



# **Allegations Against Staff and Low Level Concerns Policy**

**Policy: September 2022 v 2.0**

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## Document Control

### Changes History

Version	Date	Amended by	Recipients	Purpose
1.0	Dec 2019	Matthew Barnes Deputy Director of Education and Standards	All Plymouth CAST staff	Updated Legislation
2.0	Sept 2022	HR	All Plymouth CAST staff	Updated Legislation

### Approvals

This policy requires the following approvals:

Board	Chair	CEO	Date Approved	Version	Date for Review
<input checked="" type="checkbox"/>			13th December 2019	1.0	December 2021
<input checked="" type="checkbox"/>			22nd July 2022	2.0	September 2023

### National/Local Policy

This policy must be localised by Academies

This policy must not be changed, it is a CAST/National Policy (only change logo, contact details and any yellow highlights)

### Position with the Unions

Does the policy require consultation with the National Unions under our recognition agreement?

Yes  No  If yes, the policy status is:  Consulted and Approved  Consulted and Not Approved

Awaiting Consultation

### Distribution

This draft document has been distributed to:

Position	Date	Version
All CAST Central employees, CAST Headteacher, CAST Directors, JCC	February 2019	1.0
All CAST Central employees, CAST Headteacher, CAST Directors, JCC	September	2.0

## **1. Vision and Values**

- 1.1.** Plymouth CAST is a multi-academy trust of Catholic schools which is part of the mission of the Catholic Church dedicated to human flourishing and the building of a kingdom of peace, truth and justice. The Trust is to be conducted in all aspects in accordance with canon law and the teachings of the Roman Catholic Church and at all times to serve as a witness to the Catholic faith in Our Lord Jesus Christ.
- 1.2.** Our vision and values are derived from our identity as a Catholic Trust. Central to our vision is the dignity of the human person, especially the most vulnerable. Our academies are dedicated to providing an education and formation where all our pupils and young people flourish in a safe, nurturing, enriching environment. All governors in our academies are expected to be familiar with the vision, mission, values and principles of the Trust and not in any way to undermine them. They should support and promote the vision and conduct themselves at all times in school and on school business according to the vision and principles of the Trust
- 1.3.** Plymouth CAST expects all its employees to recognise their obligations to each school within the Multi-Academy Trust, the public, pupils and other employees and to provide consistently high standards of education and performance at all times and in accordance with Plymouth CAST's vision, mission and principles.

## **2. The Mission of the Catholic Church and Safeguarding**

- 2.1.** "The Catholic Church and its individual members will undertake appropriate steps to maintain a safe environment for all and to practise fully and positively Christ's Ministry towards children, young people and adults at risk and to respond sensitively and compassionately to their needs in order to help keep them safe from harm. This is demonstrated by the provision of carefully planned activities for children, young people and adults, caring for those hurt by abuse and ministering to and robustly managing those who have caused harm." [Source: National Catholic Safeguarding Commission - Policy Statement February 2016]

## **3. Safeguarding Statement and Commitment**

- 3.1.** The Trust and its Schools recognise its moral and statutory responsibility to safeguard and promote the welfare of all children and young people. Staff, governors and volunteers will provide a caring, positive, safe and stimulating environment that promotes the social, physical and moral development of the individual child or young person. This will be underpinned by a culture of openness where both children and adults feel secure, able to talk and believe that they are listened to. We recognise that all staff have a full and active part to play in protecting our pupils from harm, and that the child's welfare is our paramount concern. We will ensure that all adults who have contact with children in our school have been properly vetted and deemed

suitable to work and support children in our care/charge. We will also ensure that all adults who have contact with children in our school have been trained to undertake their safeguarding responsibilities effectively. We maintain an attitude that 'it could happen here' where safeguarding is concerned.

#### **4. Purpose**

**4.1.** The purpose of this policy is to provide school leaders with clear guidance to follow when managing any allegation made against a member of staff or a volunteer. The policy supplements the Trust's Safeguarding Policy and should be read in conjunction with that policy. When managing allegations against staff, the Trust expects school leaders to put the interests and needs of the children first. Therefore, the assumption should always be 'it could happen here'. No allegation is too small to be considered using this policy.

#### **5. Safeguarding legislation and guidance**

**5.1.** This policy has been developed in accordance with the principles established by the Children Act 1989 and in line with government publications, local guidance and procedures including:-

- Working Together to Safeguard Children July 2018.
- What To Do If You Are Worried a Child Is Being Abused 26th March 2015.
- Keeping Children Safe in Education Guidance (current version as per the Government website  
<https://www.gov.uk/government/publications/keeping-children-safe-in-education-2>)
- South West Child Protection Procedures Website ([www.swcpp.org.uk](http://www.swcpp.org.uk)).
- Section 175 of the Education Act 2002 (maintained schools only)
- Section 157 of the Education Act 2002 (Independent schools only, including academies and CTCs)
- The Education (Independent Schools Standards) (England) Regulations 2003 (Independent schools only, including academies and CTCs)
- The Safeguarding Vulnerable Groups Act 2006
- The Teacher Standards 2012
- HM Gov Information Sharing 2015

#### **6. Policy Principles**

**6.1.** The welfare of the child is paramount.

**6.2.** All children regardless of age, gender, culture, language, race, ability, sexual orientation or religion have equal rights to protection, safeguarding and opportunities.

- 6.3.** We recognise that all adults, including temporary staff, volunteers and governors, have a full and active part to play in protecting our pupils from harm and have an equal responsibility to act on any suspicion or disclosure that may suggest a child is at risk of harm;
- 6.4.** This policy and procedure will apply in all cases where it is alleged that a teacher or member of staff (including a volunteer) 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 may indicate that they are unsuitable to work with children.

## **7. Policy Aims**

- 7.1.** This policy aims to ensure that all allegations against staff and volunteers are dealt with thoroughly and appropriately whilst striking a balance between the need to protect children from abuse and the need to protect staff and volunteers from false or unfounded accusations. The policy will do this by providing school leaders with supplementary information relating to the procedures to follow when managing allegations made against staff and volunteers.
- 7.2.** All staff and volunteers should understand what to do if they receive an allegation against another member of staff or if they themselves have concerns about the behaviour of another member of staff. Failure to report conduct which meets the criteria set out in 2.4 above may be dealt with under the Trust's Disciplinary Procedure.
- 7.3.** There may be up to 3 strands in the consideration of an allegation:
- a police investigation of a possible criminal offence;
  - enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;
  - consideration by the school of disciplinary action in respect of the individual.
- 7.4.** It is for a Headteacher to deal with all cases. If the allegations are against the Headteacher, the Education and Standards Manager (ESM) assigned to the school will assume the role of leading the process in collaboration with the Trust's Designated Safeguarding Lead. All cases will require close and regular liaison between the Trust/school and the Local Authority.

## **8. Reporting Allegations**

- 8.1.** All allegations which meet the criteria set out in KCISE should be reported straight away.

- 8.2.** Any allegation of abuse by a member of staff on a pupil must 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 to report it to the Headteacher or if that is not possible to pass details of the allegation to the Headteacher immediately.
- 8.3.** Should the allegation be made against the Headteacher then this should be brought to the attention of the school's ESM immediately. The ESM should inform the relevant LADO and the DSL within the trust on the same day they have learned of the allegation.
- 8.4.** Should the allegation meet any of the following criteria then the Headteacher should report the allegation to the LADO the same day that the allegation is received: A teacher or member of staff (including a volunteer) in a school, FE college or other education establishment that provides education for children under 18 years of age has:
- behaved in a way that has harmed a child, or may have harmed a child;
  - possibly committed a criminal offence against or related to a child; or
  - behaved towards a child or children in a way that may indicate they are unsuitable to work with children.

## **9. Initial Consideration**

- 9.1.** The Headteacher or ESM will discuss the matter with the LADO and, where necessary, obtain further details of the allegation and the circumstances in which it was made. The discussion should also consider whether there is evidence/information that establishes that the allegation is false or unfounded.
- 9.2.** 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 immediately refer the matter to the Police, and ask for a strategy discussion to be convened as soon as possible to decide whether a police investigation is needed. The strategy discussion should include the LADO and the Headteacher (or when the allegation is against the headteacher, the school's ESM).
- 9.3.** In cases where the Police determines that the allegation does not meet the threshold of abuse s/he may decide that a strategy discussion is not necessary and that the matter can be dealt with by the School under the Trust's Disciplinary Procedure.
- 9.4.** If there is no cause to suspect that 'significant harm' is an issue, but where a criminal offence may have been committed, the LADO should immediately inform the Police and convene a similar discussion to decide whether a Police investigation is needed.

## **10. Cases subject to a School investigation**

- 10.1.** Where, following a strategy discussion, the initial consideration determines that the allegation does not involve a possible criminal offence it will be for the School to manage the next steps.
- 10.2.** In such cases, if the nature of the allegation does not require formal disciplinary action, the Headteacher should institute appropriate action within 3 working days and confirm in writing to the LADO what action has been taken.
- 10.3.** If a disciplinary hearing is required and can be held without further investigation, this should take place within 15 working days.
- 10.4.** Where further investigation is required to inform consideration of disciplinary action, the Headteacher, in consultation with the LADO, the ESM, the Chief Executive Officer, Safeguarding Lead and the Trust's Human Resources (HR) department, will decide who will be appointed to investigate. In some settings and circumstances it may be appropriate for the disciplinary investigation to be conducted by an independent person. The investigating officer should aim to provide a report to the Headteacher and/or ESM within 10 working days. The employee will have the right to representation of a Union rep or work colleague at all formal meetings.
- 10.5.** Upon receipt of the report on the disciplinary investigation, the Headteacher or ESM should consult the LADO, the Trust's DSL and Chief Executive Officer and HR and decide whether a disciplinary hearing is needed within 2 working days. If a hearing is required it should be held within 15 working days.
- 10.6.** In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the Headteacher or ESM should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.
- 10.7.** The LADO should continue to liaise with the School and/or trust to monitor progress of the case and provide advice/support when required/requested.

## **11. Cases subject to Police Investigation**

- 11.1.** The Trust will act under the guidance and direction provided by the Police, LADO and associated agencies or groups.
- 11.2.** A target date should be set at the outset for reviewing progress of the investigation and consulting the CPS about whether to proceed with the investigation, charge the individual with an offence, or close the case.

11.3. Wherever possible that review should take place no later than 4 weeks after the initial strategy discussion and, if the decision is to continue to investigate the allegation, dates for subsequent review should be set at that point.

## **12. Suspension**

**12.1.** 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 or ESM to consider suspension pending resolution of the case.

**12.2.** Suspension should be considered in every case where;

- there is cause to suspect a child or other children at School/within the Trust is or are at risk of significant harm; or
- the allegation warrants investigation by the Police and there is a risk that the presence of the employee on site could compromise the course of the Police investigation; or
- is so serious that it might be grounds for dismissal.

**12.3.** However, suspension should not be an automatic response to an allegation without careful thought and consideration of the circumstances of the case.

**12.4.** The Headteacher must carefully consider whether the circumstances of the case warrant a person being suspended from contact with children at school until the allegation is resolved, and should seek advice from the LADO, Trust DSL, Chief Executive Officer and HR. 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 discussion. It should also take into account whether a temporary transfer or period of paid leave is appropriate as an alternative to suspension. The assessment should be recorded and a copy kept on file.

**12.5.** The Headteacher or ESM should also consider whether the result that would be achieved by suspension could be obtained by alternative arrangements. For example, redeployment so that the individual does not have direct contact with the child concerned, or providing an assistant to be present when the individual has contact with children.

**12.6.** The employer is responsible for the suspension of employees. The Trust will work with the LADO and associated agencies to consider and make decisions on staff suspensions.

- 12.7.** Where an individual is suspended, written confirmation should follow as soon as practicable. The individual should be informed at that point who their named contact is within the School/Trust and provided with their contact details.
- 12.8.** In cases where it is decided upon conclusion of the case that a person who has been suspended can return to work, the Headteacher or ESM should consider how best to facilitate such a return. Depending on the individual's circumstances, a phased return (on full pay) and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The Headteacher or ESM should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school.

### **13. Referral to DBS/TRA**

- 13.1.** If an allegation is substantiated and the individual is dismissed or the Trust ceases to use the individual's services, or the individual resigns or ceases to provide their services, the Trust should consult the LADO as to whether a referral to the Disclosure & Barring Service (DBS) is required. If a referral is appropriate the report should be made within one month.
- 13.2.** If the individual is a teacher, a referral of the case should also be made to the Teaching Regulation Agency(TRA) within one month.

### **14. Supporting those involved**

- 14.1.** The Trust has a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations and any subsequent disciplinary process. Support for the individual is key to fulfilling this duty. Individuals should be fully informed of concerns or allegations in writing as soon as possible and given an explanation of the likely course of action, unless there is an objection by the local authority, social care services or the Police. The individual should be advised to contact their trade union representative (if they are a member), or a colleague for support.
- 14.2.** The Trust 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.

- 14.3. Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. The Headteacher should consult with the LADO about how and by whom they should be informed. 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 the information which can be disclosed to the parents/carers.
- 14.4. Parents will be told that the incident has been dealt with robustly in accordance with internal processes.
- 14.5. In cases where a child may have suffered significant harm, or there may be a criminal prosecution, local authority social care services, or the police as appropriate, should consider what support the child or children involved may need.

## **15. Confidentiality**

- 15.1. Every effort should be made to maintain confidentiality and guard against unwanted publicity while an investigation is being investigated/considered.
- 15.2. All proceedings will remain confidential to the parties concerned. The details of proceedings of any investigatory interviews and/or hearings and appeals will not be reported other than to those who have a role in the proceedings.
- 15.3. Any enquiries from the press should be directed to the Trust's Chief Executive Officer.

## **16. Resignations and Settlement Agreements**

- 16.1. The fact that an individual tenders their resignation, or ceases to provide 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.
- 16.2. Wherever possible the individual 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 individual 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.

- 16.3. The Trust will ensure it fulfils its duty under the Keeping Children Safe in Education for cases of resignations and settlement agreements. The use of a settlement agreement or acceptance of a resignation will not prevent the Trust from fulfilling its statutory duty of reporting cases to the DBS service and/or TRA where applicable.
- 16.4. For avoidance of doubt and to provide safeguards, no Settlement Agreement can be entered into without the express authorisation of the Trust's Chief Executive Officer. In any case where Settlement Agreements are approved, the Trust must comply with EFA policy which may include disclosure information which would otherwise be considered confidential.

## **17. Record Keeping**

- 17.1. 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, including any sanctions imposed.
- 17.2. These notes must be kept on the individual's confidential personnel file.
- 17.3. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the individual leaves the Trust's employment. It is also important that accurate and detailed information is held in the event that the Disclosure and Barring Service (DBS) makes requests for further information. 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 retirement age or for ten years if that is a longer period of time.
- 17.4. A record should also be placed on the child's file as per the retention policy.

## **18. Action in respect of unfounded allegations**

- 18.1. If an allegation is determined to be unfounded, the LADO should refer the matter to children's social care to consider whether the child concerned is in need of protective services, or has been abused by another individual.
- 18.2. In the case of a pupil deliberately inventing or making a malicious allegation, the Headteacher should consider taking action in accordance with the school's Behaviour Management Policy.

- 18.3. 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 and counselling services.
- 18.4. If an allegation made by a member of staff is proved to be vexatious, it will be considered under the Trust's Disciplinary Policy
- 18.5. Where a full record of any allegations against a member of staff which are found to be vexatious or unfounded is kept on file, together with a further record that there was no evidence to substantiate the allegation. This will be kept on file in accordance with the Trust's Data Retention Policy.

## 19. Learning Lessons

- 19.1. Upon the conclusion of a case in which an allegation is substantiated the LADO should review the circumstances of the case with the Headteacher [and the Chief Executive Officer] to determine whether there are any improvements to be made to the Trust/School's practices to help prevent similar events in the future.

## 20. Review

- 20.1. The content of this policy and procedure may be subject to revision from time to time following consultation with the recognised trade unions.
- 20.2. History of changes

Date	Page	Details of the change	Agreed by
22/07/22	6	6.4- Changed to: behaved towards a child or children in a way that may indicate that they are unsuitable to work with children.	SELT/JCC/Board of Directors
22/07/22	7	8.1- Reference to 2.4 removed and replaced with KCSIE	SELT/JCC/Board of Directors
22/07/22	7	8.4- Changed to: behaved towards a child or children in a way that may indicate that they are unsuitable to work with children.	SELT/JCC/Board of Directors
22/07/22	8	10.4- Added right for Union representation. Safeguarding lead has also been added.	SELT/JCC/Board of Directors

<b>Date</b>	<b>Page</b>	<b>Details of the change</b>	<b>Agreed by</b>
22/07/22	8	11.1- Replaced with 'The Trust will act under the guidance and direction provided by the Police, LADO and associated agencies or groups.'	SELT/JCC/Board of Directors
22/07/22	8	11.4 Removed	SELT/JCC/Board of Directors
22/07/22	8	11.5 Removed	SELT/JCC/Board of Directors
22/07/22	10	12.6 Replaced with 'The employer is responsible for the suspension of employees. The Trust will work with the LADO and associated agencies to consider and make decisions on staff suspensions'	SELT/JCC/Board of Directors
22/07/22	10	12.8 Added that suspension will be with full pay	SELT/JCC/Board of Directors
22/07/22	10	13 Replaced reference to NCTL with TRA	SELT/JCC/Board of Directors
22/07/22	10	13.1- Change his/her to their (Also replaced in 14.1, 16.1, & Appendix 1	SELT/JCC/Board of Directors
22/07/22	11	14.1- Changed to 'Individuals should be fully informed of concerns or allegations in writing as soon as possible....'	SELT/JCC/Board of Directors
22/07/22	11	14.4- Replaced with 'Parents will be told that the incident has been dealt with robustly in accordance with internal processes.'	SELT/JCC/Board of Directors
22/07/22	12	16.3- Replaced with 'The Trust will ensure it fulfils its duty under the Keeping Children Safe in Education for cases of resignations and settlement agreements. The use of a settlement agreement or acceptance of a resignation will not prevent the Trust from fulfilling its statutory duty of reporting cases to the DBS service and/or TRA where applicable.'	SELT/JCC/Board of Directors
22/07/22	13	17.4 Added 'as per the retention policy'	SELT/JCC/Board of Directors

<b>Date</b>	<b>Page</b>	<b>Details of the change</b>	<b>Agreed by</b>
22/07/22	13	18.4- Changed to- If an allegation made by a member of staff is proved to be vexatious, it will be considered under the Trust's Disciplinary Policy	SELT/JCC/Board of Directors
22/07/22	19	Addition to Policy - Low Level Concerns Section	SELT/JCC/Board of Directors

**Policy to be reviewed by the Plymouth CAST Board in consultation with the JCC in (date) or when legislation changes or operational reasons arise.**

**This policy also links to the following policies:**

- Child Protection and Safeguarding
- Staff Code of Conduct
- Whistleblowing
- Health & Safety
- Complaints
- Risk Assessments
- Recruitment
- Intimate Care

## **Appendix 1: Summary of Process**

### **Allegation made to the Trust**

1. Allegations should be reported to the Headteacher immediately unless the allegation is about the Headteacher, in which case it should be reported to the School's ESM.
2. The allegation should not be investigated by the Trust/school, at this stage.
3. The Headteacher/ESM should report the allegation to the LADO the same day.

### **Initial consideration**

1. The LADO will discuss the matter with the Headteacher/ESM and obtain further details of the allegation and the circumstances in which it was made. The discussion should also consider whether there is evidence/information that establishes that the allegation is false or unfounded.
2. The LADO will immediately refer the allegation to the Children and Young People Safeguarding Manager and ask for a strategy discussion to be convened as soon as possible.
3. The LADO and Headteacher/ESM should be included in the strategy discussion whenever possible.
4. The Headteacher/ESM, in consultation with LADO should consider whether suspension is appropriate.

### **Action following initial consideration**

1. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be dealt with by the Trust.
2. If the nature of the allegation does not require formal disciplinary action the Headteacher/ESM should institute appropriate action within 3 working days and confirm in writing to the LADO what action has been taken.
3. Where further investigation is required to inform consideration of disciplinary action the Headteacher/ESM in consultation with the LADO will decide who should undertake such an investigation. The investigating officer should aim to provide a report to the Trust/school within 10 working days.
4. On receipt of the report of the investigation the Headteacher/ESM should consult the LADO and decide whether a hearing is needed within 2 working days. If a hearing is required it should be held within 15 working days.
5. In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the Trust/school should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.
6. The LADO should continue to liaise with the Trust/school to monitor progress of the case and provide advice/support when required or requested.

### **Referral to DBS/NCTL**

1. If the allegation is substantiated and the person is dismissed or the Trust ceases to use the individual's services, or the individual resigns or otherwise ceases to

provide their services, the LADO should discuss with the Trust/school and HR whether a referral to the DBS/NCTL is required (referred to in paragraph 9).

Wherever the word “staff” is used, it covers ALL staff on site, including ancillary supply and self-employed staff, contractors, volunteers working with children, and local governors.

## Appendix 2

### Key Contacts for Safeguarding and Child Protection at the School

Local Authority Safeguarding contact numbers and emails are held within individual schools

<p><b>Key Personnel</b></p> <p><b>Designated Safeguarding Lead (DSL):</b> _____</p> <p>Contact details: email: _____ Telephone: _____</p> <p><b>Deputy DSL:</b> _____</p> <p>Contact details: email: _____ Telephone: _____</p> <p><b>Second Deputy DSL (if relevant):</b> _____</p> <p>Contact details: email: _____ Telephone: _____</p> <p><b>Designated Looked After Children lead:</b> _____</p> <p>Contact details: email: _____ Telephone: _____</p> <p><b>The nominated safeguarding governor is:</b> _____</p> <p>Contact details: email: _____ Telephone: _____</p> <p><b>The Headteacher is:</b> _____</p> <p>Contact details: email: _____ Telephone: _____</p> <p><b>The Chair of Governors is:</b> _____</p> <p>Contact details: email: _____ Telephone: _____</p> <p><b>Local Authority Designated Officer (LADO):</b> _____</p> <p>Contact details: email: _____ Telephone: _____</p> <p><b>Single Point of Contact for Safeguarding Children:</b> _____</p> <p>Contact details: email: _____ Telephone: _____</p>
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# Low-Level Concerns

## **1. Scope**

This section of the policy applies to all staff employed by Plymouth CAST and individuals working within our schools, and should be used in conjunction with the Plymouth CAST code of conduct and the current statutory guidance – “Keeping Children Safe in Education”.

## **2. Purpose**

- 2.1. This policy sets out the framework and expectations where individuals are expected to report concerns no matter how small, about their own behaviour or that of another employee, volunteer, supply teacher or contractor within the school.
- 2.2. Safeguarding and promoting the welfare of children is everyone’s responsibility. The purpose of this 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 individuals working within our schools.
- 2.3. This policy is to promote a culture in which all concerns about adults (including allegations that do not meet the harm threshold) are shared responsibly, with the correct person and are recorded and dealt with appropriately. This will enable schools and the Trust to identify concerning or inappropriate behaviour early. In addition, this will minimise risk of abuse and ensure that all our employees are clear on their professional boundaries and act within them.

## **3. General Principles**

- 3.1. It is important to recognise that the words ‘allegation’ and ‘concern’ can be and are used interchangeably by different people. Sometimes individuals may shy away from the word ‘allegation’ and express it as a ‘concern’ instead. Whatever language is used, the behaviour referred to may, on the one hand, be capable of meeting the harm threshold (and hence be referable). Alternatively, it does not meet the harm threshold in which case it should be treated as a low-level concern.
- 3.2. Individuals working within the Trust’s schools will be clear about what appropriate behaviour is in accordance with KCSiE and the Staff Code of Conduct.
- 3.3. Individuals working within the Trust’s schools will recognise the importance of professional boundaries and when to report concerns.
- 3.4. Individuals should feel empowered to share any low-level concerns with an appropriate person.
- 3.5. 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 harm threshold.
- 3.6. KCSiE states that, as part of their whole school approach to safeguarding, schools should ensure that they 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.

- 3.7. It is never too late to share a low-level concern.
- 3.8. Any disclosure will remain confidential in accordance with GDPR and the Trust's Data Protection Policy.
- 3.9. Low-level concerns will be responded to in a sensitive and proportionate manner. Any investigation of low-level concerns will be done discreetly and on a need-to-know basis.
- 3.10. This policy should be acted upon in conjunction with the principles established by Keeping Children Safe in Education (KCSiE), Plymouth CAST Safeguarding Policy and the Staff Code of Conduct.

#### **4. Equal Opportunities**

- 4.1. The Low-Level Concern policy must always be applied fairly and in accordance with employment law and Plymouth CAST Equal Opportunities Policy.

#### **5. Responsibilities**

- 5.1. Line Managers:
  - 1. Have a responsibility for safeguarding pupils in accordance with KCSiE.
  - 2. Will ensure all employees receive an appropriate induction in accordance with the Plymouth induction guidance documents, which detail the expectations for behaviour and conduct for all staff across the Trust.
  - 3. Will share any concerns in relation to an employee, volunteer or person working within the school's behaviour, including those that do not meet the harm threshold. This should be done without delay.
  - 4. Will ensure that any concerns raised with them are acted upon in accordance with this and any other relevant policies.
  - 5. Will promote a working environment whereby their staff feel they can appropriately raise concerns.
  - 6. Must seek clarification and support in the application of this policy as and when required.
  - 7. Should be confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour in themselves and

others, including any patterns that may need to be consulted upon with, or referred to, the LADO.

8. Will help all staff to interpret the sharing of such concerns as a neutral act.
9. Will address unprofessional behaviour and support the individual to correct it at an early stage.
10. Will ensure all concerns that are raised are handled sensitively and proportionately.
11. Will help identify any areas for development in the organisation's safeguarding system as well as any training needs

#### 5.2. Employees, volunteers and those working within the Trusts schools

1. Will ensure they are clear of the expectations the Trust requires of them as outlined within the Plymouth CAST Staff Code of Conduct and KCSiE.
2. Will share any concerns in relation to an employee, volunteer or person working within the school's behaviour, including those that do not meet the harm threshold. This should be done without delay.
3. Will ensure concerns are reported to the appropriate person.
4. Will refer to their line manager, or appropriate person if they are concerned about how their behaviour may have been interpreted, or on reflection, re-evaluate their behaviour as one that may have been in contrary to the Trust Staff Code of Conduct and the Trusts expectations.
5. Will recognise the importance of professional boundaries and when to report.
6. Will support the Headteacher and Trust in promoting a working environment whereby staff feel they can appropriately raise concerns.

#### 5.3. HR and School Business Managers

1. HR and School Business Managers will advise line managers in the application of this policy.

### **6. Allegations that may meet the harm threshold**

6.1. The term 'allegation of harm' means that it is alleged that a person who works with children meets the harm threshold as specified below:

- behaved in a way that has harmed a child or may have harmed a child
- possibly committed a criminal offence against or related to a child

- behaved towards a child or children in a way that indicates they may pose a risk of harm to children
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

6.2. Staff should follow the Allegations Against Staff Policy in such circumstances.

## **7. What is the definition of a Low-Level concern**

7.1. 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 harm threshold as set out in Section 7.

7.2. 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 Plymouth CAST'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.

7.3. 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 Headteacher/appropriate person and responded to in line with this policy.

7.4. Examples of behaviour that could require reporting of a low-level concern include but are not limited to:

- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- using inappropriate, sexualised, intimidating or offensive language.

7.5. 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.

7.6. 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.

- 7.7. Ensuring they are dealt with effectively should also protect those working in or on behalf of our schools and colleges from potential false allegations or misunderstandings.

## **8. Reporting Low-Level concerns**

- 8.1. Where a low-level concern has been identified, this will be reported as soon as reasonably possible to the Headteacher, preferably within 24 hours of becoming aware of the concern where it relates to a specific incident.
- 8.2. Should the Headteacher not be available the information should be reported to the most senior member acting on their behalf, or the appropriate Education and Standards Manager (referred to in this policy as the 'appropriate person'). The Headteacher should subsequently be informed as soon as practical.
- 8.3. Low-level concerns about the Designated Safeguarding Lead will be reported to the Headteacher.
- 8.4. Those about the Headteacher will be reported to the appropriate Education and Standards Manager and/or the Director of Education.
- 8.5. All low-level concerns may be shared verbally with the Headteacher/appropriate person in the first instance, but must then be recorded on the StaffSafe system.
- 8.6. The record should include:
- details of the concern
  - the context in which the concern arose
  - action taken
- 8.7. If the individual who raises the concern does not wish to be named, then the Headteacher/appropriate person should respect that person's wishes as far as possible. There will, however, be circumstances where the individual may need to be named, for example in a disciplinary process. In view of this, anonymity should not be promised to individuals who share a low-level concern. Where possible, we will try to encourage staff to consent to be named, as this will help to create a culture of openness and transparency.
- 8.8. Where the low-level concern is provided verbally, the Headteacher/appropriate person should encourage the individual to record the details in full on Staff Safe.
- 8.9. Whilst staff should share information as soon as reasonably possible, it should also be emphasised that it is never too late to share a low-level concern and a delay should never be seen as a barrier to sharing.

## **9. Self-Reporting**

- 9.1. There may be occasions that arise where an individual working at a school finds themselves in a situation which could have been misinterpreted or might appear compromising to others. Equally, an individual may, for whatever reason, have behaved in a manner which, on reflection, they consider falls below the standard set out in the Trust's Staff Code of Conduct.
- 9.2. Self-reporting in these circumstances can be seen as a positive step for the following reasons:
  - It is self-protective, in that it enables a potentially difficult issue to be addressed at the earliest opportunity.
  - It demonstrates awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how they could be perceived.
  - It is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour

## **10. Responding to a low-level concern.**

- 10.1. The person in receipt of the disclosure will in the first instance determine that the information being shared relates to a low-level concern and should not be reclassified as a higher level concern/allegation and therefore dealt with under a different policy.
- 10.2. The circumstances in which a low-level concern might be reclassified are where:
  - the threshold is met for a higher-level concern/allegation
  - there is a pattern of low-level concerns which collectively amount to a higher-level concern/allegation or
  - there is other information which when taken into account leads to a higher-level concern/allegation
- 10.3. Should the person in receipt of the disclosure be in any doubt, advice will be sought from the LADO if necessary, on a 'no-names' basis.
- 10.4. Having established that the concern is low-level, the person in receipt of the disclosure will discuss it with the individual who has raised it and will take any other steps to investigate it as necessary. If the concern has been raised via a third party, they should collect as much evidence as possible by speaking directly to the person who raised the concern, unless it has been raised anonymously; or to the individual involved and any witnesses.

- 10.5. Those investigating low-level concerns must do so promptly and effectively, whilst protecting staff and those working within our schools from any potential false allegation or misunderstanding.
- 10.6. Most low-level concerns by their very nature are likely to be minor and will be dealt with by means of management guidance, training etc. In dealing with a low-level concern with a member of staff, this will be approached in a sensitive and proportionate way. In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.
- 10.7. Details of the concern will be recorded along with the rationale for decisions and action taken and stored in accordance with section 13 of this policy.
- 10.8. Any conversation with a member of staff following a concern will include being clear with the individual as to why their behaviour is concerning, problematic or inappropriate; what change is required in their behaviour, enquiring what, if any, support they might need in order to achieve and maintain that; and being clear about the consequences if they fail to reach the required standard or repeat the behaviour in question.
- 10.9. Ongoing and transparent monitoring of the individual's behaviour may be appropriate. An action plan or risk assessment may also be required.
- 10.10. Some concerns may trigger the school's disciplinary, grievance or whistleblowing procedures, which will be followed where appropriate. Some concerns may be related to performance management. Advice may be sought from the Trust's HR team in such circumstances.

## **11. Possible outcomes from a low-level concern**

- 11.1. If it is deemed that the behaviour is entirely consistent with the Trust's Staff Code of Conduct and KCSiE, the Headteacher/appropriate person will:
  - Update the individual whom the allegation is against and inform them of the action taken to reach this conclusion.
  - Update the person who shared the low-level concern to provide them with feedback about how and why the behaviour is consistent with the Trust's Staff Code of Conduct and KCSiE.
  - Consider if further training is required in respect of reporting low-level concerns.
- 11.2. If the same or similar concern is subsequently disclosed about the same individual and the behaviour is again consistent with the Trust's Staff Code of Conduct and KCSiE, then an issue may need to be addressed about how the subject of the concern's behaviour is being perceived by others.
- 11.3. Most low-level concerns by their very nature are likely to be minor. Some will not give rise to any ongoing concern and, accordingly, will not require any further action.

Others may be most appropriately dealt with by means of management guidance and/or training as set out in section 11, details of which should be stored within the employees personnel file.

- 11.4. Some low-level concerns may raise issues of misconduct or poor performance. The individual investigating the low-level concern will consider whether this is the case, referring to HR if needed. If it is deemed that the behaviour relates to misconduct or poor performance the relevant Plymouth CAST Policy and processes should be followed.
- 11.5. Where a low-level concern relates to a person employed by a supply agency or a contractor, that concern will be raised with their employer, so that any potential patterns of inappropriate behaviour can be identified.
- 11.6. If it is determined that the behaviour, whilst not sufficiently serious to consider a referral to the LADO however merits consulting with and seeking advice from the LADO, then action (if/as necessary) will be taken in accordance with the LADO's advice.
- 11.7. If, when considered with any other low-level concerns that have previously been shared about the same individual, could now meet the threshold of an allegation, then it should be referred to the LADO in accordance with KCSIE.

## **12. Monitoring and storing Low Level Concerns**

- 12.1. Low level concerns must be kept confidential, held securely and comply with the Data Protection Act 2018 and UK GDPR legislation.
- 12.2. StaffSafe will be shared and monitored with the schools Senior Leadership team and will be reviewed periodically. This will ensure that all concerns are dealt with promptly and appropriately, and any patterns of concerning, problematic or inappropriate behaviour are identified.
- 12.3. No record will be made of the concern on the individual's personnel file (and no mention made in job references) unless either:
  - the concern (or group of concerns) has been reclassified as a higher-level concern, or
  - the concern (or group of concerns) is sufficiently serious to result in formal action under the Trust's Grievance, Capability or Disciplinary procedures.
- 12.4. Records can be retained in an employee's personnel file where referrals have been made to the LADO where the behaviour in question:
  - Had not originally been considered serious enough to consider a referral to the LADO but warranted consultation with and seeking advice from them.
  - Is determined to meet the threshold of an allegation when considered with any other low-level concerns that have previously been raised about the same individual.

- It meets the threshold of an allegation.

- 12.5. Documentation on personnel files will be retained in accordance with KCSiE which requires schools and colleges in England to produce a clear and comprehensive summary of all allegations (except those which are found to have been malicious), details of how the allegation was followed up and resolved, and a note of any action taken, and decisions reached, to be kept on the confidential personnel file of the staff member, and a copy provided to them.
- 12.6. When an employee leaves and/or takes up new employment, content of the central 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. This should be stored in accordance with the Plymouth CAST document retention guidelines.

## Appendix 1. 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.