advised not to discuss the case with any staff members.

## 9. Employee Assistance Programme

- 9.1. The service is available 24 hours a day, 7 days a week, and 365 days a year and is accessible by phone. The service offers assistance with any work, personal or family issue and includes professional consultation, access to face-to-face counselling (up to six sessions), information, resources and referrals to local services. EAP can be accessed, in the following way:

### *DAS HELPLINES*

- Free and confidential advice when you need it the most.
- For professional advice on legal, tax and health and medical issues, call our dedicated helpline on 0344 893 0859.

- For our confidential counselling service, covering concerns including stress, depression, health, relationships and bereavement, call 0117 934 2121
- Should medical advice and guidance be required this can be arranged through the member of staff responsible for HR within the academy, who will arrange for a referral to Occupational Health.

## 10. Confidentiality

10.1. It is extremely important that when an allegation is made, the academy makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The academy should take advice from the education director and PLMR if needed and must consider

- 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 when it should arise.

## 11. Requirement to refer DBS/TRA/Ofsted

*(Ofsted for Early Years Providers only)*

11.1. If an allegation is founded, the KCSIE guidance should be consulted in conjunction with the separate OAT DBS policy, see OATnet

## 12. Lessons learned

12.1. If there is a substantiated allegation against a member of staff, the principal, education director, OAT Safeguarding Manager, Head of Academy HR and DSL will work with the Designated Officer (LADO) to identify any changes, lessons learnt and improvements which could be made to help prevent similar events in the future.

## Appendix 1

### Useful contact details

National Director of Education	Rob Pritchard
Education Director	
Head of Academies HR	Melanie Wheeler
Safeguarding Manager	Nikki Cameron

### External Contact Details

Designated Officer (LADO)	
Social Care	
Daytime	
Out of hours	
DBS	<p>DBS - GOV.UK (<a href="http://www.gov.uk">www.gov.uk</a>)</p> <p><a href="#">Making barring referrals to the DBS - GOV.UK (www.gov.uk)</a> – Intro page</p> <p><a href="#">Making barring referrals to the DBS - GOV.UK (www.gov.uk)</a> - Form</p>
TRA	<p>Teacher misconduct - GOV.UK (<a href="http://www.gov.uk">www.gov.uk</a>)</p> <p><a href="#">Teacher misconduct: referral form - GOV.UK (www.gov.uk)</a></p>
Early Years only	<p>Early Years - GOV.UK (<a href="http://www.gov.uk">www.gov.uk</a>)</p> <p><a href="#">Report a serious childcare incident - GOV.UK (www.gov.uk)</a></p>
NSPCC	<p>NSPCC (<a href="http://www.nspcc.org.uk">www.nspcc.org.uk</a>)</p> <p>Whistle Blowing</p> <p><a href="http://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/">www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/</a></p>



## Appendix 2

### Suspension guidance

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child involved in the allegations.

The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

Suspension will not be an automatic response. All options to avoid suspension will be considered.

Suspension will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, warrants investigation by the police or the case is so serious that it might be grounds for dismissal.

If immediate suspension is considered necessary, the rationale and justification should be agreed and recorded by the case manager, HR and the designated officer on the OAT suspension risk assessment document. This should include what alternatives to suspension were considered and why they were rejected.

Please refer to OAT Staff Disciplinary Policy

- Based on an assessment of risk, we will consider alternatives such as:
- 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.
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents have been consulted.
- Temporarily redeploying the individual to another role in a different location, for example to an alternative academy or other work for OAT

Written confirmation of the suspension, a named contact and their contact details will be provided to the individual facing suspension, HR will provide the template letter for the academy.

Local authority children's social care services or the police cannot require the academy to suspend a member of staff or a volunteer, although the academy should give appropriate weight to their advice.

The power to suspend is vested in the PRINCIPAL or the governing body who are the employers of staff at the Academy. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the local authority children's social care services and/or an investigation by the police, the designated officer should canvass police and the local authority children's social care services for views about whether the accused member of staff needs to be suspended from contact with children to inform the academy consideration of suspension.

A risk assessment should be carried out for each individual case to determine whether the member of staff should be suspended. The assessment should take into account the context of the allegation, background

information in relation to the member of staff, and any outcome following the strategy meeting. It should also take into account whether a temporary transfer or period of paid leave is appropriate as an alternative to suspension. The assessment must be recorded, and a copy kept on file and be available to take to any strategy meeting.

## Suspension Assessment

Name of Employee	Job Title	Date
Academy name	Principal name	

*Part 1: Suspension should only be considered if one or more of the following apply:*

Question	Yes	No	Notes/Considerations
If there is a strong likelihood that if the allegations are substantiated, then the matter will amount to gross misconduct?			
Is there a threat or risk of harm to employees?			
Is it possible to fully investigate the allegation if the employee remains at work (e.g., is the employee likely to destroy evidence or attempt to influence/intimidate witnesses?)			
Have relationships at work broken down?			
Is there likely to be a detrimental effect on the employer/academy if the employee remains in work or continues to interact with children, parents, or employees?			
Is there a risk of harm to a child or, is the allegation related to safeguarding?			If the answer is yes – please refer to <b>Part 2</b> of the assessment below, which provides a table for completion with additional considerations in respect of allegations of abuse.
If the answer is yes to any of the above questions, please complete Part 3			

*Part 2: Safeguarding*

**Additional considerations for allegations of abuse made against an employee**

Please refer to DfE Statutory Guidance Keeping Children Safe in Education Part Four.

Information About the Allegation	Notes/Considerations
Nature of the allegation Duration and frequency of allegation Extent of pre-meditation Degree and nature of alleged harm or risk to children	
Information About the Employee	
Previous concerns Previous allegations Disciplinary record Length of service Contact with child (s) concerned	
Health and Safety	
Potential risks to the person's health and safety should they remain in the academy (impact of threats from parents/carers/ potential press interest etc.)	

*Part 3: Alternatives to suspension and a record of the decision*

Alternatives to Suspension:
Explore and assess any alternatives, e.g., redeployment, supervision, working from home, etc.
Particular Views of Those Concerned:
(e.g., Principal/Designated Safeguarding Lead/ Designated Officer/HR Adviser etc.)

Decision to Suspend:
Yes: <input type="checkbox"/> No: <input type="checkbox"/> Date:
If the decision is to suspend, record your grounds for suspension:
The employee will need to be notified of the reason(s) for suspension in writing.

Name and job title of person responsible for the decision:	
Name and job title of person completing assessment:	
(If applicable) Name of person responsible for communicating decision to suspend the employee: This should be communicated in writing as soon as practicable. Please refer to the template suspension letter available from HR	
Name and job title of person nominated to keep suspension under review:	

## Appendix 3

### LADO Notification

#### Allegation against a member of staff other than a principal.

- Principal- please complete when a referral to LADO is made
- This record will be held centrally by OAT HR

Date	Academy
------	---------

### LADO Notification

#### Allegation against a principal

- Education director -please complete when a referral to LADO is made
- This record will be held centrally by OAT HR

Date	Academy
RD name	

## Appendix 4

### OAT LADO Outcome Form

The purpose of this form is to ensure the trust has an overview of referrals to LADO and the outcomes of any investigations.

- This form will be kept in a centrally held secure area.
- Only the Director or HR, Director of Education, Head of Academies HR and the Safeguarding Manager will have access to this information.
- Any data reported to the trustees or executive will not identify individuals

***Please complete this form once the case is concluded***

Name of the referrer

Date of referral

Name and role of person referred

OAT employee/ agency staff Y/N

***Outcome of investigation*** (please see KCSIE 2022, para 399ff)

Substantiated

Malicious

False

Unsubstantiated

Unfounded

## PART 2: Low-Level Concerns

### Low Level Concerns

This section of the Allegations Against Staff policy is based upon the statutory guidance 'Keeping Children Safe in Education 2022', the expectations within 'Guidance for Safer Working Practice for Those Working with Children and Young People in Education Settings Feb 2022' and the principles within Farrer & Co's 'Developing and Implementing a Low-level Concerns Policy 2021'.

These documents are referenced throughout

Creating a culture in which *all* concerns about adults (including allegations that **do not** meet the harm threshold) are shared responsibly and with the right person, and recorded and dealt with appropriately, is crucial.

If implemented well this should encourage an open and transparent culture; enable our academy to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of the academy are clear about professional boundaries and act within them, in accordance with the ethos and values of **xxxx academy**

Behaviour which is not consistent with the standards and values of **xx academy** and which does not meet the academy's expectations encapsulated in our staff code of conduct, needs to be addressed.

Such behaviour can exist on a wide spectrum – from the inadvertent or thoughtless, through to that which is ultimately intended to enable abuse. Where a concern about an individual's behaviour meets the threshold of an allegation, clear guidance exists to respond to these concerns.

It is important to recognise that, in practice, 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 behaviour referred to may, on the one hand, be capable of meeting the harm threshold (and hence be referable), or, on the other, it does not meet the harm threshold (in which case it should be treated as a low-level concern). So, the focus should not be on the language used by the person reporting it; the focus should, instead, be on the behaviour being described.

### Purpose of a Low-Level Concerns

This policy enables all staff to share any concerns – no matter how small – about their own or another member of staff's behaviour with the principal

Safeguarding and promoting the welfare of children is everyone's responsibility.

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

In order to achieve this purpose, **xxx academy** will:

- ensure that 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, and the delineation of professional boundaries and reporting lines;
- empower staff to share any low-level concerns with the principal (Education director, if the concern is about the principal.) and to help all staff to interpret the sharing of such concerns as a neutral act;
- address unprofessional behaviour and support the individual to correct it at an early stage;
- identify concerning, problematic or inappropriate behaviour – including any patterns – that may need to be consulted upon with, or referred to, the LADO;
- provide for responsive, sensitive and proportionate handling of such concerns when they are raised; and
- help identify any weaknesses in the academy’s safeguarding policy, systems or procedures.

### Concern that does not meet the harm threshold: Low-level concern

KCSIE states that, as part of their whole school approach to safeguarding, academies should ensure that they promote an open and transparent culture in which all concerns about all adults working in or on behalf of the academy (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

The term ‘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 – but may merit consulting with and seeking advice from the LADO.

Staff do not need to be able to determine in each case whether their concern is a low-level concern, or if it is not serious enough to consider a referral to the LADO, or whether it meets the threshold of an allegation. Once staff have shared what they believe to be a low-level concern, that determination should be made by the principal and responded to in line with this policy.

### A culture of vigilance and staff training on low level concerns

**Xx academy** ensures that a culture of openness and trust is fostered within the organisation in which staff can share any concerns about the conduct of colleagues and be assured that these will be received in a sensitive manner.

If we educate adults to be informed about, and to identify concerning, problematic or inappropriate behaviour, rather than think they can recognise dangerous people, they can be prepared to act when they observe behaviour which violates the academy’s staff code of conduct. They can, as Tabachnick and Baker explain, then draw attention to “the hundreds of small comments, harassments, emotional and physical boundary violations, and other signs that may precede [child] sexual abuse” – what may be considered in the broadest sense to be [part of a conscious, or an unwitting] grooming process.



## Retaining Low Level Concerns

Low-level concerns will be retained in a central low-level concerns file by the principal (securely and applying appropriate access restrictions) unless and until further guidance provides otherwise.

When a staff member leaves and/or takes up new employment, that creates a natural point at which the content of the file may be reviewed to ensure it still has value (either as a safeguarding measure or because of its possible relevance to future claims) and is therefore necessary to keep. Otherwise, the file should be disposed of by the principal/education director in line with the records retention policy. This is subject to the rights of individuals to object to or seek to erase or correct records about them under data protection law.

## Low Level Concerns and References

KCSIE prohibits schools from referring to unsubstantiated, malicious or false allegations in references. Only safeguarding allegations that have been substantiated should be included in references. KCSIE states that: "where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it should be referred to in a reference.

Low level concerns (or a group of concerns) which have not met the threshold for referral to the LADO which relate only to safeguarding should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance.

## Lessons learned

The principal/education director, in consultation with the DSL, will review low level concerns termly to identify any patterns of behaviours, or if any training, advice or guidance, or changes to procedures or policy is required.

## Appendices

### Appendix A – Spectrum of Behaviour

#### **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 - but may merit consulting with and seeking advice from the LADO, and on a no-names basis if necessary.

#### **Appropriate Conduct**

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

## Appendix B – Responding to a low-level concern flowchart

### Low level concerns flowchart

Principal is informed of the concern as soon as reasonably practicable and within 24 hours

If the concern relates to the principal, the education director is informed by the person raising the concern.

- Initial fact finding completed by principal/education director.
- Do not investigate further.
- Consider if the concern meets any of the criteria below.

Principal/education director to review the information and assess whether the behaviour -

- is entirely consistent with the academy's staff code of conduct and the law
- constitutes a low-level concern
- is not serious enough to consider a referral to the LADO- but may merit consulting the LADO on a no name basis
- when considered with any other low-level concerns that have previously been raised about the individual, could now meet the threshold of an allegation and should be referred to the LADO/other relevant external agencies (see section 1 of this policy)
- in and of itself meets the threshold of an allegation and should be referred to the LADO/other external agencies (see allegations flow chart)

Low – level concern -Yes

- Principal/education director to consider
- whether the concern also potentially raises misconduct or capability issues
  - take advice from HR

Principal/education director to determine actions to be taken.

**Recording**  
**Staff other than principal**, principal to record allegation/concern, actions taken and reasons for actions- Information to be kept in individual staff file.

**Principal**, Education Director to record allegation/concern, actions taken and reasons for actions-. Information to be kept in principal's staff file by OAT HR.

Low level concern -undecided

Refer to allegations' procedures

**Recording**  
**Staff other than principal**. Principal to record allegation/concern, actions taken and reasons for actions. Information to be kept in individual staff file.

**Principal**  
Education director to record allegation/concern, actions taken and reasons for actions  
Information to be kept in principal's staff file by OAT HR

## Appendix C – Example Low Level Concerns Form

### Low Level Concerns Form

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 **xxx academy’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.

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.

#### Details of Concern

Name of Staff Member:

Concern:

Received by:

Date:

Time:

Action Taken:

Signed:

Date: