



| Policy Focus | Allegations of Abuse against Staff |
|---------------------------------|---|
| Lead Policy Holder | Principal - Jessica Hunter |
| Designated Governor | Chair of Governors - June Palmer |
| Policy Date | June 2023 |
| Policy Version | Version 1.3 (Revised 27.02.24) |
| Governing Board Adoption date | July 2022 |
| Review Date Review frequency | Bi-Annual (earlier in the event of significant legislative, policy or guidance changes) |

Supplied by Torbay HR – June 2023

Preface – Our Intentions & Values

Our Medical Tuition Service is a place where self-development, awareness and well-being are at the core of what we do. Without these elements sitting at the forefront of our setting, long term academic achievement would not be an option for our young people as a result of their medical needs. The safety and wellness of our students is our greatest priority and nurture and removing barriers is central to our environment as a result.

We are a supportive stepping-stone for young people currently unable to attend mainstream as a result of medical need, and our offer is one that facilitates them in successful future transitions.

We place great value on teaching resilience, self-care, grit, independence, stickability and problem facing skills across our Curriculum Model. Our places are not permanent, and we make student’s preparation for next steps and ability to access wider life and learning our priority.



Beyond Learning

'Beyond Learning'

- We recognise and value the potential in all of our students and only model 'can-do' attitudes.
- We strive to develop the whole learner, to go beyond just their academic achievement.
- Caring for and preparing our young people to lead and maintain healthy lifestyles and attitudes is at the forefront of what we do.
- We go beyond learning, in order for all of our students to become confident with their place in the world of education; work; society; family; community and beyond - through a rigorous and bespoke Learning and Transition Programme.
- We welcome our learners into MTS with a carefully designed and supportive curriculum that will enable their academic achievement now, whilst simultaneously facilitating our young people in developing the life skills they will need to become independent, well rounded, happy, healthy, and successful individuals in the future.

At MTS we aim to create a collaborative working ethos which engenders the following:

Mutual Respect - We are **mindful** of the barriers to learning and respect that we all learn in different ways.

Trust - Our **arms** reach out so that we can facilitate reintegration.

Support - **Heart** and nurture are what drive us. Through those elements we make reintegration possible.

Beyond Learning

M

T

S

Mutual Respect:
We are **mindful** of the barriers to learning and respect that we all learn in different ways .

Trust:
Our **arms** reach out so that we can facilitate reintegration.

Support:
Heart and nurture are what drive us. Through those elements we make reintegration possible.

Our Core Values

MTS is here to put young people with agreed health issues in a position where they can access education



Contents

| | |
|--|----|
| Contents..... | 3 |
| Introduction | 4 |
| Scope..... | 4 |
| Equality Statement..... | 4 |
| Principles..... | 5 |
| Definitions..... | 5 |
| Initial Considerations | 5 |
| Whistle-blowing..... | 5 |
| Section 1 - Allegations that may meet the harms threshold..... | 6 |
| The initial response to an allegation..... | 6 |
| Referral to the LADO..... | 7 |
| No further action | 7 |
| Allegations Management Meetings..... | 7 |
| Allegations made against Supply Teachers..... | 8 |
| Allegations that require Suspension | 9 |
| Situations involving Transferable risk..... | 10 |
| Supporting those involved | 11 |
| Employees..... | 11 |
| Parents or carers..... | 11 |
| Confidentiality and information sharing..... | 12 |
| Investigating the Allegation | 13 |
| Outcome of the allegation | 14 |
| Resignations and ‘settlement/compromise agreements’ | 15 |
| Section 2 – Low Level Concerns..... | 15 |
| Policy Feedback..... | 18 |
| History of Policy Changes..... | 18 |
| 10. Policy Review | 18 |



Introduction

This policy has been written to comply with the DFE Statutory Guidance on Keeping Children Safe in Education. It will be used when 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. Where ‘School’ is used this refers to any educational setting.

Scope

This procedure applies to all staff, whether teaching, administrative, management or support, as well as to Supply Teachers and volunteers. It also applies to the Headteacher and Governing Body who may not be employees of the School. The word “staff” is used for ease of description.

It should be used in respect of all cases against a member of staff where either:

- 1) The allegations may meet the harms threshold because the individual has:
 - a. behaved in a way that has harmed a child, or may have harmed a child;
 - b. possibly committed a criminal offence against or related to a child; or
 - c. behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.
 - d. behaved or may have behaved in a way that indicates they may not be suitable to work with children.

OR

- 2) The allegation / concerns do not meet the harms threshold and are therefore considered to be “low level concerns” that are:
 - a. Inconsistent with the Staff Code of Conduct, including inappropriate conduct outside of work; and
 - b. Do not meet the allegations threshold or are otherwise not considered serious enough to consider a referral to the LADO.

This policy relates to members of staff who are currently working at the School (including supply teachers and volunteers), regardless of whether the School is where the alleged abuse took place. Allegations against a member of staff who is no longer working at the School should be referred to the police.

Equality Statement

This policy applies equally to all staff regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage or civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.



Beyond Learning

Principles

Employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a member of staff, supply teacher or volunteer at the School 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.

Definitions

Within this policy the following roles have been abbreviated:

LADO – Local Authority Designated Officer

DSL – Designated Safeguarding Lead

HT – Headteacher

Initial Considerations

The procedures for dealing with allegations need to be applied with common sense and judgement.

Many cases may well be considered to be low level because they do not meet the harms threshold and therefore, do not warrant the consideration of either a police investigation or enquiries by Local Authority children's social care services. In these cases, an internal investigation and where appropriate, staff disciplinary procedures should be followed to resolve cases without delay. For all allegations that do meet the harms threshold, the Local Authority Designated Officer (LADO) must be informed.

When dealing with an allegation, the School will always seek to :

- 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.

Whistle-blowing

All staff at the school, including supply teachers and volunteers will be made aware of the School's Whistleblowing policy and feel confident to voice concerns about the attitude or actions of colleagues. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the LADO.



Beyond Learning

Section 1 - Allegations that may meet the harms threshold

This part of the policy is about managing cases of allegations that may indicate the person would pose a risk of harm if they continue to work in their present position or any capacity with children in the school.

It should be followed where it is alleged that anyone working in the school, including supply teachers, volunteers and contractors has:

- behaved in a way that has harmed a child, or may have harmed a child and/or;
- possibly committed a criminal offence against or related to a child and/or;
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

The last bullet point above includes behaviour that may have happened outside of school or college, that might make an individual unsuitable to work with children, this is known as transferable risk.

The initial response to an allegation

Where it is identified that a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency, Children's Services or the Police should be contacted immediately.

Where an allegation is made against a Staff member there are two aspects to consider:

- **Looking after the welfare of the child**
The DSL is responsible for ensuring the child is not at risk, and to refer any cases of suspected abuse to Children's Services.
- **Investigating and supporting the person subject to the allegation**
The Headteacher (or Chair of Governors where the allegation involves the Headteacher) will usually act as the case manager and will be responsible for holding discussions with the LADO and Human Resources about the nature of the allegation/s so that the best course of action can be agreed.

It is vital that all allegations are dealt with quickly and effectively, and that all parties are supported.



In the first instance, and prior to making the staff member aware of any potential allegation, the Senior Designated Safeguarding Lead (DSL)/ Headteacher (HT) should immediately discuss the allegation with the LADO. **The LADO for Torbay Council is Ivan Sullivan - 01803 208541**

Prior to contacting the LADO, the school will need to consider carefully what information they have, what factual information is known and consider who the information should be shared with. It is important that advice is sought from the LADO and if appropriate, Children's Services and the Police before any information is shared with the person to who the allegation has been made against. Advice should also be sought from Human Resources before any information is shared with the employee concerned.

Allegations should be notified to the LADO via Torbay Council's LADO [referral Form](#). The LADO and the HT/DSL will consider the nature, content and context of the allegation and agree a course of action.

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with *Working Together to Safeguard Children*. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where there are concerns about the welfare of other children in the community or in the member of staff's family, this will also be discussed with LADO so that the appropriate risk assessment and action can be taken if needed.

No further action

Where following initial discussions it is agreed that there is no further action required, the LADO and Headteacher will record the decision and a justification for it and agree what information should be put in writing to the individual concerned and by whom.

Informing the individual of the allegation

At an early stage, care must be taken not to inform the individual of the allegation until such time as it has been agreed with the LADO that this is appropriate. This is important for a variety of reasons but mainly to ensure that the individual is not informed of an allegation where other agencies (e.g. Police) may need to undertake covert investigations, or to protect evidence where applicable.

When it does become appropriate to discuss the allegation with the accused person, care should be taken to ensure they are well supported and have a contact they can speak to. It is also extremely important that they are provided with as much information as possible at that time and a clear explanation is given as to how the matter will be dealt with and approximate timescales.

Allegations Management Meetings

Allegations Management meetings are called by the LADO where it is necessary to share information about the allegation with a number of agencies. This can include the Police, Children's Services, and any employers or voluntary organisations that the accused staff



Beyond Learning

member may work with outside of their employment. It is usual for the Headteacher to attend these meetings, and important to invite a representative from Human Resources. At this meeting, the LADO will co-ordinate the sharing of information so that all required parties can understand and evaluate the allegation.

Where the Police or Children's Services need to take action, it is usual for this to take priority over any employment processes. Where this is the case, clear agreement will need to be sought at the Allegations Management Meeting as to what will be done and the likely timescales. The Headteacher should ask for advice about what action and information can be shared with the member of staff. In some circumstances, the school may be asked not to share any information with the member of staff, or to take any action (despite the concerns) until the Police undertake their enquiries. It will be helpful to agree therefore, any risks of taking no action with the group so that the school can act appropriately. In order to avoid any misunderstandings or unnecessary delays, it is vital that communication continues between agencies, so that all are clear on when action can start to be taken by the School where needed. The Headteacher should maintain contact with the LADO who will be able to liaise on their behalf.

There may be occasions where an employment process (such as a Disciplinary investigation) can take place at the same time as a Criminal /Children's Services investigation, but where this is the case, this must be clarified with the relevant agencies to ensure they are happy for the school to proceed.

Allegations made against Supply Teachers

Where an allegation is made against an individual who is not directly employed by them i.e. in the case of a Supply Teacher who may be employed via an agency, they should ensure that allegations are dealt with properly.

The school should note that the individual in these circumstances will have another employer (likely to be the agency you have engaged them from) and therefore will be under alternative disciplinary procedures. Guidance within Part Four of Keeping Children Safe, states that schools should, in no circumstances decide to cease using the supply teacher due to Safeguarding Concerns without finding out the facts and liaising with the LADO to determine a suitable outcome.

Where an allegation has been made against a supply teacher, the School should make contact with their employing agency to inform them of the concern and work with them to liaise with the LADO. The LADO will then be able to include the employer in any allegations management meetings so that a full history of employment can be gathered and considered.

It is likely that the School will be asked to gather the evidence from staff and pupils and provide information to the LADO, which the agency will not have access to. However, the decision to suspend an individual, or to undertake a disciplinary investigation will be determined by the agency employer.



Beyond Learning

It can be very helpful in these circumstances, to undertake a joint investigation with the employing agency using the agency's disciplinary process as both parties will have an interest in resolving the matter as soon as possible.

When using an Agency, the school should inform them of the process for managing allegations and invite the HR manager or equivalent to meetings to discuss information about how allegations will be managed if they occur in your school and agree in advance with them, how best to manage these situations.

Once an allegations Management meeting is called, the actions and responsibilities of all parties are likely to be clearly set out, however some key considerations for discussion and joint agreement at the early stages of an allegation would be:

- Who to contact from the Agency in the event of an allegation
- Who will speak to the LADO and does this need to be a joint telephone call for example?
- Who will make an initial contact with the worker e.g. where they need to be sent home. (NB it is important to agree with the LADO what communication is appropriate e.g. if there was a need for the Police to retrieve evidence from a person's home, it would be key that no communication took place until advised to do so by the Police.)
- Who will advise the worker to make contact with their union / what support can they expect.

Allegations that require Suspension

Suspension should not be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step. However, suspension is a neutral act and should be considered in any case where:

- There is cause to suspect a child or other children in School are at risk of harm; or
- The case is so serious that it might be grounds for dismissal or
- Immediately, where the School becomes aware that the Teaching Regulation Agency has placed an interim prohibition order onto an individual, meaning that the individual cannot carry out teaching work.

Where the above criteria are not met, the Headteacher should discuss with Human Resources and the LADO via a risk analysis exercise and determine if any of the following alternatives can be actioned as an alternative to suspension:

- 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;



Beyond Learning

- 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 accounts of their views. It should be made making it 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, for example to an alternative school or where available, work for the local authority or academy trust.

It is expected that the School be as inventive as possible to seek to avoid suspension.

These alternatives can also be put in place to allow time for an informed decision regarding the suspension to be made, although this will, depend upon the nature of the allegation.

The Headteacher will need to 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.

In cases where suspension **is deemed to be appropriate**, the rationale and justification for such a course of action should be agreed and recorded by both the HT and the LADO. This should also include what alternatives to suspension have been considered and why they were rejected. Only the School has the power to suspend an accused employee and they cannot be required to do so by the local authority or Police. In addition, police involvement does not make it mandatory to suspend a member of staff. The decision, taken by the school should be done so on a case-by-case basis having undertaken a risk assessment about whether the person poses a risk of harm to children. In Maintained Schools where Torbay Council is the employer, Human Resources should be consulted for advice.

Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension as to who their named contact is within the organisation and provided with their contact details.

Situations involving Transferable risk

In some cases, an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family or other household member) may be made. Where this presents a risk of harm to child/ren for whom the member of staff is responsible, a strategy meeting / discussion is likely to be convened to consider:

- the ability and/or willingness of the member of staff to adequately protect the child/ren;



Beyond Learning

- Whether measures need to be put in place to ensure their protection;
- Whether the role of the member of staff is compromised.

Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the DSL / HT. In those circumstances, the options open to the School depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal. Where appropriate, staff disciplinary procedures will be followed.

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the DSL/HT how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of staff.

Supporting those involved

For each group set out below, there is a duty of care that is required when allegations of a safeguarding nature are made. The welfare of the child is paramount and will always be the prime concern. However, it is likely to be a very stressful experience for the adult subject of the investigation, and potentially for their family members. The school will ensure the following is adhered to for each group:

Employees

The School acknowledges its duty of care to any employee who is facing an allegation. It will act to manage and minimise the stress inherent in the allegations process by providing support for the individual. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to counselling or medical advice where this is possible.

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

The Case Manager of the allegation is responsible for ensuring that the parents or carers of a child or children involved are formally told about the allegation as soon as possible if they do not already know of it. However, they should discuss with the LADO and agree the information that can be disclosed. It is important that **no** information about the staff member/s is disclosed to the parent or carer, as this is confidential information.



The nature of any allegation against a Staff Member is confidential, and from the outset, care should be taken not to disclose information inappropriately. This includes, sharing information with the member of staff before agreed with the LADO, sharing information with other members of staff, parents or the public.

Maintaining confidentiality is crucial to ensuring that the allegation can be managed effectively, and Schools should think forward to the possibility that the allegation may be unfounded and consider the impact of sharing information without good reason.

The following should be considered:

- Does the school need to ask the Police to obtain consent from any member of the public who has raised an allegation with them, to allow them to share the statements that have been collected?
 - This can be helpful in cases that have occurred outside of employment, or where the case focuses on an historic allegation. Asking for this consent at an early stage will allow the school to have permission to use any statements or Police information if the matter is not one that will be taken forward by Police, and therefore will come back to the employer to consider as part of a breach of the Code of Conduct, or transferable risk.
- Does the School need to ask Children's Social care to also obtain consent from the child or children named in the allegation, to allow them to share statements?
 - Again, this can be helpful where the information impacts on the employment of the member of staff.
- The School has a legal duty to guard against unwanted publicity whilst an allegation is being investigated or considered. It is an offence (except under limited circumstances as set out in 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 this would identify them as the subject of the allegation.
 - NB, these restrictions remain in place until either:
 - The person has been charged with a relevant offence
 - The Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation.
- The legislation states that publication of material cannot be undertaken by "any person" and this therefore includes parents who may seek to publish information themselves on Social Media, or other forms. Schools should therefore, ensure parents are informed of this restriction in detail.



Beyond Learning

- Publication includes:
 - Speech;
 - Writing;
 - Any other programme or communication in whatever form; which is addressed to the public at large or any section of the public.

The above points should be considered carefully by the Case Manager and school to ensure that information is collated and shared appropriately. The DSL/Headteacher should take advice from the LADO, police and children's 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;
- what, if any information can be reasonably given to the wider community to reduce speculation;
- how to manage press interest if and when it should arise.

Investigating the Allegation

The Allegations Management Meeting will provide an agreed multi-agency plan as to how the allegation will be investigated.

Police Involvement

Initially, it is important to understand if the Police will take any action. Schools should be realistic that any Police involvement can take considerable time (dependent on the circumstances). It is not unusual for an individual to be suspended for a significant period of time, where it is deemed inappropriate for the individual to remain at work, and where the school must wait for the Police investigation to conclude. There may be opportunity for the school to investigate the allegation alongside any Police investigation, but this must be discussed with HR, LADO and the Police.

It is important to remember that in employment terms, whilst the Police will be investigating if a criminal offence has been committed, the allegations put to an employee by the school will often be that they have potentially breached the policies and procedures of the school (which is often the Code of Conduct). It will be rare that the allegations against an employee refer to them committing a criminal offence (unless the individual is convicted quickly).

Often, due to the different threshold that is required to achieve a criminal conviction (i.e. beyond all reasonable doubt) an allegation will be referred back to the School to investigate. For details of how this process will be carried out, please refer to the school's Disciplinary Policy.



Beyond Learning

Children's Services Involvement

As with the Police Investigation, it is sometimes necessary for Children's Social Care to investigate allegations. This is often the case where the individual accused has their own children and there is a possibility that they may be at risk. In addition, a member of staff may become the subject of an investigation where another household member has potentially harmed a child.

These investigations can be complex, and advice should be sought from HR, LADO and the relevant agency from Children's Services to decide how best to proceed. Once again, in these circumstances, the employee will often have an allegation put to them in relation to how any alleged behaviours may have impacted on their duty to follow the School's procedures, particularly in relation to Safeguarding and Staff Code of Conduct.

Outcome of the allegation

Where an allegation is raised, the LADO will record a formal outcome. This will be either:

- **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.

Where an allegation is substantiated and the person is a teacher who is then either dismissed; they resign, or otherwise cease to provide services, or the school / employer ceases to use their services, the school must consider a referral to the Teachers Regulation Agency.

In addition, there is a legal requirement for the school to refer any individual to the Disclosure and Barring Service (DBS) where they consider that the individual has engaged in conduct that harmed or is likely to have harmed a child, or if they believe they pose a risk of harm to that child.

Where an allegation is unsubstantiated, unfounded, false or malicious the school will need to consider:



Beyond Learning

- If the person who made the allegation requires help and is making a cry for help (e.g, perhaps they have been abused by someone else)
- Whether, in the case of a malicious allegation, to take action against the individual via the school's procedures.

Resignations and 'settlement/compromise agreements'

If an individual resigns their employment or refuses to co-operate, the school will need to continue to reach a conclusion to the allegation (in all cases).

Human Resources will provide advice as to how best to seek to engage the individual or reach a conclusion and record an outcome had the person not have resigned or ceased providing services. Following its conclusion, the person will be notified of the outcome of the allegation and informed if any referral will need to be made to either the Teacher Regulation Agency or the DBS, dependent on the circumstances. The individual will also need to be informed of the fact that the outcome (where this is substantiated) will be communicated on any future references that are requested for roles where the individual will be working with children.

From time to time, individuals may request a settlement agreement (also called a Compromise Agreement) which is a legal document that allows an individual to leave their employment via mutually agreed terms, often with the exchange of money and an agreed reference.

Where there is a Safeguarding concern, and an individual is deemed to pose a risk to children or to be unsuitable to work with children, it will never be appropriate to use a Settlement Agreement to allow a person to resign in exchange for any disciplinary action to be withdrawn or not concluded. Equally, it will never be appropriate for both parties agree a form of words to be used in any future reference, which makes no mention of the belief that they are unsuitable to work with children.

There are circumstances where it is possible to use a Settlement Agreement purely to settle the employment relationship or a dispute. However, this should never prevent the school from being able to:

- Provide an accurate Reference with reference to the allegation
- Fulfil the legal duty to refer to the DBS
- Fulfil the requirement to consider / refer to the Teacher Regulation Agency

Schools are advised to contact Human Resources to discuss whether a settlement agreement would be possible, prior to holding any discussions with the employee.

Section 2 – Low Level Concerns

The School will, at all times seek to encourage an open and transparent culture that allows us to identify concerning, problematic or inappropriate behaviour early. It is hoped that through this culture we can minimise the risk of abuse and ensure that adults working in or on behalf of the school are clear about professional boundaries. The school has a duty to



Beyond Learning

ensure that any concerns raised are shared responsibly and with the right person. They will be recorded and dealt with appropriately and in accordance with our processes.

The term “Low Level” concern does not mean that the concern is insignificant or that it may not be deemed to be gross misconduct. It does however, apply where the allegation does not meet the criteria of harm as set out in Section 1 of this policy. It applies to any concern, where 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

Where a low level concern is raised, the Headteacher (or Chair of Governors – where this relates to the Headteacher) should confirm this with the LADO and speak to Human Resources.

Once it has been confirmed that the allegation is a low level concern this will be dealt with under the School’s Code of Conduct Policy and Disciplinary procedure (where required).

Recording low -level concerns

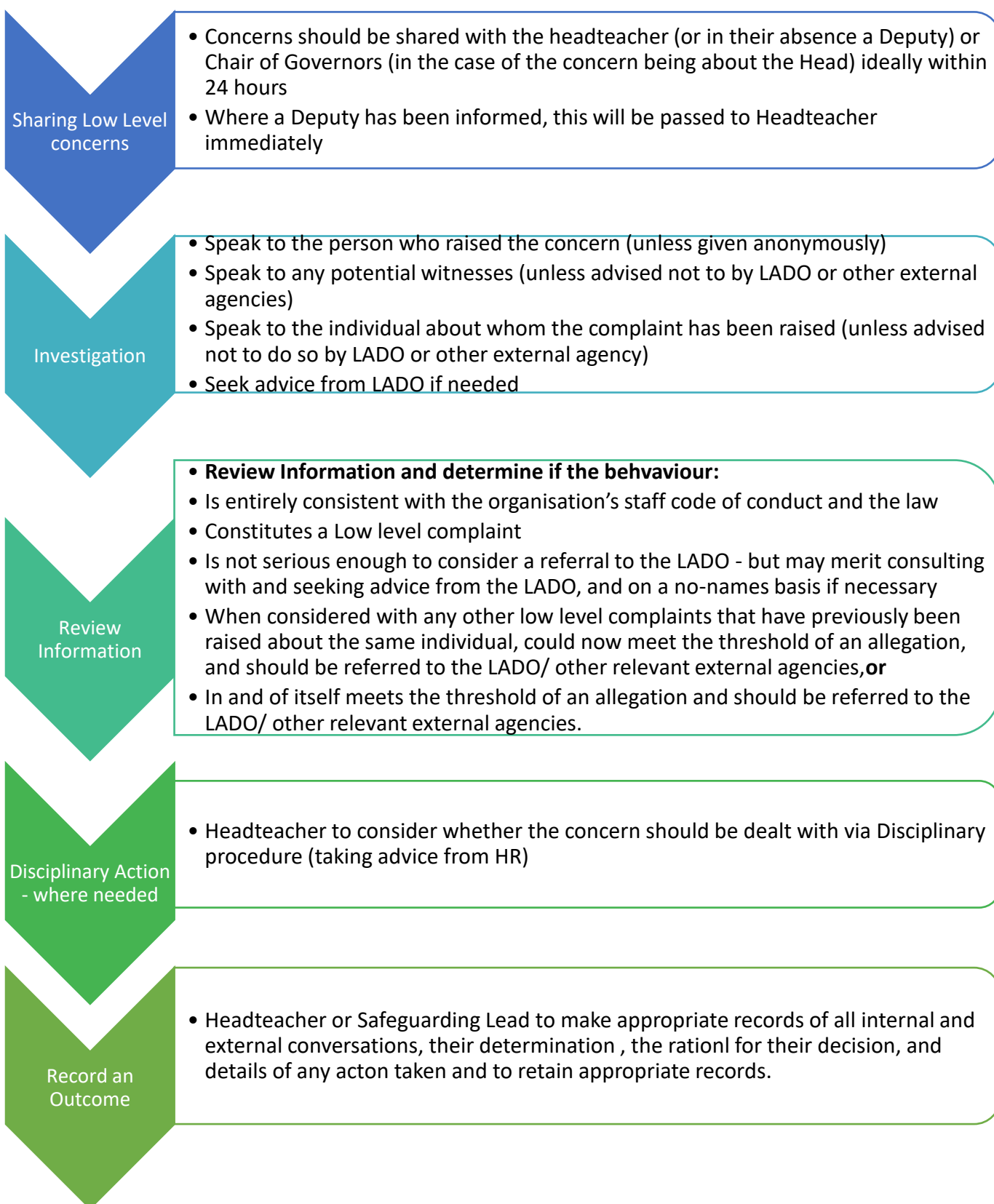
All low-level concerns (regardless of whether they then are investigated under the Disciplinary Procedures) will be recorded in writing. The record will include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns will also be noted. When an individual wishes to remain anonymous, the school will seek to respect this as far as reasonably possible.

Where records are kept, the School will review these to ensure that potential patterns of concerning, problematic or inappropriate behaviour can be identified. All records will be kept confidential and will be held securely and in line with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR). Where a pattern(s) of such behaviour is identified, advice will be sought from Human Resources to determine the most appropriate course of action. It may be appropriate to contact the LADO to discuss this pattern. In addition, it may still be necessary to investigate the matter under the Disciplinary Procedure. In all circumstances, where the pattern may mean that the behaviour of the individual meets the harms threshold, this will be referred to the LADO.

Where low level issues are identified, the school will consider whether there are wider cultural issues that enabled the behaviour to occur. The School will seek to revisit its policies and training offer to minimise the risk of it happening again. Records of any low level concerns will be kept throughout the duration of employment.



Beyond Learning





Beyond Learning

References

Low level concerns that have been recorded by the School, may be included in a reference to a prospective employer. The decision as to what will be included, will be determined by the Headteacher and will be based on the request for comment regarding evidence of misconduct or poor performance. Low-level concerns that relate exclusively to safeguarding (and not to misconduct or poor performance) will 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, this will be notified to any prospective employer via the reference.

Policy Feedback

Should you have any comments regarding this policy, please address them to the HR Policy mailbox –

operationalhr@torbay.gov.uk

History of Policy Changes

| Date | Page | Details of Change | Agreed by: |
|----------------|------|---|------------|
| Sep 2017 | All | New policy iteration | |
| April 2019 | | Updates from Keeping Children Safe in Education | |
| September 2019 | | Keeping Children Safe in Education 2019 | |
| October 2020 | 5 | To include information on managing allegations against supply teachers. | |
| 2023 | All | Policy reflects changes in KSCIE 2022/3 | |

10. Policy Review

The policy will be reviewed at least every two years (earlier in the event of significant legislative, policy or guidance changes) and approved by the Directors



Version control record from April 2022.

| Version Number | Date of Change | Reviewed by | Brief reason for changes |
|----------------|----------------|-------------|--|
| 1.0 | April 22 | V Banks | Policy review |
| 1.1 | Sept 22 | J Hunter | KCSIE Update Sept 22 |
| 1.2 | 12.10.22 | J Hunter | Replace 'school' with 'service' or 'MTS' Correct references to Trust or Academy |
| 1.3 | 27.02.24 | J Hunter | Replace all sections referring to legislation and guidance to reflect Torbay HR update to policy in June 23 Initial Response and LADO sections added pg 8 |