



Part 1: Policy for Dealing with Allegations made against Staff in relation to Abuse
Part 2: Reporting of Low-level Concerns

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1 Introduction

The purpose of this policy is to ensure that the Ascent Academies' Trust (the Trust) has an effective policy in place for dealing with allegations against teachers and other staff.

This policy should be read in conjunction with the following Trust policies and with individual academy procedures as appropriate.

- Staff Code of Conduct, including Confidential Reporting Policy
- Grievance Policy
- Child Protection Policy
- Adult Safeguarding Policy
- Keeping Children Safe in Education 2021
- Disciplinary Policy

This policy will be regularly reviewed and amendments can only be made following the approval of the Chief Executive Officer.

This policy applies to the Trust and to all individual academies.

Instances of non-compliance with this policy will be reviewed by the Chief Executive Officer.

2 Purpose of the policy

The following guidance for dealing with allegations of abuse against teachers and other staff should be read and used to assist in identifying and reviewing specific arrangements and responsibilities for dealing with allegations of abuse against teachers and other staff within the Trust and adapted as necessary.

The purpose of this guidance is to ensure that there is a plan in place for how allegations of abuse against teachers and other staff are dealt with and managed, and to ensure that staff are aware of their responsibilities and arrangements.

3 The Aim of this Guidance

The aim of this guidance is to ensure that any allegation made against a teacher or other member of staff or volunteer in an education setting is dealt with fairly, quickly, and consistently, in a way that provides effective protection for children, and at the same time supports the person who is the subject of the allegation.

This guidance outlines the initial response to an allegation of abuse against a teacher or another member of staff. For more detailed guidance, particularly action following the outcome of an initial investigation, reference must be made to the DfE Guidance 'Dealing with Allegations of Abuse against Teachers and Other Staff'.

4 Legislation

This policy is based on:

The Children Act 1989 Section 175 of the Education Act 2002 (local authorities, governing bodies of maintained schools and institutions in the further education sector). Section 157 of the Education Act 2002 and the Education (Independent School Standards) (England) Regulations 2010.

The Children Act 2004. Section 11 of the Children At 2004 (other agencies).

5 Procedures

The person responsible for dealing with allegations of abuse against teachers and staff is the Head of Academy. If the allegation is against the Head of Academy or Designated Safeguarding Lead, the person responsible is the Chief Executive Officer.

If the allegation is against a Trust member of staff, or a Trustee, who is not directly working in an academy the person responsible is the Chief Executive Officer. In the situation when the allegation is against the Chief Executive Officer then the responsible person is the Chair of the Trustee Board.

The Trust has a duty of care to its employees. The Trust will ensure that it provides effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended.

6 Scope

This policy is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in an academy or FE college that provides education for children under 18 years of age:

- 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 indicated he or she would pose a risk of harm if they work regularly or closely with children.

These behaviours should be considered within the context of the four categories of abuse: physical, sexual, emotional and neglect.

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer within the Trust is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation. Allegations against a teacher who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police.

7 Initial Action by Person Receiving or Identifying an Allegation or Concern

The person to whom an allegation or concern is first reported should 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 they can 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 own words), including the time, date and place of incident/s, persons present and what was said;
- Sign and date the written record and immediately report the matter to the appropriate responsible person.
- Deal with allegations fairly, quickly and consistently
- Apply common sense and judgement

In some circumstances there may be an allegation made against supply staff or contracted staff where they are not directly employed by the academy or Trust. We are not the direct employer, and in these cases agencies will have their own policies and procedures to follow. However, whilst we are not the employer the senior leader involved must ensure that allegations are dealt with properly. They should follow up on the case through the LADO and never make decisions on the employment without determining the outcome from the LADO. The senior leader should discuss with the supply agency/contractor agency whether it is appropriate to suspend the employee or redeploy them throughout the duration of the investigation.

Agencies should be fully involved and co-operate with any enquiries from the LADO, police and/or children's social care. The academy will usually take the lead because agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process. Supply teachers, whilst not employed by us directly, are under the supervision, direction and control of the Board of Trustees when working in an academy. They should 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 should 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 academy during the investigation.

When using a supply agency, the Head of Academy should inform the agency of its process for managing allegations but also take account of the agency's policies and their duty to refer to the DBS as personnel suppliers. This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies

8 Initial Action by the Designated Senior Leader

The procedures for dealing with allegations need to be applied with common sense and judgment. When informed of a concern or allegation, the designated manager should not initially investigate the matter or interview the member of staff, child concerned or potential witnesses. They should:

- Obtain written details of the concern / allegation, signed and dated by the person receiving (not the child / adult making the allegation);
- Record any information about times, dates and location of incident/s and names of any potential witnesses;
- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions
- Consider if there was any CCTV footage that might have recorded an incident

The Local Authority Designated Officer (LADO) should be informed within one working day when allegations appear to meet the criteria listed in the Scope in section 6. Referrals should not be delayed in order to gather information. Allegations not meeting the criteria listed in section 6 should be noted and dealt with under the Code of Conduct policy or other relevant policies.

The purpose of an initial discussion is for the LADO and the case manager to consider the nature, content and context of the allegation and agree a course of action. It also alerts the LADO about cases that may also reach them via another route, for example if the parent goes straight to the police or social care, allowing the LADO to have as full a picture as possible. To gain an overview the LADO may also want to know details of any previous complaints, any adult witnesses, any child witnesses, noted injuries, any tensions between staff and parents and a clear idea of the time and location of when issues may have occurred.

This initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded, by both the manager and the LADO, and agreement reached as to what information should be put in writing to the individual concerned and by whom. The manager should then consider with the LADO what action, including possible disciplinary action, should follow in respect of the individual and those who made the initial allegation.

The case manager should inform the accused person about the allegation as soon as possible after consulting the LADO. It is extremely important that the case manager provides them with as much information as possible at that time. However where a strategy discussion is needed, or police or children's social care services need to be involved, the case manager should not do that until those agencies have been consulted.

If there is no clear evidence at this stage that the allegation is false and there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm, there should be a strategy discussion involving local authority children's social care (including the fostering service, if the child is looked after), the police, health and other bodies such as the referring agency, in accordance with the Working Together to Safeguard Children 2018. Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The designated officer(s) should be informed of all allegations that come to an academy's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate, in accordance with Keeping Children Safe in Education 2021.

9 Suspension

Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the academy until the allegation or concern is resolved. An individual should only be suspended if there is no reasonable alternative. Suspension should be considered only in a case where there is cause to suspect a child or other children at the academy are at risk of harm or the case so serious that it might be grounds for dismissal. Suspension should not be the default option but if used the reasons and justification should be recorded by the academy and the individual notified of the reasons. The strategy meeting may advise an academy to suspend but the actual decision will rest with the Chief Executive Officer or Chair of Board of Trustees.

Based on assessment of risk the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment within the academy so that the individual does not have direct contact with the child or children concerned; ^[L]_[SEP]
- providing an assistant to be present when the individual has contact with children; ^[L]_[SEP]
- redeployment to alternative work in the academy so the individual does not have unsupervised access to children;
- temporarily redeploying the member of staff to another academy in a different location, for example to an alternative academy within the Trust;
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted, if an appropriate placement was available.

10 Strategy Meeting

The meeting will normally include the LADO or their representative, a child protection adviser from children's services, a senior manager from the academy, academy HR advisor and depending on the circumstances the police and legal services. Other relevant individuals may be invited depending on the circumstances. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other academy staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where the initial consideration or strategy meeting decides the allegation does not involve a possible criminal offence or require a children's services investigation it should be dealt with by the academy. In such cases if the nature of the allegation does not require formal disciplinary action, appropriate action should be instituted within three working days. If a disciplinary hearing is required and can be held without further investigation the hearing should be held within 15 working days wherever possible, subject to the provisions regarding trade union representation and the right to rearrange a hearing if a union rep is not available.

If the strategy meeting decides a Section 47 enquiry or police investigation is required any unilateral action by the academy will need to be suspended, unless otherwise agreed, until their investigations are complete. Protocols for sharing information for a police or children's services investigation need to be agreed especially as a common outcome will be to refer the issue back to the academy to consider as a disciplinary issue.

Where further investigation is required to inform consideration of disciplinary action the employer should discuss who will undertake that with the LADO. In some circumstances it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the employer or the person's line manager to ensure objectivity. In any case the investigating officer should aim to provide a report to the employer within 10 working days.

The following definitions should be used when determining the outcome of allegation investigations:

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

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 employer has a legal duty to 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 being substantiated, the case manager must consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching

11 Supporting Those Involved

The identified responsible person should inform the accused person about the allegation as soon as possible after consulting the LADO. They should provide them with as much appropriate information as possible at the time as agreed with LADO. However, where a strategy discussion is needed, or police or local authority's social care services need to be involved, the identified responsible person should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the person.

Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations and disciplinary process. Support for the individual is key to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the local authority social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. When appropriate they should also be given access to welfare counseling or medical advice where this is provided by the employer.

The academy 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. 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.

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. However, where a strategy

discussion is required, or police or local authority children's social care services need to be involved, the identified responsible person should consult those agencies and agree what information can be disclosed to the parents. They should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence. Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002.

12 Confidentiality

It is extremely important that when an allegation is made, the academy makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

Each academy within the Trust should take advice from the LADO, police and local authority social care services to agree the following:

- Who needs to know and, importantly, exactly what information can be shared;
- How to manage speculation, leaks and gossip; [SEP]
- What, if any, information can be reasonably given to the wider community to reduce speculation; and [SEP]
- How to manage press interest if, and when, it should arise. [SEP]

From 1st October 2012 the Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school. Basically the reporting restrictions apply until the point that the accused person is charged with an offence. The reporting restrictions are disapplied if the individual to whom the restrictions apply 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.

In circumstances where schools need to make parents aware about an allegation, they should make parents and others aware that there are restrictions on publishing information.

13 Resignations and Settlement Agreements [SEP]

The fact that a person tenders his or her resignation or ceases to provide their services must not prevent an allegation being followed up in accordance with these procedures. By the same token settlement agreements, by which a person agrees to resign if the academy agrees not to pursue disciplinary action, must not be used in these cases. A referral to the DBS must be made if the criteria are met (see Section 18 - Action on Conclusion of a Case).

14 Record Keeping

Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a

person's confidential personnel file, and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS Disclosures 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 record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

15 References

Cases in which an allegation was proven to be unsubstantiated, false, unfounded or malicious must not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, false or malicious etc. must also not be included in any reference. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious should 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

16 Information Sharing

In a strategy discussion or the initial evaluation 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 employer should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

Children's social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

17 Action Following a Criminal Investigation or a Prosecution

The police or the Crown Prosecution Service (CPS) should inform the academy and LADO straight away when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged. In those circumstances the LADO should discuss with the Head of Academy, Chief Executive Officer and Chair of the Board of Trustees whether any further action, including disciplinary action, is appropriate and, if so, how to proceed.

18 Action on Conclusion of a Case

If the allegation is substantiated and the person is dismissed or the academy ceases to use the person's services, or the person resigns or otherwise ceases to provide his

or her services, the LADO should discuss with the academy whether a referral to the Disclosure and Barring Service (DBS) for consideration of inclusion on the barred lists and /or (for teachers) to the Department of Education is required.

There is also a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child or if a person otherwise poses a risk of harm to a child. In such circumstances, the duty to refer an individual to the DBS arises where an employer has removed the individual from relevant work with children or the person has chosen to cease relevant work in circumstances where they would have been removed had they not done so. Professional misconduct cases should be referred to the relevant regulatory body. The DBS will consider whether to bar the person from working in regulated activity, which will include work in schools and other educational establishments. Local authorities, academies & schools and other bodies all have a statutory duty to make reports, and to provide relevant information to the DBS. Referrals should be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person's services.

19 Anonymous complaints

The Trust does not encourage anonymous complaints and will not normally consider complaints made anonymously. Proper investigation of a complaint may be impossible when further information from the complainant cannot be obtained. In particular it makes it difficult to establish that the complaint is credible. Therefore when an anonymous complaint is made, and there is insufficient evidence or information for the Trust to properly investigate it, it will be concluded that the complaint does not warrant further investigation.

Where an anonymous complaint does contain sufficient information to enable the Trust to investigate it, and it is concluded that in the circumstances it is appropriate to do so, the Trust will consider the complaint in writing, in accordance with the procedure set out above.

A record of the decision reached in any anonymous complaints considered under this procedure will be held by the identified responsible person. Any anonymous complaint investigated under this procedure will be treated confidentially, unless the disclosure of the subject matter is deemed necessary (for example, to protect the health or well-being of the student).

Where a complaint made by a student or customer falls within the scope of consumer protection regulations, including the Consumer Protection from Unfair Trading Regulations 2008, the identified responsible person should consider the most appropriate course of action in the circumstances, including whether use of the procedure should be suspended whilst any breaches of consumer protection regulations are investigated.

20 In Respect of Unsubstantiated, Unfounded, False or Malicious allegations

If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO should refer the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the

identified responsible person should consider whether any disciplinary action is appropriate against the pupil who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she was not a pupil.

21. Non-Recent allegations.

Where an adult makes an allegation to a school or college 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.

22. Learning lessons

Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to Trust's procedures to help prevent similar events in the future. This should include issues arising from any decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified.

Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

For all other cases the case manager should consider the facts and determine whether any improvements can be made. Learning should be shared Trust wide to improve the process.

Section 2:

23. 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 our whole school approach to safeguarding, we promote an open and transparent culture in which all concerns about all adults working in or on behalf of the Trust (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

Creating a culture in which all concerns about adults (including allegations that do not meet the harms threshold) are shared responsibly and with the right person,

recorded and dealt with appropriately, is critical. If implemented correctly, this should encourage an open and transparent culture; enable schools and colleges 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 or college are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution.

What is a low level concern?

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 at paragraph 6. 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 or college 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.

It is crucial that any such concerns, including those which do not meet the harm threshold (see Paragraph 6), are shared responsibly with the right person, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from potential false allegations or misunderstandings.

It is our responsibility as part of Induction training, policies and guidance and regular information to colleagues that we:

- ensure staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others;
- empowering staff to share any

low-level safeguarding concerns;

- 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;

24. Sharing low-level concerns

Low-level concerns about a member of staff, supply staff, volunteer or contractor should be reported to the Head of Academy (please refer to paragraph 5). It is important that low-level concerns are shared with the HOA as soon as reasonably possible and, in any event, within 24 hours of becoming aware of it (where the concern relates to a particular incident) – although it should also be emphasised that it is never too late to share a low-level concern.

Reports about supply staff and contractors should be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.

We wish to ensure that we create an environment of trust where colleagues are encouraged and feel confident 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.

25. Anonymous referrals

If the staff member who raises the concern does not wish to be named, then the HOA should 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 it is necessary in order to carry out a fair disciplinary process) and, for this reason, anonymity should never be promised to members of staff who share low-level concerns. Where possible, HOA should try to encourage staff to consent to be named, as this will help to create a culture of openness and transparency.

26. Receiving a low level concern

Once the HOA has received the low-level concern, they should (not necessarily in the below order but in an appropriate sequence according to the nature and detail of the particular concern shared with them):

- (a) speak to the person who raised the concern (unless it has been raised anonymously), regardless of whether a written summary, or completed low-level concerns form has been provided;
- (b) speak to any potential witnesses (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted);
- (c) 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);
- (d) review the information and determine whether the behaviour;

- (i) is entirely consistent with their staff 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) in and of itself meets the threshold of an allegation and should be referred to the LADO/other relevant external agencies; where they are in any doubt whatsoever, seek advice from the LADO - on a no-names basis if necessary.

If the HOA determines that the behavior is entirely consistent with the Trust's code of conduct the HOA should;

- Inform the individual in question of their decision
- Inform the member of staff who shared the concern to provide feedback
- To check that the Code of Conduct and expectations for staff conduct are clear and explicit.

If it is determined that the behaviour does constitute a low level concern, the HOA should;

- Respond in a discreet and proportionate manner
- Provide clear feedback to the colleague in question about the concern and expectations linked to values and child protection
- Ensure that some low-level concerns may also link in to disciplinary issues around performance and this may need sharing with relevant appraiser/line manager/HR
- Determine how this will be monitored and feedback given to support development in professional behaviours

26. Cumulative reports of low level concerns

If the HOA becomes concerned over the cumulative reports of low level concerns against a colleague they should;

- Refer the cases to the LADO/other relevant external agencies, and in accordance with the Part 1 of this policy.

27. Recording low-level concerns

All low-level concerns should be recorded in writing and filed. The record should 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 should be respected as far as reasonably possible.

Records must be confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR)

Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the school or college should 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 should also be given to whether there are wider cultural issues within the academy 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.

Records of low level concerns should be retained at least until the individual leaves their employment. They should remain confidential and only be shared with those on a need to know basis, e.g. a line manager may need to be aware of the behavior for monitoring purposes.

28. References

This policy is clear that we should only provide substantiated safeguarding allegations in references. Low level concerns should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. It follows that a low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference. However, where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it should be referred to in a reference.

29. Learning Lessons

Where there have been cases reported of low level concerns we should always be reflective and consider whether we have;

- Provided adequate information within various policies and guidance
- Whether the member of staff has been advised to read these documents
- Whether we have been clear and explicit about acceptable and unacceptable behaviour