



## **ALLEGATIONS AGAINST STAFF AND LOW LEVEL CONCERNS POLICY**

The school will report any allegation made against those working in or on behalf of schools in a paid or unpaid capacity. This includes members of staff, supply teachers, volunteers and contractors. Allegations and concerns must be reported to the Local Authority Designated Officer (LADO) within the same working day and will be completed via the LADO referral form (see Appendix A)

This policy contains two sections covering the two levels of allegation/concern:

1. Allegations that may meet the harms threshold.
2. Allegation/concerns that do not meet the harms threshold referred to as 'low level concerns'.

### **LOCAL AUTHORITY DESIGNATED OFFICER (LADO)**

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 college, or a combination of these.

Local Authority Designated Officer (LADO):	Colette Morris Office: 0161 770 8870 Mobile: 07583 101 863 Email: <a href="mailto:colette.morris@oldham.gov.uk">colette.morris@oldham.gov.uk</a>  LADO Support Officer: Catherine Leach <a href="mailto:catherine.leach@oldham.gov.uk">catherine.leach@oldham.gov.uk</a> , 0161 770 8081
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### **ALLEGATIONS THAT MAY MEET THE HARMS THRESHOLD**

This policy should be followed when it is alleged that anyone working in the school that provides education for children under 18 years of age, including supply teachers, volunteers and contractors has:

- Behaved in a way that has harmed or may have harmed, a child
- Possibly committed a criminal offence against, or related to, a child or
- Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children. This includes behaviour that may have happened outside of school, that might make an individual unsuitable to work with children (transferable risk).

Allegations should be referred to the Principal. Where there are concerns/allegations about the Principal, this should be referred to the Chair of Governors. The Chair of Governors, rather than the Designated Safeguarding Lead, will handle such allegations as Case Manager. In all instances, the Case Manager will have no role in the investigation at the onset of the allegation and must discuss the allegation with the Local Authority Designated Officer. The full procedures for dealing with allegations against staff can be found on the following link: <https://www.olscb.org/professionals/lado/index.php>

## **THE INITIAL RESPONSE TO AN ALLEGATION**

If there is immediate risk of harm to a child or if the situation is an emergency, the school will contact children's social care and as appropriate the police immediately. The school will consider two aspects when an allegation is made:

1. Looking after the welfare of the child - the designated safeguarding lead is responsible for ensuring that the child is not at risk and referring cases of suspected abuse to the local authority children's social care.
2. Investigating and supporting the person subject to the allegation - the case manager should discuss with the LADO, the nature, content and context of the allegation, and agree a course of action.

When dealing with allegations, the school will:

- apply common sense and judgement;
- deal with allegations quickly, fairly and consistently; and
- provide effective protection for the child and support the person subject to the allegation.

The school will conduct basic enquiries in line with the questions asked on the LADO Referral Form (<https://www.olscb.org/professionals/lado/index.php>).

When to inform the individual of the allegation will be considered carefully on a case by case basis, with guidance as required from the LADO, and if appropriate children's social care and the police.

If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion involving the police and/or children's social care will be convened in accordance with the statutory guidance Working Together to Safeguard Children. If the allegation is about physical contact, for example restraint, the strategy discussion or initial evaluation with the LADO will take into account that teachers and other school staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

If the case manager is concerned about the welfare of other children in the community or the member of staff's family, they will discuss these concerns with the designated safeguarding lead and make a risk assessment of the situation. It may be necessary for the designated safeguarding lead to make a referral to children's social care.

Where it is clear that an investigation by the police or children's social care is unnecessary, or the strategy discussion or initial assessment decides that is the case, the LADO should discuss the next steps with the case manager.

### **NO FURTHER ACTION**

Where the initial discussion leads to no further action, the case manager and the LADO will:

- record the decision and justification for it; and,
- agree on what information should be put in writing to the individual concerned and by whom.

### **FURTHER ENQUIRIES**

Where further enquiries are required to enable a decision about how to proceed, the LADO and case manager should discuss how and by whom the investigation will be undertaken. In straightforward cases, the investigation will normally be undertaken by a senior member of the school's staff.

Where there is a lack of appropriate resources within the school, or the nature or complexity of the allegation requires it, the school will make use of an independent investigator.

The case manager will monitor the progress of cases to ensure that they are dealt with as quickly as possible in a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case. Wherever possible, the first review will take place no later than four weeks after the initial assessment. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the review meeting if the investigation continues. The school will follow the advice and guidance given by the LADO.

### **SUPPLY TEACHERS AND ALL CONTRACTED STAFF**

The school will ensure that allegations against supply teachers are dealt with properly. The school will not decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome. The Governing body and the proprietor will discuss with the supply agency or agencies where the supply teacher is working, whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation.

The school will usually take the lead. Supply teachers, whilst not employed by the school, are under the supervision, direction and control of the governing body or proprietor when working in the school. They will be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting which is often arranged by the LADO will address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency or agencies are taken into account by the school during the investigation.

When using a supply agency, the school will inform the agency of its process for managing allegations but will also take account of the agency's policies and their duty to refer to the

DBS as personnel suppliers. The school will invite the agency's human resource manager or equivalent to meetings and keep them up to date with information about its policies.

## **GOVERNORS**

If an allegation is made against a governor, the school will make a referral according to the referral procedures. If an allegation is substantiated, the school will follow procedures to consider removing them from office.

## **SUSPENSION**

Suspension is not the automatic response when an allegation is reported. The school will consider all options to avoid suspension. The case manager must consider carefully whether the circumstances warrant suspension from contact with children at the school or until the allegation is resolved. It will only be considered in cases where there is cause to suspect a child or other children at the school is/are at risk of harm, or the case is so serious that there may be grounds for dismissal. If in doubt, the case manager will seek views from the LADO, as well as the police and children's social care where they have been involved.

If the school is made aware that the Secretary of State has made an interim prohibition order, in respect of an individual who works at a school, they will take immediate action to ensure the individual does not carry out work in contravention of the order. This means that pending the findings of the TRA investigation, the individual must not carry out teaching work.

The school will decide on whether the individual should continue to work at the school, based on consultation with the LADO who will provide relevant information they have received from the police or children's social care on whether they have any objections to the member of staff continuing to work during the investigation of the case. Suspension will be a last resort.

Based on a risk analysis drawn up with the LADO, the following alternatives will be considered by the case manager before suspending a member of staff:

- redeployment within the school so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, but this decision should only be made if it is in the best interest of the child or children concerned and takes account of their views. It should be made clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location

These alternatives allow time for an informed decision regarding the suspension, this will, however, depend upon the nature of the allegation. The case manager will consider the potential permanent professional reputational damage to employees that can result from

suspension where an allegation is later found to be unfounded, unsubstantiated, malicious, or false.

If immediate suspension is considered necessary, the case manager will record the rationale and justification for such a course of action. This will also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation will be given within one working day, giving as much detail as appropriate for the reasons for the suspension. The school will support any person who has been suspended. The person will be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

The decision to suspend will be taken on a case-by-case basis having undertaken a risk assessment about whether the person poses a risk of harm to children.

## **SUPPORTING THOSE INVOLVED**

### **DUTY OF CARE**

The welfare of a child is paramount and this will be the prime concern in terms of investigating an allegation against a person in a position of trust. The school will also offer appropriate welfare support to the staff member at such a time and will recognise the sensitivity of the situation. Information is confidential and should not ordinarily be shared with other staff or with children or parents who are not directly involved in the investigation.

The school will

- manage and minimise the stress caused by the allegation;
- inform the individual as soon as possible, explaining the likely course of action, guided by the LADO, and the police where necessary;
- advise the individual to contact their trade union representative, or a colleague for support;
- appoint a named representative to keep the person informed about progress of the case;
- provide access to counselling or medical advice where appropriate;
- not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence.

Parents or carers of the child or children involved will be:

- formally told about the allegation as soon as possible. The case manager will consult the LADO and where involved children's social care and/or the police on what information can be disclosed;
- kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member; and



- made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress as set out in section 141F of the Education Act 2002

## **CONFIDENTIALITY AND INFORMATION SHARING**

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

The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The school will follow the Education Act 2011. The school understands that it is an offence (except in the limited circumstance expressly permitted by the legislation), for any person to publish any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a child from the same school (where that identification would identify the teacher as the subject of the allegation).

The reporting restrictions apply until:

- the point that the accused person is charged with a relevant offence; or
- the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation.

Reporting restrictions will be disapplied if the individual effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a court lifts the reporting restrictions in response to a request to do so. The school will make parents aware that there are restrictions on publishing information.

The case manager will take advice from the LADO, police and children's social care to agree the following:

- who needs to know and exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any, information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if, and when, it should arise.

## **ALLEGATION OUTCOMES**

The following definitions will be used:

- **Substantiated:** there is sufficient evidence to prove the allegation;
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation;
- **False:** there is sufficient evidence to disprove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence; or,
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

The options open to the school depend on the nature and circumstances of the allegations and the evidence and information available. This will range from taking no further action, to dismissal or a decision not to use the person's services in future.

If the allegation is substantiated and:

- the person is dismissed; resigns, or otherwise ceases to provide his or her services;  
or
- the employer ceases to use the person's services,

the school will make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

In the case of a member of teaching staff, the case manager will consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

The school, in line with its legal requirement, will make a referral to the DBS where they consider an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

## **FOLLOWING A CRIMINAL INVESTIGATION OR A PROSECUTION**

The police will inform the LADO and the employer immediately when:

- a criminal investigation and any subsequent trial is complete,
- it is decided to close an investigation without charge, or
- it is decided not to continue to prosecute after the person has been charged.

The LADO will discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care will also inform that decision. The options will depend on the circumstances of the case and the consideration should take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

## **UNSUBSTANTIATED, UNFOUNDED, FALSE OR MALICIOUS ALLEGATIONS**

If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager will consider whether the child and/or the person who has made the allegation is in need of help or if there are any other underlying issues that need investigating. In those circumstances, during the joint assessment meeting the LADO should discuss this further as this may be a cry for help. In such circumstances, a referral to children's social care may be appropriate.

If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate. If a report is shown to be deliberately invented or malicious, the school will consider whether any disciplinary action is appropriate against the individual who made the allegation, according to the behaviour policy.

## **RETURNING TO WORK**

If a person suspended can return to work, the case manager will consider how best to facilitate that following guidance from the LADO. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The case manager will 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.

## **MANAGING THE SITUATION AND EXIT ARRANGEMENTS**

### **RESIGNATIONS AND 'SETTLEMENT AGREEMENTS'**

The school will not use 'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference, where there are allegations that indicate the person is a risk or poses a risk of harm to children or deemed not suitable to work with children. Staff must understand that such an agreement will not prevent a thorough police and/or school investigation where that is appropriate.

The school will not cease any investigations if the person leaves, resigns or ceases to provide their services. 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.



Wherever possible, the accused will be given full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated or otherwise on the basis of all the information available, should continue even if the accused 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 an outcome wherever possible. The person concerned should be notified of the conclusion of the allegations and sanctions that might be posed.

Other than where allegations are false, malicious, unsubstantiated, or unfounded, the outcome will be made clear when providing references to prospective employers. This is particularly important where the person moves into another position involving working with children.

It is not appropriate to reach a settlement/compromise agreement if the person subject to the allegation resigns or their services cease to be used. However, in limited circumstances schools sometimes use settlement agreements to end the employment relationship on agreed terms, but not where there is an allegation that the individual poses a risk to children.

Where a settlement/compromise agreement is used, the school will not let it prevent it from:

- fulfilling their legal duty to refer cases to the DBS where the referral criteria are met
- providing a reference to potential employers when requested; or
- considering whether to make a referral to the Teaching Regulations Agency where the criteria are met

## **RECORD KEEPING**

Details of allegations following an investigation that are found to have been malicious or false will be removed from personnel records, unless the individual gives their consent for retention of the information. However, for all other allegations, it is important that the following information is kept on the file of the person accused:

- a clear and comprehensive summary of the allegation;
- details of how the allegation was followed up and resolved;
- a note of any action taken, and decisions reached and the outcome as categorised above;
- a copy provided to the person concerned, where agreed by children's social care or the police; and,
- a declaration on whether the information will be referred to in any future reference.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

The school will preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. All other records should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

The school will follow the guidance by the Information Commissioner about Employment Practices Code.

## **REFERENCES**

Cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious will not be included in employer references. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious will also not be included in any reference. Substantiated allegations should be included in references, provided that the information is factual and does not include opinions.

## **LEARNING LESSONS**

After any cases where the allegations are *substantiated*, the case manager will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual

For all other cases, the case manager will consider the facts and determine whether any improvements can be made.

## **NON RECENT ALLEGATIONS**

Where an adult makes an allegation to a school that they were abused as a child, the individual should be advised to report the allegation to the police. Non-recent allegations made by a child should be reported to the LADO in line with the local authority's procedures for dealing with non-recent allegations. The LADO will coordinate with children social care and the police. Abuse can be reported no matter how long ago it happened.

## **CONCERNS THAT DO NOT MEET THE HARM THRESHOLD**

Concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken.

### **LOW LEVEL CONCERNS**

As part of the whole school approach to safeguarding, the school will ensure that they promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school including supply teachers, volunteers and contractors are dealt with promptly and appropriately.

The school will create a culture in which all concerns about adults (including allegations that do not meet the harms threshold) are shared responsibly with the principal, recorded and dealt with appropriately. This will encourage an open and transparent culture; enable schools to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of the school are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the school.

Concerns may arise through, for example:

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

We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children. Ensuring they are dealt with effectively will also protect those working from potential false allegations or misunderstandings.

### **DEFINITION OF 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 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 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.

Examples of such behaviour could include, but are not limited to:

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

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.

### **Staff code of conduct and safeguarding policies**

The proprietor will ensure their staff code of conduct, behaviour policies and safeguarding policies and procedures are implemented effectively, and ensure appropriate action is taken in a timely manner to safeguard children and facilitate a whole school approach to dealing with any concerns.

The school will ensure that

- staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others;
- empower staff to share any low-level safeguarding concerns with the designated safeguarding lead (or a deputy);
- address unprofessional behaviour and supporting the individual to correct it at an early stage;
- provide a responsive, sensitive and proportionate handling of such concerns when they are raised; and,
- help identify any weakness in the school safeguarding system.

### **SCHOOL CULTURE**

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to confidentially share low-level concerns so that they can be addressed appropriately.

We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- Empowering staff to share any low-level concern



- Empowering staff to self-refer for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in the school's safeguarding system

## **SHARING LOW-LEVEL CONCERNS**

Low-level concerns about a member of staff should be reported to the designated safeguarding lead (or deputy). Where a low-level concern is raised about the designated safeguarding lead, it should be shared with the principal or chair of governors.

Staff should use the school's Low-Level Concerns Reporting Form (Appendix B)

Where a low-level concern relates to a person employed by a supply agency or a contractor to work in the school, that concern should be shared with the designated safeguarding lead (or deputy), and/or principal, and recorded and their employer notified about the concern, so that any potential patterns of inappropriate behaviour can be identified.

Staff are encouraged to consent to be named when sharing low-level concerns, as this will help to create a culture of openness and transparency. If the staff member who raises a low-level concern does not wish to be named, the School will respect that person's wishes as far as possible. However, there may be circumstances where the staff member will need to be named (for example, where disclosure is required by a court or local authority, or under a fair disciplinary process) and, for this reason, the School will not promise anonymity to members of staff who share low-level concerns.

## **STAFF CONCERNS ABOUT THEMSELVES - SELF REFERRAL**

Occasionally a member of staff may find themselves in a situation which could be misinterpreted or might appear compromising to others. Equally, a member of staff may, for whatever reason, have behaved in a manner which, on reflection, they consider falls below the standard set out in the Staff Code of Conduct. Self-reporting in these circumstances can be positive for a number of reasons, and staff are encouraged to self-report on the basis that:

- 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 member of staff's own actions or how they could be perceived; and



- crucially, it is an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.

The School's aim is to create an environment where staff are encouraged and feel confident to self-refer.

## **RESPONDING TO LOW-LEVEL CONCERNS**

If the concern is raised via a third party, the principal will collect evidence where necessary by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously
- To the individual involved and any witnesses

The principal will use the information collected to categorise the type of behaviour and determine any further action, in line with the school's staff code of conduct.

They will – not necessarily in the below order but in an appropriate sequence according to the nature and detail of the particular concern shared with them:

- Speak to the person who raised the low-level concern (unless it has been raised anonymously).
- Speak to any potential witnesses (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted).
- Speak to the individual about whom the low-level concern has been raised (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted).
- If they are in any doubt, seek advice from the LADO – on a no-names basis if necessary.
- Review the information and determine whether the behaviour in question:
  - (a) is entirely consistent with the Staff Code of Conduct and the law;
  - (b) constitutes a low-level concern;
  - (c) is 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;
  - (d) when considered with any other low-level concerns previously raised about the same person, could now meet the threshold of an allegation, and should be referred to the LADO/other relevant external agencies,
  - (e) in and of itself meets the threshold of an allegation and should be referred to the LADO/other relevant external agencies, and in accordance with the school's Safeguarding Policy

The principal will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with the DSL.

Ensure that appropriate and detailed records are kept of all internal and external conversations regarding the concern, their determination, the rationale for their decision and any actions taken, and retain records.

Consider whether the concern also potentially raises misconduct or capability issues.

**Action to be taken if it is determined that the behaviour is entirely consistent with the School's Staff Code of Conduct and the law:**

The principal will update the individual in question and inform them of any action taken.

The principal will speak to the person who shared the low-level concern – to provide them with feedback about how and why the behaviour is consistent with the School's Staff Code of Conduct and the law.

**Action to be taken if it is determined that the behaviour constitutes a low-level concern:**

The principal will respond in a sensitive and proportionate way – on the one hand maintaining confidence that such concerns when raised will be handled promptly and effectively, whilst on the other hand protecting staff from any potential false allegations or misunderstandings. Any investigation of low-level concerns will be done discreetly and on a need-to-know basis.

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. In many cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised.

Any such conversation with individuals in these circumstances will include being clear with them 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. Ongoing and transparent monitoring of the individual's behaviour may be appropriate. An action plan or risk assessment which is agreed with the individual, and regularly reviewed with them, may also be appropriate.

Some low-level concerns may also raise issues of misconduct or poor performance. The principal will also consider whether this is the case – by referring to the School's disciplinary and/or capability procedure.

If the Principal considers that the disciplinary or capability procedure may be triggered, they will refer the matter to the school governors. If governors advise that the school's disciplinary or capability procedure is triggered, the individual will have a full opportunity to respond to any factual allegations which form the basis of capability concerns or a disciplinary case against them.

Staff should be aware that when they share what they believe to be a low-level concern, the principal will speak to the adult who is the subject of that concern (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted) – no matter how 'low' level the concern may be perceived to be, to gain the subject's account –

and to make appropriate records (as above), which may be referenced in any subsequent disciplinary proceedings.

How the School responds to a low-level concern may be different depending on the employment status of the individual who is the subject of the concern - i.e. whether they are an employee or worker to whom the school's disciplinary and/or capability procedure would apply; or a contractor, Governor, or volunteer. The School's response will be tailored accordingly.

**Action to be taken if it is determined that the behaviour:**

**Whilst not sufficiently serious to consider a referral to the LADO nonetheless merits consulting with and seeking advice from the LADO, and on a no-names basis if necessary?**

Then action (if/as necessary) will be taken in accordance with the LADO's advice; or

**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, or in and of itself meets the threshold of an allegation?**

Then it will be referred to the LADO/other relevant external agencies, and in accordance with the school's Safeguarding Policy and the relevant procedures and practice guidance stipulated by the School's Local Safeguarding Partnership.

## **RECORDING LOW-LEVEL CONCERNS**

All low-level concerns will be recorded in writing by the designated safeguarding lead (or deputy). The record will include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted, if the individual wishes to remain anonymous then that will be respected as far as reasonably possible.

The school will ensure the records are kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR)

The school will review records so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the school will decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, in which case it should be referred to the LADO. Consideration will also be given to whether there are wider cultural issues within the school or college that enabled the behaviour to occur and where appropriate policies could be revised or extra training delivered to minimise the risk of it happening again.

The school will retain the information until the individual leaves their employment.



## REFERENCES

We will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance

## RESPONDING TO LOW-LEVEL CONCERNS

Concerns about safeguarding should be reported to the designated safeguarding lead or their deputy. If the concern has been raised via a third party, the designated safeguarding lead 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.

## EVALUATION

This policy will be reviewed by the SLT and Governing Body on an annual basis.

Date approved by Board of Governors	Date of implementation	Date of next review
July 2021	Sep 2021	Aug 2024



## APPENDIX A



### LADO Initial Consideration / Enquiry Form

All fields marked \* must be completed

<b>Name &amp; role of person completing this form:*</b>		<b>Contact Number of referrer: *</b>	
<b>Date LADO notified: *</b>		<b>Contact email: *</b>	
<b>Mosaic PID:</b>			
<b>* Name, Address, Date of Birth of person and Establishment where person of concern works/volunteers:</b>			
<b>*FULL NAME:</b> Home address		<b>*PLACE(S) OF WORK:</b>	
<b>*Date of Birth:</b>		<b>*Do they volunteer anywhere?</b>	
<b>* Do they have any children they are responsible for? Y/N</b> Please supply any names, Dates of Birth			
<b>NAME</b>		<b>D.O.B.</b>	
<b>* Detail of Allegation/Incident/Enquiry (Include date of incident) Please include the details of child(ren) involved</b>			
Please keep information clear & concise:			
<b>Any Witnesses</b> (Note: if <u>so</u> do not discuss what the child has said, ask only if they are aware on any incident that has occurred involving the child and ask that they make a note of their account, sign and date). <b>Any CCTV? – Please ensure a copy is kept</b>			

Once completed return this form to [colette.morris@oldham.gov.uk](mailto:colette.morris@oldham.gov.uk) |



## APPENDIX B

### Low-Level Concern Form

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

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

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

The record should be signed, timed and dated and returned to the Principal.

(Please use a separate sheet if necessary)

#### Details of Concern

**Name of staff member:**

**Date:**

**Signed:**