Transform Trust

ALLEGATIONS AGAINST STAFF INCLUDING DEALING WITH LOW LEVEL CONCERNS

APPENDIX TO DISCIPLINARY

Policy Number	Author	Publication Date	Review Cycle
304	Chief People Officer	V4 September 2023	Next review – September 2025

Contents

1. INTRODUCTION 3
2. THE LAW 3
3. INITIAL ALLEGATION MADE TO THE SCHOOL 3
3.1 DEFINITIONS FOR OUTCOMES OF ALLEGATION INVESTIGATIONS 4
4. INITIAL CONSIDERATION.....4
5. ACTION FOLLOWING INITIAL CONSIDERATION/STRATEGY MEETING.....5
5.1 ADDITIONAL CONSIDERATIONS FOR SUPPLY STAFF 6
6. CASES WHERE A CRIME MAY HAVE BEEN COMMITTED..... 6
7. ALLEGATIONS WHICH ARE LIKELY TO NECESSITATE AN IMMEDIATE REFERRAL FOR CHILD PROTECTION.....6
8. SUSPENSION.....7
9. STRATEGY MEETING.....8
10. COMMUNICATION FOLLOWING THE STRATEGY MEETING.....9
11. MONITORING PROGRESS 9
12. REFERRAL TO DFE 9
13. KEEPING RECORDS..... 9
14. CONFIDENTIALITY.....10
15. ACTION TO BE TAKEN IN RESPECT OF FALSE ALLEGATIONS.....10
16. LEARNING LESSONS..... 11
17. INFORMATION SHARING..... 11
18. RESIGNATIONS AND 'SETTLEMENT AGREEMENTS' 11
19. SUPPORTING THOSE INVOLVED..... 12
19.1 SUPPORTING THE EMPLOYEE 12
19.2 SUPPORTING THE PARENTS/CARERS..... 13
20. LOW LEVEL CONCERNS.....13
APPENDIX 1 DEFINITIONS 15
APPENDIX 2 LOW LEVEL CONCERNS REPORTING.....16

1. INTRODUCTION

Transform Trust takes its duty of care for its pupils seriously. We recognise that any possibility that a member of staff may have hurt a pupil must be investigated thoroughly, but in a way that does not prejudice either the pupil or the member of staff. Any investigation of an allegation of abuse against a member of staff must follow the objective, professional standards and routines described here.

As part of our whole Trust approach to safeguarding, we promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school or college (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately. This applies to allegations that do or do not meet the harm threshold detailed below. Further details regarding concerns that do not meet the threshold (low level concerns) please see section 21. We encourage all staff to share any concerns responsibly, ensuring they are dealt with promptly and appropriately. This will encourage an open and transparent culture; enabling us to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensuring that adults working in or on behalf of the Trust are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the Trust

For the Central Team staff at Transform, where this Policy states "Headteacher", read "Line Manager" (or "the Chair of Trustees" in relation to an allegation against the Chief Executive). Read "Chief Executive" in relation to an allegation against a member of the Executive Leadership Team, other than the Chief Executive.

Throughout the policy, member of staff will also refer to supply staff, volunteers or contractors.

The policy will be reviewed bi-annually with a September implementation date.

2. 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' (December 2020), 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:

- The Children Act 1989
- Section 175 of the Education Act 2002
- The Children Act 2004

3. INITIAL ALLEGATION MADE TO THE SCHOOL

Any allegation of abuse (please refer to Appendix 1 for full definitions of what this term means) by a member of staff of a pupil should be reported to the Headteacher. Should the initial allegation first be made to any other member of staff then that member of staff must either request the person raising the allegation report it to the Headteacher, or if that is not possible, pass details of the allegation to the Headteacher, immediately. If the Headteacher is absent from school, the Deputy or Senior DSL must be contacted immediately by the member of staff raising the allegation.
If an allegation is made against the Headteacher it should be brought to the attention of the Partnership Lead and or CEO in the first instance.

Following discussion with HR and initial fact finding, if the allegation meets any of the following criteria, the person investigating will report the allegation to the Local Authority Designated Officer (LADO) on the same day that the allegation is received.

This section of this policy applies to all cases in which it is alleged that a current member of staff, including a supply teacher, contractor or volunteer 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 he or she would 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.

It applies regardless of whether the alleged abuse took place on Trust / School premises. The last bullet point above includes behaviour that may have happened outside of school/Trust, that might make an individual unsuitable to work with children, this is known as transferable risk. Where appropriate an assessment of transferable risk to children with whom the person works should be undertaken. If in doubt seek advice from the local authority designated officer (LADO).

Allegations against a teacher who is no longer teaching, and historical allegations of abuse, will be referred to the police.

We will deal with any allegations of abuse against a member of staff, including a supply teacher, contractor or volunteer very quickly, in a fair and consistent way that provides effective child protection whilst also supporting the individual who is the subject of the allegation.

Our procedures for dealing with allegations will be applied with common sense and judgement.

3.1 Definitions for outcomes 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 (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.

4. INITIAL CONSIDERATION

The Headteacher will discuss the matter with the Trust HR team and seek guidance on how to approach the case. Initial fact finding is acceptable but no investigation is permitted.

The Headteacher will then contact the LADO where it is felt criteria has been met and provide any further details of the allegation including the circumstances in which it was made. The discussion will also consider whether there is evidence or information that establishes that the allegation is false or unfounded.

The discussion will 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, and whether it is necessary to involve the Police and/or Children's Social Care Services.

The LADO's role is not to investigate the allegation, but to ensure that an appropriate investigation is carried out, whether that is by the police, children's social care, the school, or a combination of these.

The LADO will discuss whether or not the person should be suspended/asked to work from home/be given alternative duties pending the outcome of the investigation. Staff are reminded that they should contact their Trade Union for legal or procedural support and or advice.

The Head Teacher will consider the advice of the LADO, or the police with regard to suspension, but will make their own informed decision with regard to the suspension of any employee alongside the Chief People Officer or HR Director of the Trust.

The individual concerned will be advised of the concerns or allegations and likely course of action as soon as possible after speaking to the LADO (and the Police or Children's Social Care Services, where necessary). Where the Police and/or Children's Social Care Services are involved, the Headteacher will only share such information with the individual as has been agreed with those agencies.

The Headteacher may on occasion consider it necessary to involve the Police before consulting the LADO - for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the Headteacher will notify the LADO as soon as practicably possible after contacting the Police.

Where the nature or complexity of the allegation requires it, there may be a necessity to employ the services of an independent investigator. If this is the case Trust HR will contact the individual or company to secure such services.

If the allegation is not patently false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will recommend a Multi-Agency Meeting be convened as soon as possible, in accordance with Working Together to Safeguard Children. Under these circumstances, the discussion should include the LADO, Social Care, the Police, the Headteacher, the Trust Chief People Officer/HR Director and any other agency determined by the LADO. A decision will be made as to whether or not an investigation is required and who will undertake it.

5. ACTION FOLLOWING INITIAL CONSIDERATION/MULTI AGENCY ("STRATEGY") MEETING

Where the initial determination is that the allegation does not involve a possible criminal offence, the Headteacher will be directed to manage it, in line with school procedures. In such cases, if the nature of the allegation does not require formal disciplinary action, the Headteacher should initiate appropriate action. If it is decided that a Section 47 Investigation is required, this should normally be completed prior to the school undertaking any disciplinary investigation. The LADO will advise the Headteacher in this instance.

If it is determined by the LADO that the school will undertake an investigation, Transform Trust Disciplinary Procedures will be followed.

The LADO should continue to liaise with the school to monitor the progress of the case and provide advice or support when required or requested. The final outcomes of the investigation/Disciplinary Hearing must be shared with the LADO.

In the event the LADO, Headteacher and Chief People Officer/ HR Director believe the matter needs to be referred to the Teaching Regulation Agency, the school will make the referral.

5.1 Additional considerations for supply staff

If there are concerns or an allegation is made against someone not directly employed by the school, such as supply staff provided by an agency, we will take the actions below in addition to our standard procedures.

- We will liaise with the LADO to determine the course of action, whether or not an investigation is required and who will undertake it, prior to making a decision in relation to whether or not we continue to use a supply teacher.
- The Trust Chief People Officer/HR Director will discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, while the school carries out the investigation, having discussed the matter with the LADO. The Trust Chief People Officer/ HR Director will keep the Headteacher updated on actions.
- We will involve the agency as appropriate and in accordance with the LADO advice, but the Trust will take the lead in collecting the necessary information and providing it to the LADO as required, unless otherwise directed by the LADO.
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary) The LADO may take charge of this information sharing as required under these circumstances.
- When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's Human Resources (HR) Manager or equivalent to meetings as appropriate.

6. CASES WHERE A CRIME MAY HAVE BEEN COMMITTED

If there is no cause to suspect that significant harm is an issue, but a criminal offence might have been committed, the LADO should immediately inform the Police and convene a similar discussion to decide whether a police investigation is needed. That discussion should also involve the school.

Where the involvement of Children's Social Care Services is not required, as the pupil is not assessed to be at risk of significant harm, but a police investigation continues, the LADO should agree with the Police, the school and any other agency involved with the child the nature of the allegation and how this must be addressed. This discussion should consider how to progress enquiries e.g. a criminal process parallel with a disciplinary process or whether disciplinary action needs to be suspended until the Police enquiries/prosecution are completed.

If the Police and/or the Crown Prosecution Service (CPS) decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a court, the Police should pass all information they have, which may be relevant to a disciplinary case, to the school / Trust without delay. In those circumstances, the Headteacher and Chief People Officer/ HR Director should deal with the case in consultation with the LADO.

If the person is convicted of an offence, the Police should also inform the employer straight away so that appropriate action can be taken. In some circumstances, this information may come via the LADO rather than directly from the Police.

7. ALLEGATIONS WHICH ARE LIKELY TO NECESSITATE AN IMMEDIATE REFERRAL FOR CHILD PROTECTION

The following situations will require immediate referral to child protection:

- Where the pupil has suffered, is suffering, or is likely to suffer significant or serious harm
- Where the pupil alleges that a criminal offence has been committed
- Any allegation of a sexual nature

The Headteacher should be aware that some other complaints may also be regarded as child protection issues and therefore each complaint should be carefully considered in consultation with the LADO before taking any action.

8. SUSPENSION

The possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed in respect of the child(ren) involved in the allegations. In some cases, that will require the Headteacher to consider suspending the person, until the case is resolved.

Suspension must not be an automatic response when an allegation is reported. If the Headteacher is concerned about the welfare of other children in the community or the person's family, those concerns should be reported to the LADO or the Police, but suspension is highly unlikely to be justified on the basis of such concerns alone.

Suspension should only be considered in a case where there is cause to suspect a child, or other children at the discretion of the Headteacher, is or are at risk of significant harm, or the allegation warrants investigation by the Police, or is so serious that it might be grounds for dismissal.

However, a person should not be suspended automatically, or without careful thought being given to the particular circumstances of the case.

The Headteacher must consider carefully whether the circumstances of the case warrant a person being suspended from contact with children at the school until the allegation is resolved. The decision to suspend a member of staff must be made jointly by the Headteacher and the Trust Chief People Officer/ HR Director. The Headteacher should also consider whether the result that would be achieved by suspension could be obtained by alternative arrangements.

For example,

- redeployment within the Trust 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 Trust 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/carers have been consulted
- temporarily redeploying the individual to another role in a different location, for example to an alternative site or other work for the Trust.

This allows time for an informed decision regarding the suspension and possibly reducing the initial impact of the allegation. This will however, depend upon the nature of the allegation.

The Headteacher should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.
Where it has been deemed appropriate to suspend the person, usual processes as identified in the Disciplinary Procedure will be followed.

If immediate suspension is considered necessary, agree and record the rationale for this with the LADO. The record will include information about the alternatives to suspension that have been considered, and why they were rejected.

Local Authority Children's Social Care Services or the Police cannot require the Headteacher to suspend a member of staff or a volunteer, although the Headteacher should give appropriate weight to their advice. The power to suspend is at the discretion of Transform Trust and the Headteacher. However, where a Strategy Discussion or initial evaluation concludes that there should be enquiries by the Children's Social Care Services and/or an investigation by the Police, the LADO should canvass for views about whether the accused member of staff needs to be suspended from contact with children to inform the Headteacher's 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 Multi-Agency Meeting. The background of the child should also be taken into consideration. It should also consider whether a temporary transfer (as detailed above), is appropriate as an alternative to suspension. The assessment must be recorded and a copy kept on file.

9. MULTI-AGENCY ("STRATEGY") MEETING

A Strategy Meeting will be convened by the LADO and as such timescales for when this takes place is directed by them. The LADO and all relevant personnel including, where appropriate, the Headteacher and Trust HR, should attend this meeting in order to share information and participate in the planning of any enquiries.

The Strategy Meeting will be conducted in accordance with the relevant LA procedures, the purpose being to:

- Consider the risk to the pupil and other pupils
- Share all relevant information about the person who is the subject of the allegation and about the alleged victim
- Determine the need for investigation and by whom
- Plan the investigation/enquiries and set timescales for tasks to be undertaken
- Consider whether any other children are affected by the allegations e.g. the persons own children, grandchildren or other children in the agency setting such as children placed with foster carers, childminders, a youth club
- Ensure that the person who is the subject of the allegation is kept informed and supported
- Decide how regular information and support will be provided to the child and family and by whom
- Plan all interviews and agree who should undertake them so that there is no confusion between a criminal investigation (Section 47 Enquiry) and disciplinary processes
- Consider the need to inform relevant parties

- Jointly consider how to manage any media interest
- Consider whether the circumstances require the person who is subject to the allegation to be suspended from contact with pupils, though this may change as the investigation progresses and should be reviewed regularly
- If the allegation is against a governor, a temporary member of staff or a supply teacher, the appropriate course of action needs to be considered.

If the Trust 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.

10. COMMUNICATION FOLLOWING THE STRATEGY MEETING

The following should be informed of the outcome of the investigation:

- The pupil making the allegation and their parent/carer of the likely course of action, also informing them that the matter is confidential and must not be discussed.
- The member of staff against whom the allegation has been made. This should include the likely course of action. A record should be kept on the individual's personal file.
- Headteacher and Trust Chief People Officer/ HR Director should be informed of the likely course of action.

11. MONITORING PROGRESS

The LADO should regularly monitor the progress of cases, either via review Strategy Meetings, or by liaising with the Police and/or Children's Social Care Services colleagues or the Headteacher, as appropriate.

12. REFERRAL TO DFE

If on conclusion of the case the Headteacher ceases to use the person's services, or the person ceases to provide his or her services, the Headteacher should consult the LADO about whether inclusion on the barred list is required or whether a referral should be made to the Disclosure and Barring Service (DBS) for consideration. If a referral is appropriate the report should be made within one month by the Headteacher of the school concerned. If they think that the individual has engaged in conduct that has harmed (or is likely to harm) a child, or if they think the person otherwise poses a risk of harm to a child, they must make a referral to the DBS.

If the individual concerned is a member of teaching staff, the Headteacher and Chief People Office/ HR Director will discuss with the LADO whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

13. KEEPING RECORDS

It is important that a clear and comprehensive record of any allegation is made even if police/disciplinary action is not taken or proven. This should include details of the allegation, how the allegation was followed up and resolved and a note of any action taken, decisions reached (and justification for these) including any sanctions imposed. The purpose of this record is to enable accurate information to be given in response to any future reference request if the individual leaves the school. Transform's Chief People Officer /HR Director should be contacted for advice where a reference has been requested, also see Section 13.

It is also important that accurate and detailed information is held in the event that the DBS makes requests for further information. This information is given to the DBS if the matter is referred due to the nature of the allegation. A comprehensive record of all allegations will provide clarification in cases where a future DBS disclosure reveals information from the Police about an allegation which did not result in a criminal conviction.

The record should be retained until normal pension age or for ten years if that is a longer period of time.

If an allegation or concern is not found to have been malicious, the Trust will retain the records of the case on the individual's confidential personnel file, and provide a copy to the individual.

The records of any allegation that is found to be malicious will be deleted from the individual's personal file.

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.

14. CONFIDENTIALITY

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

However, there may be a need to share information with relevant agencies, for example at a Strategy Meeting on a need to know basis. The Headteacher will take advice from the LADO, The Police and Children's Social Care Services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared – staff are reminded that Unions can be contacted for support and advice.
- How to manage speculation, leaks and gossip including taking firm action where necessary.
- What, if any, information can be reasonably given to the wider community to reduce speculation and dealing effectively with malicious or inaccurate information.
- Supporting the Parents/Carers - see Section 20.2

Any enquiries from the Press should be directed to the Headteacher and CEO unless it is a Freedom of Information or Data Protection request, in which case this should be referred to the Trust's Data Protection Officer (DPO) at dataprotection@transform.co.uk.

15. ACTION TO BE TAKEN IN RESPECT OF FALSE ALLEGATIONS

Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved as promptly as possible, ideally within one working week.

If an allegation made by a pupil 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.

In the case of a pupil or adult / staff deliberately inventing or making a malicious allegation, the Headteacher should consider talking action in accordance with the Behaviour Policy or Disciplinary Policy in the case of adults / staff.

If it is clear to the Headteacher and the LADO that the allegation is demonstrably false or unfounded the member of staff should be informed verbally and in writing of the allegation, that it is without foundation and that no further action will be taken. Where appropriate, and if requested, support should be offered, which could include Occupational Health.

In addition, if it is decided that no further action is to be taken in regard to the subject of the allegation or concern, 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.

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 Trust's Disciplinary Policy and procedures.

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

A stress action plan may also be considered as a way of managing coping mechanisms and identifying ways in which to manage the stressors associated with such as process.

16. LEARNING LESSONS

Where an allegation has been made against a member of staff, lessons can be learned whether the allegations are proven or not. At the conclusion of a case, relevant parties should discuss what can be learned and therefore lead to improved practice, either to the Trust's procedures or to help prevent similar events in the future. The LADO and the Headteacher should review the case.

17. INFORMATION SHARING

In a Strategy Meeting or initial evaluation of the case the agencies concerned must share all relevant information they have about the person who is the subject of an allegation, and about the alleged victim, staff attending the Strategy Meeting should be prepared with the appropriate information - e.g. full name, address, when DBS check was completed, start date, involvement in youth activities, children of their own and any other information that could be helpful.

As per procedures the Police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the Headteacher for disciplinary purposes. This should be done as their investigation proceeds rather than after it has concluded. This will enable the Police to share relevant information without delay at the conclusion of their investigation or any court case.

Children's Social Care Services should adopt a similar procedure when making enquiries to determine whether the pupil named in the allegation is in need of protection or services so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the Headteacher without delay.

18. RESIGNATIONS AND 'SETTLEMENT AGREEMENTS'

The fact that a person tenders their resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process.

Wherever possible the person should be given a full opportunity to answer the allegation and make representations about it, but the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available should continue even if that cannot be done or the person does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

By the same token so called 'Settlement Agreements' where a member of staff agrees to resign if the Headteacher agrees not to pursue the matter, and the form of words to be used in any future reference is agreed by both parties, must not be used in these cases.

In any event, such an agreement will not prevent a thorough police investigation where that is appropriate. Nor can it override the statutory duty to make a referral to the DBS where circumstances require that.

For avoidance of doubt and to provide safeguards, no Settlement Agreement can be entered into without the authorisation of the Chief Executive Officer or the HR Committee of the Board of Trustees. In any case where Settlement Agreements are approved, the Trust must comply with ESFA policy which may include disclosure information which would otherwise be considered confidential.

19. SUPPORTING THOSE INVOLVED

19.1 Supporting the Employee

The Headteacher and Transform Trust has a duty of care to their employees. They should 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 by the Children's Social Care Services or the Police.

The individual should be advised to contact their Trade Union representative, if they have one, or a colleague for support. They should also be given access to counselling or medical advice.

The Headteacher should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. That may include support from Occupational Health.

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.

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the headteacher will consider how best to facilitate this. The headteacher will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still on the Trust premises.

19.2 Supporting the Parents/Carers

Parents/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 the Police or Local Authority Children's Social Care Services need to be involved, the Headteacher should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents/carers. They should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution. Consideration of informing any disciplinary process outcomes should be made as part of the overall disclosure but ensuring GDPR requirements are met.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, Children's Social Care Services, or the Police as appropriate, should consider what support the child or children involved may need.

20. LOW LEVEL CONCERNS

The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold set out in 3. INITIAL ALLEGATION MADE TO THE SCHOOL above. 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, including supply staff, contractors and volunteers, working in or on behalf of the school may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

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.

It is crucial that any such concerns, including those which do not meet the harm threshold are shared responsibly and 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 potential false allegations or misunderstandings.

All employees plus supply staff, contractors and volunteers are required to read the code of conduct which gives direction on how to identify low level concerns and how to report these.

The code of conduct will make it clear the purpose of the Trust policy:

- 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 safeguarding concerns;

- 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.

Low-level concerns about a member of staff, supply staff, volunteer or contractor should be reported to the Headteacher. Reports about supply staff and contractors should be notified to the Trust HR team who will contact their employers, so any potential patterns of inappropriate behaviour can be identified.

Recording low level concerns:

Appendix 2 below provides the Trust form to be completed by Headteachers when a low level concern is reported.

The report should be retained confidentially and securely on the individuals staff file.

Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the Headteacher should refer to the Trust HR team who will support in deciding on a course of action, either through the disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, a referral to the LADO.

If the concern has been raised via a third party, the headteacher should collect as much evidence as possible by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously;
- to the individual involved and any witnesses.

The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. All of this needs to be recorded along with the rationale for their decisions and action taken.

References

Low level concerns 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. It follows that a low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference. However, 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.

APPENDIX 1 DEFINITIONS

Significant Harm

This is the threshold where compulsory Social Care intervention must take place. This was introduced by the Children Act 1989 and is defined by the Law Commission as: "Harm as a concept should be taken to include not only ill-treatment (including sexual abuse and forms of ill treatment that are not physical) but also the impairment of physical or mental health and the impairment of physical, emotional, social or behaviour development"

Abuse

Abuse takes different forms, including: sexual, physical and emotional abuse; neglect; domestic abuse, including controlling or coercive behaviour; exploitation by criminal gangs and organised crime groups; trafficking; online abuse; sexual exploitation and the influences of extremism leading to radicalisation. The definitions of abuse are below.

Types of abuse:

- **Physical abuse:** This includes hitting, slapping, pushing, kicking, and misuse of medication, restraint or inappropriate sanctions.
- **Sexual abuse:** This includes rape, sexual activities to which a child has not/could not consent to, or was pressurised into consenting. Sexual activities could include physical contact or non-physical contact. Non physical contact could be encouraging children/young people to watch sexual activities or behave in a sexually inappropriate way.
- **Neglect**: This is the persistent failure to meet a child/young person's basic physical or psychological needs, likely to result in the serious impairment of the child/young person's health or development. II includes a failure to provide access to appropriate health, Social Care or educational services or withholding the necessities of life such as medication, adequate nutrition, clothing, shelter and heating.
- **Emotional abuse**: Emotional is the persistent emotional maltreatment of a child/young person. This could have a severe and adverse effect on a child's/young person's development. This may involve conveying to the child/young person that they are worthless, or unloved, inadequate or valued only in so far as they meet the needs of another person. It also includes humiliation, blaming, controlling, intimidation, isolation or withdrawal from services or supportive networks. Some level of emotional abuse is involved in all types of maltreatment of a child/young person, although it may occur alone.

Position of Trust

Those working with children and young people should understand that they are in positions of power and trust in relation to these groups. There is potential for exploitation and harm to children and young people and employees have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Employees should always maintain professional boundaries and avoid behaviour which might be misinterpreted by others.

APPENDIX 2

Transform Trust Low Level Concerns

This document should be used when 'low level' concerns as defined in Section 2 of Part 4 of Keeping Children Safe in Education 2021 are reported. This document does not to replace suspension/formal disciplinary investigations in the event that concerns are either categorised as more serious than low level or when formal disciplinary procedures are required in relation to the low level concern.

School:

1. Name of individual raising the concern ***Leave blank if concern was raised anonymously or the individual wishes to remain anonymous***	
2. Date the concern was raised	
3. Name and role of individual about whom concern has been raised	
4. Details of the concern(s) reported (give description and context) ***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 the staff code of conduct but does not meet the allegations threshold set out in Section 1 of Part 4.***	
5. Details of steps have been taken to investigate this concern ***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.	
6. Set out the Individual's response to the concern	
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? ***To reach this decision, consider the information set out in 5 and 6 above. If you are unsure, seek advice from your HR and/or safeguarding advisors 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***	
8. Have 'low level' or other concerns been raised about this individual previously? ***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.***	Yes [ ] No [ ]
Details of further action required ***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.***	

Completed by:	Name	
	Position	

Date:	
Signature:	

Policy Date	Summary of Change	Contact	Version/Implementation Date	Review Date
01/09/2022	Approved as final	Rachel Hannon / Tanya Davies	01/09/2022	01/09/2023
29/8/23	Reviewed and updated	Sue Hockley	1/9/2023	1/9/2024