



# Policy & Procedure for Managing Allegations of Abuse and Low Level Concerns

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## Version Control

Current version	Previous version	Summary of key change(s)
1.0	NA	Introduction of a Trust wide policy.
2.0	1.0	Updated in accordance with KCSiE 2023
3.0	2.0	Annual policy review – no changes required.

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## 1 Introduction

- 1.1 Gosforth Federated Academies Limited (the Trust) takes the safeguarding of its pupils and staff very seriously and we recognise that it is extremely important that any allegation made against a member of staff, agency staff, contractors or volunteer is managed quickly and effectively. It is also important that safeguarding concerns are recognised and reported so behaviours can be appropriately managed.
- 1.2 This policy and procedure sets out how the Trust will manage allegations and low level concerns raised in relation to a member of staff, agency staff, contractors or volunteers at our academies. It meets the requirements of the Department for Education statutory guidance for managing allegations set out in Part 4 of Keeping Children Safe in Education 2022.
- 1.3 This policy and procedure is set out in two parts. The first part deals with allegations of abuse made against members of staff, including agency staff, contractors or volunteers. The second part deals with low level concerns raised in relation to members of staff, including agency staff, contractors or volunteers.
- 1.4 It is important to recognise that, in practice, the words 'allegation' and 'concern' can be and are used interchangeably by different people. The crucial point is that the conduct is reported.
- 1.5 This policy and procedure must be followed when dealing with allegations/concerns raised. This policy and procedure will be used alongside other relevant policies adopted by the Trust such as (but not limited to) the Complaints Policy, Code of Conduct, Safeguarding and Child Protection Policy, and Disciplinary Policy.
- 1.6 This policy and procedure should also be read alongside the following documents:
- Local Safeguarding Children Partnership (LSCP) procedures
  - Statutory guidance: [Working Together to Safeguard Children](#)
  - Statutory guidance: [Keeping Children Safe in Education \(KCSIE\) 2021](#)
  - Non statutory guidance: [Guidance for safer working practice for those working with children and young people in education settings](#)
  - Departmental advice: [What to do if you are worried a child is being abused – Advice for Practitioners](#)
  - The Academy's Child Protection and Safeguarding Policy
  - Trust's Code of Conduct
  - Trust's Disciplinary Policy

## 2 PART ONE: Managing allegations of abuse made against members of staff, agency staff, contractors or volunteers (*this group hereafter collectively referred to as 'workers' for the purpose of this policy*)

- 2.1 This part of the policy and procedure will be followed when managing such allegations and may be adapted to each case as required. Whilst it will be used in all cases, Part 4 of Keeping Children Safe in Education 2022 requires that it is followed in any case where it is suspected or alleged that a worker has:
- behaved in a way that has harmed a child or may have harmed a child (see our Child Protection and Safeguarding Policy for what we mean by 'harm');
  - possibly committed a criminal offence against or related to a child; or
  - behaved towards a child/young person or children/young people in a way that indicates he/she may pose a risk of harm to children/young people.

- behaved or may have behaved in a way that indicates he/she may not be suitable to work with children/young people.

2.2 The fourth bullet point above in 2.1, includes behaviour that may have happened outside of the Trust that might make an individual unsuitable to work with children/young people. This is known as transferable risk.

2.3 This policy and procedure will be used alongside our Complaints Policy, Child Protection and Safeguarding Policy, Code of Conduct and Disciplinary Policy, all of which can be accessed on the Academy's Virtual Learning Environment (VLE) and on the Trust's website.

### 3 Reporting an allegation

3.1 The safety and welfare of our pupils is of paramount importance and so all workers must report their allegations immediately. It is never too late to report an allegation where this timescale has not been met for any reason.

3.2 Allegations made against a worker should be reported to the Principal. Allegations involving the Principal should be reported to the CEO. Allegations involving the CEO should be reported to the Chair of Trustees. Allegations involving the Trustees should be reported to the Chair of Members. The Principal, CEO or Chair of Trustees, Chair of Members (as appropriate) will then contact the Local Authority Designated Officer (LADO). The Principal / CEO / Chair of Trustees / Chair of Members (as appropriate) will then act as the case manager.

Should it be considered necessary that an allegation requires immediate attention, but is received outside normal academy hours, the individual receiving the matter should consult the children's social care emergency duty team or local police and inform the LADO as soon as possible.

Newcastle	North Tyneside
Melanie Scott (LADO) Tel: 0191 277 4636	Hayley Muir (LADO) Tel: 0345 2000 109
Emergency Duty Team Tel: 0191 278 7878	Emergency Duty Team Tel: 0330 333 7475

3.3 In some cases allegations may arise from a complaint under the Trust's [Policy for Confidential Reporting of Concerns](#) ("whistleblowing"). This must be reported as per paragraph 3.2 above.

3.4 Where an allegation against a worker is made initially to the police or children's social care team, the person who receives the notification will inform the LADO without delay. They should also report it to the Trust as per 3.2 above.

3.5 It is recognised that workers who are concerned about the conduct of another worker towards a child are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation. All workers must remember that the welfare of children/young people is paramount and must report their concerns immediately. Support to those who are anxious about sharing information should be considered where appropriate, including offering assurance that any detrimental behaviour because of information being disclosed will not be tolerated.

3.6 Workers need to understand that when sharing a safeguarding allegation, the person who is the subject of that allegation will be spoken to in order to gain their account as part of any

investigation. They also need to understand that their account may then need to be shared and referred to in any subsequent disciplinary proceedings.

- 3.7 There may be occasions where a worker feels it is necessary to self-refer, where, 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. There may also be situations where a worker feels it necessary to voluntarily share specific information for the purpose of transparency and openness. In these circumstances, such concerns must be reported in accordance with 3.2.
- 3.8 In some cases, workers may have concerns about someone closely associated with a worker (e.g., partner, member of the family or other household member) who may present a risk of harm to children/young people for whom that individual is responsible. In these circumstances, such concerns must be reported in accordance with this policy and procedure.
- 3.9 If the worker who raises the allegation does not wish to be named, the Trust will respect that person's wishes as far as possible. However, there may be circumstances where the worker will need to be named (for example, where it is necessary in order to carry out a fair disciplinary process) and, for this reason, anonymity can never be promised. In circumstances where it becomes necessary to identify an individual this should be discussed with the employee and explained to them as early as possible. Where possible, the Trust will try to encourage workers to consent to be named, as this will help to create a culture of openness and transparency.
- 3.10 It is a fundamental principle of this policy and procedure that no one shall be treated any less favourably or suffer any detriment in their employment as a result of sharing information or reporting an allegation under this policy and procedure.
- 3.11 It is important to understand that an allegation 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 school; or as a result of vetting checks undertaken; or a concern raised by another worker. It may also arise in the context of the worker and their life outside work or at home.

## **4 Initial action by the person receiving or identifying an allegation**

- 4.1 The person to whom an allegation is first reported must treat the matter seriously and keep an open mind.

They should not:

- Investigate or ask leading questions if seeking clarification.
- Make assumptions or offer alternative explanations.
- Promise confidentiality but should instead give assurance that the information will only be shared on a 'need to know' basis.

They should:

- Make a written record of the information (where possible in the child's / adult's own words), including the time, date and place of incident/s, persons present and what was said. Then transpose these written notes to appendix 2 to act as an official record.
- Sign and date the written record.
- Immediately report the matter in line with 3.2 of this policy.

### **Initial considerations**

- 4.2 When an allegation is made the case manager will consider two aspects:
- 4.2.1 looking after the welfare of the child; and
  - 4.2.2 investigating and supporting the person subject to the allegation
- 4.3 In each case, the case manager will:
- 4.3.1 apply common sense and judgement;
  - 4.3.2 deal with allegations quickly, fairly and consistently; and
  - 4.3.3 provide effective protection for the child and support the person who is the subject to the allegation.
- 4.4 Before contacting the LADO, the case manager will conduct initial enquiries to establish the facts to help determine whether there is any foundation to the allegation. The case manager and/or HR will contact the LADO and an initial discussion will take place to consider the nature, content and context of the allegation and agree a course of action. The Academy's Designated Safeguarding Lead may also be involved in this discussion. This discussion may conclude that:
- no further action is required; or
  - more information is required to determine a course of action; or
  - a strategy discussion should take place; or
  - police or social care should be involved.
- 4.5 The Trust will share relevant information with the LADO about the allegation, the child, and the person against whom the allegation has been made. If it is decided that a strategy discussion should take place, then the Trust will always attend that meeting. Representatives from other agencies such as health, social care and police may also be invited to the meeting.
- 4.6 Information with parents/carers and the accused should only be disclosed as outlined in section 6.
- 4.7 If the initial information sharing between the case manager and the LADO concludes that no further action is to be taken; the decision and rationale should be recorded by both and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should also discuss with the LADO what further action should follow both in respect of the individual and those who made the allegation.

**Supply teachers, all contracted staff and organisations or individuals using the Trust premises**

- 4.8 In some circumstances it may be necessary to consider a concern against an individual not directly employed by the Trust, where the Academy/Trust's policies and procedures do not fully apply; for example, agency teachers or contracted staff provided by an employment agency or business or organisations and individuals using the Trust premises for the purposes of running activities for children/young people (for example community groups, sports associations, or service providers that run extra-curricular activities).
- 4.9 In no circumstances would the Trust cease to use a member of agency staff or contracted staff due to safeguarding concerns without finding out the facts following usual procedures and liaising with the LADO. Whilst the Trust is not the employer of agency teachers, contracted staff or individuals/organisations using the Trust premises, we will ensure allegations are dealt with properly and involve the agency / their employer in the process.

- 4.10 It is important that any concerns raised about agency/contracted staff are shared with their employer so that any potential patterns of inappropriate conduct can be identified.
- 4.11 Where an allegation (meeting the harm threshold) is made against an agency worker, contracted staff or any individuals or organisations using the Trust premises for the purposes of running activities for children/young people, the principal/HR will immediately contact both the Local Authority Designated Officer (LADO) and the agency/business concerned.

## **5 Investigating an allegation**

- 5.1 An investigation into the allegation will be undertaken by a senior member of staff at our Trust. Where no suitable staff are available or the nature or complexity of the allegation requires it, the Trust may appoint an independent investigator.
- 5.2 For agency staff, whilst agencies will need to be fully involved and co-operate with any enquiries from the LADO, police and/or children's social care, the Trust may need to take the lead on an investigation. The Trust may also be required to liaise with the LADO in relation to the referral process and liaise with the agency to ascertain background/history on the agency staff member concerned.
- 5.3 The LADO will be kept informed of the progress of the case, through liaison with social care, the police and/or the Trust as appropriate.

### **Case where children's social care undertakes enquiries**

- 5.4 If there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will be informed, and will immediately refer to children's social care and ask for a strategy discussion to be convened straight away involving the Local Authority Children's social care and the police. The discussion should include the LADO and the case manager.

### **Case subject to police investigation**

- 5.5 If there is cause to suspect that a criminal offence may have been committed, the LADO will be informed. The LADO should immediately inform the police and convene an initial evaluation meeting to decide whether a police investigation is needed. The discussion should include the case manager and any other agencies involved with the child/young person. Where a police investigation is necessary, the joint evaluation will also consider whether there are matters which can be taken forward under the Trust's disciplinary procedure in parallel with the criminal process or whether any disciplinary action will need to wait completion of the police enquiries and/or prosecution.
- 5.6 If the police and/or Crown Prosecution Service (CPS) decide not to charge the person with an offence, or decide to administer a caution, or the person is acquitted by a court, the police may pass any information they have which may be relevant to a disciplinary case to the Academy. The Academy will then consider any further internal action that it needs to take.
- 5.7 If the person is convicted of an offence, the police would normally inform the Academy immediately, and appropriate action will be taken.

### **Case subject to action by the Trust**

- 5.8 If the allegation is such that it is clear that enquiries by social care and/or investigation by police are not necessary, or the strategy discussion or initial evaluation decides that is the case, the case manager will take advice on appropriate action from the LADO. In deciding on the course of action to be taken, the case manager will consider:

- the nature and circumstances of the allegation;
- the evidence available; and
- the available courses of action depending on whether the person involved is an employee, volunteer, contractor or agency staff.

5.9 In the case of employees, reference should be made to the Trust's disciplinary procedure in considering the available course of action, seeking advice from HR.

5.10 When determining the outcome of an investigation Part 4 of Keeping Children Safe in Education 2022 states that the following definitions should be used when determining the outcome of the investigation:

5.10.1 **Substantiated:** there is sufficient evidence to prove the allegation

5.10.2 **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 to the allegation

5.10.3 **False:** there is sufficient evidence to disprove the allegation

5.10.4 **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence

5.10.5 **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

## 6 Supporting those involved

### 6.1 Parents/carers of the child(ren)/young person(people) involved

6.1.1 Parents or carers of the child/young person involved will be informed of any allegation. Where a strategy discussion is required, or police or children's social care need to be involved, the Trust will not inform the parents or carers until it has been agreed with those agencies what information can be shared.

6.1.2 The Trust will keep parents or carers informed about the progress of the investigation. Where there is no criminal prosecution the Academy will inform parents or carers the outcome of the investigation. The deliberations of any disciplinary hearing, and the information taken into account in reaching a decision, will not normally be disclosed.

### 6.2 The member of staff or volunteer

6.2.1 The Trust has a duty of care to its employees and will act to minimise the stress inherent in the investigation process.

6.2.2 The person who is the subject of the allegation will be informed as soon as possible, usually after the initial discussion with the LADO. The person will be advised of the likely course of action unless the police or children's social care raise an objection. In those circumstances the Academy will work with children's social care and the police to agree what information can be disclosed and when.

6.2.3 The case manager will appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and, where appropriate, up to date on other Academy/Trust related matters. The case manager will also consider what other support may be appropriate for the individual. The person who is the subject of the allegation will be advised to contact their trade union representative, or a



colleague (not involved in the case) for support. They may also be given access to support services provided by the Trust.

Education Support Partnership have a free and confidential helpline for support for teachers and education staff, further information is available from their website: <https://www.educationsupportpartnership.org.uk/helping-you/telephone-support-counselling>.

6.2.4 Where an allegation is made against a member of agency staff, the agency should provide any additional support to that individual.

## **7 Suspension**

7.1 Suspension is not an automatic response to an allegation being made. The Academy will only suspend a member of staff following careful consideration of whether there is cause to suspect the child/young person or other children/young people is/are at risk of harm or the case is so serious that it might be grounds for dismissal. In some cases, it may be possible for alternative arrangements to be made so that the individual can continue working.

7.2 Alternatives to suspension should always be considered based on assessment of risk such as redeployment within the Trust so there is no contact with the child/children/young person/young people; putting arrangements in place which mean the individual has no unsupervised access to children; moving the child/children/young person/young people to alternative classes; temporarily moving the individual to a different work location or working from home, or placing on paid leave.

7.3 The Trust makes the decision whether or not to suspend a member of staff, and should be made in consultation with the Trust's Director of HR. Where the police or children's social care are involved in the case, the Academy will listen to their views regarding suspension.

7.4 The Trust has no authority or power to suspend a member of agency staff where an allegation is made against them. Instead, the Trust will (where appropriate) cease to use the services of that member of agency staff.

7.5 Where the member of staff is suspended, they will receive written confirmation and will be informed of the reason for the suspension. They will also be provided with the name and contact details of a contact officer, whose main role is to provide information about the progress of the investigation.

7.6 The Trust will not prevent social contact with work colleagues and friends unless there is evidence to suggest such contact may prejudice the gathering of evidence. In this case the employee will be advised in writing.

7.7 After the suspension, if it is decided that the employee can return to the Trust, measures may be put in place to support their return to work. The Trust will consider how best to facilitate the return to work depending on the individual circumstances, short term additional support may be appropriate, such as a phased return and/or provision of a mentor. The Trust will also consider how the person's contact with the child or children/young person or young people involved in the allegation can best be managed, where appropriate.

## **8 Resignation and Settlement Agreements**

8.1 If the employee resigns or the agency staff member, contractor or volunteer ceases to provide their service, the investigation into the allegation will continue until its conclusion. The individual will be given the opportunity to engage with the investigation.

- 8.2 Every effort will be made to reach a conclusion in all cases of allegations that bear on the safety or welfare of children/young people, including any in which the individual being accused refuses to cooperate with the process. If the individual refuses to cooperate, 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. It may be difficult to reach a conclusion in those circumstances and it may not be possible to apply any disciplinary sanctions if the employee's period of notice expires before the process is complete but the Trust will aim to reach and record a conclusion wherever possible.
- 8.3 Settlement agreements will not be used in these cases.
- 8.4 In any event, such an agreement will not prevent a police investigation nor the Trust exercising its statutory duty to make a referral to the DBS and the TRA where appropriate.

## 9 Action on conclusion of the case

- 9.1 If the allegation is substantiated and:
- 9.1.1 the employee is dismissed or resigns; or
  - 9.1.2 we cease to use the agency staff, contractors or volunteers services as a result of the allegation;

the Trust will consider whether a referral to the DBS and/or to the TRA is required.

*DBS referral: the Trust has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm to a child/young person where the harm test is satisfied in respect of that individual; where the individual has received a caution or conviction for a relevant offence or if there is reason to believe that individual has committed a listed relevant offence and that individual has been removed from working (paid or unpaid) in regulated activity or would have been removed had they not left.*

*TRA referral: if the Trust dismisses or cease to use the services of a teacher because of serious misconduct or would have done had they not left first, must consider whether to refer the case to the Secretary of State who may investigate the case and decide whether to make a prohibition order in respect of that teacher.*

- 9.2 Where an allegation is found to be false, the Trust may refer the case to social services to determine whether the child/young person needs support and/or to understand if there is a safeguarding reason why the false allegation was made.
- 9.3 The Academy's Behaviour Policy sets out the action that may be taken against pupils who are found to have made malicious allegations. This policy can be accessed from the Academy's VLE and/or the Academy's website.
- 9.4 Where an allegation is made by someone other than a child/young person and was found to be false, the Trust would ascertain with the police whether there are grounds for action to be taken against the person making the false allegation.
- 9.5 Where an allegation is made against a member of agency staff the outcome of the investigation will be shared in writing with the agency and the LADO.

## **10 Post incident review**

- 10.1 It is good safeguarding practice for schools and academies to review incidents upon their conclusion so they can learn from them and continue to improve standards of safeguarding. Where allegations are made against workers, the Trust may carry out a review at the conclusion of the case.
- 10.2 At the conclusion of a case in which an allegation is substantiated the LADO will review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the Trust's/Academy's policies, procedures or practices to help prevent similar events in the future.

## **11 Timescales**

- 11.1 Investigations into allegations against workers will be concluded as quickly and efficiently as possible to ensure that any risks to the child/young person or other children/young people and stress to the individual is minimised as far as possible.
- 11.2 Every effort will be made to avoid any unnecessary delay. Whilst KCSIE 2022 provides target timescales, the time taken to investigate and resolve individual cases will depend on a variety of factors including the nature, seriousness and complexity of the allegation. The timescales shown within are therefore indicative and will be adjusted where necessary, particularly where they are outside the control of the Trust. However, it is acknowledged that allegations of a serious and complex nature are unlikely to be resolved quickly.

## **12 Record keeping**

- 12.1 Allegations found to be false or malicious will be removed immediately from the employment record of the individual. For all other allegations, a clear and comprehensive summary of the allegation, how it was followed up and resolved, a note of actions taken and decisions reached and a declaration on whether the information will be referred to in any future reference will be retained on the employment file. A copy will also be provided to the individual.
- 12.2 The record will be kept, including for individuals who leave the Trust, at least until the person reaches normal pension age or for 10 years if that will be longer, from the date of the allegation.
- 12.3 Details of any allegation made by a pupil will be kept in the confidential section of their record.

## **13 Confidentiality**

- 13.1 The Trust will make every effort to maintain confidentiality and guard against unwanted publicity whilst an allegation is being investigated.
- 13.2 The Education Act 2002 (amended by the Education Act 2011) introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school. This applies to parents and carers as well as the press.

## **14 Historic allegations**

- 14.1 Where an adult makes an allegation to the Trust that they were abused as a child/young person, that adult will be advised to report the allegation to the police.

14.2 Historic allegations made by a child/young person will be reported to the LADO in line with the local authority's procedures for dealing with historical allegations.

## **PART TWO: Managing low level concerns against workers**

- 14.3 This part of the policy and procedure will be followed when dealing with low level concerns raised in relation to workers and may be adapted to each case as required. It will be used alongside the Trust's complaints procedure, the Academy's Child Protection and Safeguarding Policy, the Trust's Code of Conduct and the Trust's/Academy's Disciplinary Procedure.
- 14.4 The Trust promotes a culture in which all concerns about all adults working in or on behalf of the Trust (including agency teachers, contractors and volunteers) are addressed appropriately.
- 14.5 This policy and procedure is designed to:
  - 14.5.1 promote and support a culture of openness and trust where staff are clear about the behaviours expected of themselves and their colleagues;
  - 14.5.2 ensure staff are comfortable to raise low-level concerns; and
  - 14.5.3 provide for efficient and proportionate handling of those concerns.

## **15 Recognising low level concerns**

- 15.1 This policy and procedure will be used to manage 'low level' concerns, defined in Part 4 of Keeping Children Safe in Education 2022 as 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:
  - 15.1.1 is inconsistent with the staff Code of Conduct, including inappropriate conduct outside of work; and
  - 15.1.2 does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.
- 15.2 Examples of such behaviour could include, but is not limited to:
  - 15.2.1 being over friendly with children/young people;
  - 15.2.2 having favourites;
  - 15.2.3 taking photographs of children/young people on their personal recording devices;
  - 15.2.4 engaging with a child/young person on a one-to-one basis in a secluded area or behind a closed door; or
  - 15.2.5 humiliating children/young people.

## **16 Sharing low level concerns**

- 16.1 For a culture of openness and trust to prevail, all workers should share any low level concerns they have. Serious Case Reviews and Safeguarding Practice Reviews have often evidenced how low level concerns felt and/or expressed by staff relating to individuals who were later found to have sexually abused children/young people at a school were not recorded. When they are not recorded, they cannot be reviewed or studied for patterns of behaviour.
- 16.2 To minimise and hopefully eradicate the risk of those opportunities being missed, it is critical that workers understand their role in identifying and reporting low level concerns.

- 16.3 All workers are encouraged to immediately report low level safeguarding concerns as defined in this policy so that the identified behaviours can be investigated and managed appropriately.
- 16.4 All low level concerns in relation to workers should be reported immediately to the Principal who will delegate to a case manager, as appropriate. Concerns about the Principal should be reported to the CEO. Concerns about the CEO should be reported to the Chair of Trustees. Concerns about the CEO should be reported to the Chair of Members. The Principal/CEO/Chair of Trustees/Chair of Members will then act as the case manager.
- 16.5 The procedure for reporting low level concerns is consistent with that for reporting allegations of abuse as set out in part one, section 3 of this policy and procedure. Staff do not need to determine whether their concern meets the threshold set out in part one of this policy and procedure or is a low level concern. The case manager will make this determination once the issue has been reported.
- 16.6 Where a concern is received by a member of staff other than the person as set out in paragraph 3.2, they should immediately report the concern in line with section 3 of this policy.

## **17 Responding to low level concerns**

- 17.1 On first becoming aware of a concern being raised the case manager should:
- 17.1.1 Obtain written details (signed and dated by the person receiving, see appendix 2);
  - 17.1.2 Record any information about times, dates and location of the incident/s and names of any potential witnesses; and
  - 17.1.3 Record discussions about the child/young person and/or worker, any decisions made, and the reasons for those decisions using appendix 3.
- 17.2 The case manager will review the concern to confirm that it is not a more serious issue that should be dealt with under part one of this policy and procedure. An issue reported as a low level concern would be dealt under part one of this policy and procedure where it meets the threshold set out in part one or there is a pattern of low level concerns expressed about the individual or wider staff practices generally. If necessary, the case manager will discuss the concern with the LADO to determine whether it should be dealt with under part one of this policy and procedure. It may be the case, at this stage, that the matter is not serious enough to consider a referral to the LADO but may merit consulting with and seeking advice from the LADO in relation to appropriate next steps, and on a no-names basis if necessary.
- 17.3 The case manager will discuss the concern with the individual who raised it and will investigate it as appropriate (so long as the LADO/other relevant external agencies have not advised not to do so). This could include speaking to the person who raised the concern (unless it has been raised anonymously) and speak to any potential witnesses.
- 17.4 If the concern has been raised via a third party, the case manager will collect evidence by speaking directly to the person who raised the concern (unless it has been raised anonymously), the individual involved and any witnesses.
- 17.5 Where a low level concern is raised about a member of agency staff or a contractor, the concern will be shared with the agency so they can take appropriate steps in accordance with their own policies and statutory guidance.
- 17.6 Most low level concerns are likely to be minor and can be dealt with by means of management support or additional training. Where necessary, action may be taken in accordance with the Trust's Code of Conduct and Disciplinary procedure.

- 17.7 Following an investigation of the concern raised, the case manager should then review the information and determine whether the behaviour;
- i. is entirely consistent with the Trust's Code of Conduct and the law,
  - ii. constitutes a low level concern,
  - iii. 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,
  - iv. when considered with any other low-level concerns that have previously been raised about the same individual, could now meet the threshold of an allegation and should be referred to the LADO / other relevant external agencies, or
  - v. with the additional information shows that the concern itself now meets the threshold of an allegation follow part one of this policy and procedure and be referred to the LADO / other relevant external agencies;
- 17.8 Consideration should be given to whether there are wider cultural issues within the Trust 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.

**Behaviour that is determined to be entirely consistent with the Trust's policies**

- 17.9 The case manager will update the individual in question and inform them of any action taken as above.
- 17.10 In addition, the case manager will speak to the person who shared the low level concern in order to provide them with feedback about how and why the behaviour is consistent with the Trust's/Academy's policies.
- 17.11 The investigation into the situation may highlight for example that the code of conduct is not clear, or that training has not been satisfactory, and/or that the low-level concern process is not clear enough. In which case the case manager may feel it necessary to make recommendations for a review of certain policies/training materials.

**Behaviour which is determined to constitute a low level concern**

- 17.12 In most cases low level concerns by their very nature are likely to be minor. Some will not require any further action. However, others may be most appropriately dealt with by means of issuing management guidance and/or training.
- 17.13 In many cases, a low level concern will simply require a conversation with the individual about whom the concern has been raised. This conversation will be an opportunity to address the conduct of concern and support the individual to correct it at an early stage.
- 17.14 It is important that such conversations should include being clear with the individual as to why their conduct was deemed to be of a concern, problematic or inappropriate, what change is required in their conduct, enquiring what, if any, support they might require in order to achieve and maintain that, and being clear about the consequences if they fail to reach the required standard or repeat the conduct in question. A record of the discussion should be made (via a letter of management guidance/record of discussion), and the employee should be provided with a copy. A copy of the record will be held on the employee's personal file.
- 17.15 Where a low level concern raises issues of more serious misconduct or poor performance the case manager may need to refer to the Trust's disciplinary and/or capability procedure. If the case manager considers that the Trust's disciplinary and/or capability procedure may be triggered, and should seek HR advice.

## **Behaviours which require further advice from the Local Authority Designated Officer (LADO)**

- 17.16 Where it is deemed that the conduct is not serious enough to consider a referral to the LADO, but may merit consulting with and seeking advice from the LADO then action should be taken in accordance with the LADO advice.
- 17.17 Where conduct was considered alongside any low-level concerns that have previously been raised about the same individual, which could now meet the threshold of an allegation, or where following an investigation it is determined that the concern itself now meets the threshold of an allegation it should be managed in accordance with part one of this policy and procedure.

## **18 Recording low level concerns**

- 18.1 All low level concerns will be recorded in writing and will include (as a minimum):
- details of the concern, the context and action taken using Appendix 3.
  - the name of the individual sharing their concerns will also be noted. If the individual wishes to remain anonymous then that should be respected as far as reasonably possible.
  - all internal conversations – including all those discussions held as part of the investigation into the matter,
  - all external conversations – for example, with the LADO/other external agencies;
  - the case managers determination;
  - the rationale for their decision;
  - any action taken/recommendations made.
- 18.2 The records will be kept confidential and held securely in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation (see KCSIE 2022 for more information).
- 18.3 Records of low level concerns will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. If patterns are identified, the Trust will decide on an appropriate course of action, either through its disciplinary procedures and /or will refer the matter to the LADO where the behaviour moves from a concern to meeting the threshold set out in the first part of this policy.
- 18.4 The record of the low level concern will be kept at least until the person leaves our Trust, or has reached normal pension age or for a period of 10 years from the date of the allegation/concern if that is longer, at which point the record will be securely destroyed.

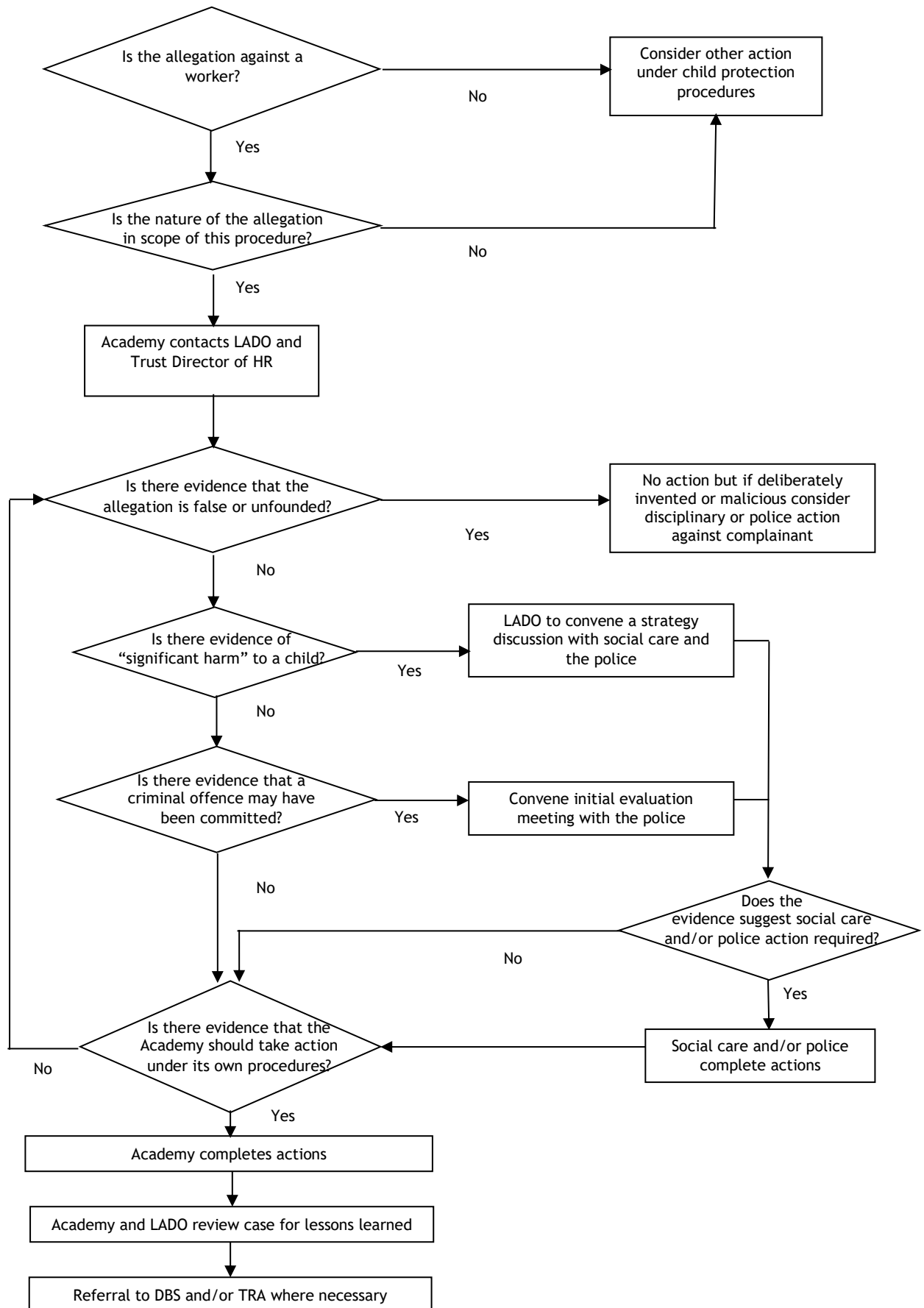
## **19 References**

- 19.1 Only substantiated safeguarding allegations will be provided in references. Low level concerns will not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. A low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference.



- 19.2 However, where a low-level concern (or number of concerns) has met the threshold for referral to the LADO and found to be substantiated, it will be referred to in a reference, provided that the information is factual and does not include opinions.

**Appendix 1: Summary of procedure for managing allegations of abuse against staff, agency staff, volunteers and contractors (workers)**



## Appendix 2: Worker cause for concern form

<b>Concern in relation to:</b>			
<b>Worker name:</b>			
<b>Worker position:</b>			
<b>Worker academy:</b>			
<b>Name of person completing this form:</b>			
<b>Name:</b>			
<b>Position:</b>			
<b>Academy:</b>			
<b>Time of concern:</b>	<b>Date of concern:</b>	<b>Location:</b>	<b>Place of concern:</b>
<b>Concern (detailed account):</b>			
<p><i>Please bullet point. Do not interpret what is seen or heard; simply record the facts. If reporting something that was said, please quote accurately.</i></p> <p><i>After completing the form, pass it immediately to the Principal or, if not available, the Designated Safeguarding Lead.</i></p>			

Witnesses – adults (please give full names)

Witnesses – students (please give full names)

Signature:

Date:

Time:

*Please provide a copy to the Principal or the Designated Safeguarding Lead*

### Appendix 3: Record of action of low level concern in relation to workers

<b>Workers full name:</b>			
<b>Job title:</b>			
<b>Academy:</b>			
<b>Date of incident/concern:</b>			
<b>Initial concern reported to:</b>			
<b>Name of case manager:</b>			
<b>Summary of concern(s):</b>			
<ul style="list-style-type: none"> <li>• <i>Obtain written details, signed and dated by the person receiving (see reporting form – appendix 2)</i></li> <li>• <i>Record any information about times, dates and location of incident/s and names of any potential witnesses; and</i></li> <li>• <i>Record discussions about the child/young person and/or worker.</i></li> </ul>			
<b>LOCAL AUTHORITY DESIGNATED OFFICER DISCUSSION (if applicable)</b>			
<b>Contact made by:</b>		<b>Date:</b>	
<b>Outcome of Discussion:</b>	Meets the harm threshold	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	Referral to LADO required	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<b>Action Points from LADO Call (if applicable)</b>			
<b>What</b>	<b>Who</b>	<b>When</b>	
1.			
2.			
3.			

<b>ACTION TAKEN</b>			
Record any actions taken, any decisions made, and the reasons for those actions and decisions.			
<b>Date internal investigation concluded:</b>			
<b>Recommendation from investigation:</b>	Behaviours consistent with policy – No further action		<input type="checkbox"/>
	Recorded as LLC	- Informal action	<input type="checkbox"/>
		- Formal action considered	<input type="checkbox"/>
	Discussion with LADO required;		
		- Due to outcome of investigation	<input type="checkbox"/>
		- Due to frequency of concerns	<input type="checkbox"/>
<b>Date of informal action:</b>			
<b>Date of disciplinary hearing: (if applicable)</b>		<b>Outcome:</b>	
<b>Date of appeal hearing: (if applicable)</b>		<b>Outcome:</b>	
<b>Additional information</b>			
Record any further actions required including monitoring and scheduled review meetings.			
<b>Important Information</b>			
This form should be completed in all cases where a low level concern has been raised against a member of staff. A copy of this form should then be kept in the Academy’s Low Level Concern Folder / on the employee’s personal file and a copy provided to the employee.			
Where allegations are found to have been malicious this form will be removed from personal records.			
<b>Principal Signature:</b>		<b>Date:</b>	
<b>Employee Signature:</b>		<b>Date:</b>	

## APPENDIX 4 - Managing low level concerns about workers conduct

