

## LEARNING OPPORTUNITIES

### MANAGING ALLEGATIONS (INCLUDING LOW LEVEL CONCERNS) AGAINST STAFF, INCLUDING SUPPLY TEACHERS, VOLUNTEERS & CONTRACTORS

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This Policy has been written and approved by a team with a range of experience and will be reviewed annually.

Review Date: September 2023

Next Review Date: September 2024

## Education Safeguarding Service Contacts

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Training & Development Manager Rebecca Avery	03000 423 168
Robin Brivio Senior Safeguarding Advisor	03000 423 169
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<p>For advice on safeguarding issues please call your area office on the numbers listed below.</p> <p>If a child may be at risk of <b>imminent harm</b>, you should call the <b>Integrated Front Door on 03000 411111</b> or the <b>Police on 999</b></p>	
Ashford	03000 423 154
Canterbury	03000 423 157
Dover	03000 423 154
Folkestone & Hythe	03000 423 154
Swale	03000 423 157
Thanet	03000 423 157

If you think a child is in immediate danger Don't delay – call the police on 999, or call NSPCC on **0808 800 5000**, straight away. LADO Team contact number: 03000 410888

If your call is urgent i.e. a child is in **immediate danger** and you cannot be connected to the team you should call the Integrated Front Door on

**03000 41 11 11**

Email: [kentchildrenslado@kent.gov.uk](mailto:kentchildrenslado@kent.gov.uk)

If a call is urgent and outside of office hours call 03000 41 91 91

**Kent Safeguarding Children Multi-Agency Partnership (KSCMP)**

Email: [kscmp@kent.gov.uk](mailto:kscmp@kent.gov.uk) 03000 421126

## **INTRODUCTION**

This policy has regard to the following guidance and advice:

- Keeping Children Safe in Education (KCSIE) 2023
- What to do if you're worried a child is being abused: advice for practitioners (March 2015)
- Sexual violence and sexual harassment between children in schools and colleges - KCSIE 2023 incorporates the previous standalone non-statutory guidance on 'Sexual violence and sexual harassment between children in schools and colleges'.
- Working Together to Safeguard Children (July 2018)
- Information sharing: advice for practitioners providing safeguarding services (July 2018)
- Revised Prevent Duty Guidance for England and Wales (updated April 2021)
- Relationships education, relationships and sex education (RSE) and health education (DfE)

This policy also takes into account the procedures and practice of Kent County Council and the published safeguarding arrangements set out by the three local safeguarding partners: Kent Police, NHS and Kent County Council.

Learning Opportunities acknowledge its collective responsibility to safeguard and protect the welfare of children and young people in accordance with its statutory responsibility under Section 157 of the Education Act 2002, the Education (Independent School Standards) (England) Regulations, KCSIE and Working Together to Safeguard Children.

Learning Opportunities is committed to providing the highest quality care for both students and staff. This Policy outlines procedures for the management of allegations of abuse against staff, including supply teachers, volunteers and contractors, which might indicate that they are unsuitable to work with children / young people in their present position or in any capacity.

We believe that creating a culture in which all concerns about adults (including those that do not meet the threshold of an allegation) are shared responsibly, with the right person, and recorded and dealt with appropriately, is critical. This encourages transparency, which enables us to identify concerning behaviour early. Our Staff Code of Conduct and associated policies ensure that all staff are clear about professional boundaries, and act within these boundaries, in accordance with the ethos and values of the school.

As a school we recognise that it is possible for staff and volunteers to behave in a way that might cause harm to children and take seriously any allegation received. Such allegations will be referred immediately to the Head Teacher, or in the case of the Headteacher to the Proprietor who will first contact the Local Authority Designated Officer (LADO) to agree further action to be taken in respect of the student and staff member.

**All staff need to be aware that it is a disciplinary offence not to report concerns about the conduct of a colleague that could place a student at risk. When in doubt – consult.**

*Working Together to Safeguard Children* makes it clear that any concern about an adult working with children that meets the threshold of an allegation, should be reported to "a senior manager within

*the organisation*" - who should report it to the designated officer of the local authority (previously called LADO) within one working day.

All members of staff in the school will be made aware of this policy during induction.

### **SAFER RECRUITMENT (Refer to Learning Opportunities Safer Recruitment Policy)**

Learning Opportunities is committed to robust recruitment and selection procedures to ensure that all staff and volunteers have been appropriately screened prior to appointment, and to the provision of appropriate guidance about safe working practice, boundaries and propriety.

This includes the necessary statutory child protection checks being completed before starting work, for example, right to work checks, additional overseas checks (if necessary), verifying identity, taking up references, checking work history and confirming medical fitness for the role.

For most appointments, an enhanced DBS check with 'barred list' information will be appropriate. Under no circumstances will an individual commence work unsupervised in sole charge of or in unaccompanied contact with children without a cleared DBS check.

Safeguarding / child protection training is provided to staff and volunteers through induction programmes and ongoing CPD.

Learning Opportunities Managing Allegations against Staff, including supply teachers, volunteers and contractors has two main sections covering the two levels of concerns and allegations:

1. Concerns / allegations that may meet the harm threshold.
2. Concerns / allegations that do not meet the harm threshold – referred to as 'low-level concerns'

### **ALLEGATIONS THAT MAY MEET THE HARM THRESHOLD**

This section applies to all cases in which it is alleged that a current member of staff, including a supply teacher, volunteer or contractor, has:

- Behaved in a way that has harmed a child, or may have harmed a child, and/or
- Possibly committed a criminal offence against or related to a child, and/or
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children, and/or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children – this includes behaviour taking place both inside and outside of school

If we're in any doubt as to whether a concern meets the harm threshold, we will consult our local authority designated officer (LADO).

We will deal with any allegation of abuse quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

Our procedures for dealing with allegations will be applied with common sense and judgement.

If we receive an allegation of an incident happening while an individual or organisation was using the school premises to run activities for children, we will follow our safeguarding policies and procedures and inform our LADO.

Concerns about the possible abuse of students by staff will usually arise in one of two ways, either:

- a direct allegation by a student or a third party, for example a parent / carer
- an observation by a member of staff that the behaviour of a colleague is inappropriate or potentially or actually abusive.

All concerns of poor practice should be reported immediately to the Head Teacher, or in the case of the allegation being against the Head Teacher, to the Proprietor. As this is a statutory duty, we expect all members of staff in the school, where they have concerns, to report them in accordance with this policy.

### **SUSPENSION OF THE ACCUSED UNTIL THE CASE IS RESOLVED**

Suspension of the accused will not be the default position and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that there might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

The case manager (Headteacher) will carefully consider whether the circumstances warrant suspension until the investigation is resolved. If in doubt the case manager will seek the views of the LADO as well as the police and children's social care where they have been involved.

Children's social care or the police may give their view to the LADO but they cannot require the case manager to suspend a member of staff or a volunteer, although the case manager should give appropriate weight to their views. The power to suspend is vested in the proprietor who is the employer.

In many cases an enquiry can be resolved quickly and without the need for suspension. The proprietor will decide if the individual can continue to work at the school based on consultation with the LADO who will provide relevant information received from the police or local authority children's social care on whether they have any objections to the member of staff continuing to work during the investigation of the case.

Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment about whether the person poses a risk of harm to children.

Where Learning Opportunities is made aware that the Secretary of State has made an interim prohibition order, they will take immediate action to ensure that the individual does not carry out work in contravention of the order. This means that pending the findings of the TRA investigation, the individual will not carry out teaching work.

Based on advice from Learning Opportunities HR advisors and / or a risk analysis drawn up with the LADO, the following alternatives will be considered by the case manager before suspending a member of staff:

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

If in doubt, the case manager will seek views from the school's personnel adviser and the designated officer at the local authority, as well as the police and children's social care where they have been involved.

These alternatives will allow time for an informed decision regarding the suspension, this will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unfounded, unsubstantiated, malicious, or false.

If immediate suspension is considered necessary, the rationale and justification for such a course of action will be agreed and recorded by both the Case Manager and the Designated Officer (LADO). This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation will be given within one working day, giving as much detail as appropriate for the reasons for the suspension. Learning Opportunities will not leave a person who has been suspended without any support. The person will be informed at the point of their suspension who their named contact is within the school and will be provided with their contact details.

#### **DEFINITIONS FOR OUTCOMES 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, or to cause harm to the 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 (this does not imply guilt or innocence)
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

## **PROCEDURE FOR DEALING WITH ALLEGATIONS**

In the event of an allegation that meets the criteria above, the case manager will take the following steps:

Conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below

- Discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police *before* consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police)
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies.
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children's social care services, as appropriate.
- Where the case manager is concerned about the welfare of other children in the community or the individual's family, they will discuss these concerns with the DSL and make a risk assessment of the situation. If necessary, the DSL may make a referral to children's social care.
- **If immediate suspension is considered necessary**, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details.
- **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation.
- **If it is decided that further action is needed**, take steps as agreed with the designated officer to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate.
- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate. Additional support can be accessed via Peninsula Employee Assistance Programme (EAP)
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the

requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice.

- Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member)
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child.

If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, wherever possible the school will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

### **ADDITIONAL CONSIDERATIONS FOR SUPPLY TEACHERS & ALL CONTRACTED STAFF**

If there are concerns or an allegation is made against someone not directly employed by the school, such as a supply teacher or contracted staff member provided by an agency, we will take the actions below in addition to our standard procedures.

- We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome.
- The proprietor will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the school, while the school carries out the investigation.
- We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the LADO as required.
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary)

When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

### **TIMESCALES**

The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation. However, Learning Opportunities is committed to resolving cases as quickly as possible consistent with a fair and thorough investigation. All allegations will be investigated as a priority so as to avoid any delay.

We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable:

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious should be resolved within 1 week.
- If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken within 3 working days.
- If a disciplinary hearing is required and can be held without further investigation, this should be held within 15 working days.

However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

## **SPECIFIC ACTIONS**

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

### **Action following a criminal investigation or prosecution**

The case manager will discuss with the local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

### **Conclusion of a case where the allegation is substantiated**

If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the school will make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

If the individual concerned is a member of teaching staff, the school will consider whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

### **Individuals returning to work after suspension**

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.

The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending the school.

### **Unsubstantiated, unfounded, false or malicious reports**

If a report is:

- Determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate.
- Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it.

## **Unsubstantiated, unfounded, false or malicious allegations**

If an allegation is:

- Determined to be unsubstantiated, unfounded, false or malicious, the LADO and case manager will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate.
- Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it.

## **SUPPORTING THOSE INVOLVED**

### **Duty of care**

All actions Learning Opportunities take to support those involved will take account of the need to protect and support the children involved, their welfare is paramount and will be the prime concern in terms of investigating an allegation against a person in a position of trust.

Learning Opportunities acknowledge that when an allegation or safeguarding concern is being investigated it is likely to be a very stressful experience for the adult subject of the investigation, and potentially for their family members. Procedures will ensure that wherever possible the stress inherent in the allegations and disciplinary process is managed and minimised. Support for the individual is key to fulfilling this duty.

Information is confidential and will not ordinarily be shared with other staff or with children or parents / carers who are not directly involved in the investigation.

In recognition of our duty of care to employees, Learning Opportunities will:

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

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

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

- made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress.

## **CONFIDENTIALITY & INFORMATION SHARING**

Learning Opportunities will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2011 amended the Education Act 2002, to introduce reporting restrictions. These provisions made it an offence (except in the limited circumstance expressly permitted by the legislation), for any person to publish any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a child from the same school (where that identification would identify the teacher as the subject of the allegation).

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

- Who needs to know about the allegation and what information can be shared
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises

### **The reporting restrictions apply until:**

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

The reporting restrictions are dis-applied 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.

The legislation prevents the "publication" of material by any person that may lead to the identification of the teacher who is the subject of the allegation. "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public." This means that a parent/carers who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public). In circumstances where Learning Opportunities need to make parents/carers aware about an allegation, they will make parents and others aware that there are restrictions on publishing information.

## **RECORD KEEPING**

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case.

The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file).

For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved.
- Notes of any action taken, decisions reached and the outcome.
- A declaration on whether the information will be referred to in any future reference.

In these cases, the school will provide a copy to the individual, in agreement with children's social care or the police as appropriate.

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

Learning Opportunities acknowledges its obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the IICSA website). All other records will be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.

## **RETURNING TO WORK**

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager will consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience.

Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The case manager will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school.

## **RESIGNATIONS & 'SETTLEMENT AGREEMENTS'**

'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference, **will not be used**, where there are allegations that indicate the person is a risk or poses a risk of harm to children or deemed not suitable to work with children.

Learning Opportunities will not cease investigations if the person leaves, resigns or ceases to provide their services. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate.

Wherever possible, the accused will be given full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated or otherwise on the basis of all the information available, will continue even if the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record an outcome wherever possible. The person concerned will be notified of the conclusion of the allegations and sanctions that might be imposed.

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

Where a settlement/compromise agreement is used, Learning Opportunities will not let it prevent them from:

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

## **REFERENCES**

When providing employer references, we will:

- Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious.
- Include substantiated allegations, provided that the information is factual and does not include opinions.

## **LEARNING LESSONS**

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

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff.
- The duration of the suspension
- Whether or not the suspension was justified

- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual.

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

### **NON-RECENT ALLEGATIONS**

Abuse can be reported, no matter how long ago it happened.

We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations.

Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

### **CONCERNS OR ALLEGATIONS THAT DO NOT MEET THE HARM THRESHOLD - (Refer to Appendix E)**

In keeping with KCSIE, Learning Opportunities makes it clear in policies and guidance, including the staff code of conduct, that all low-level concerns about staff should be reported to the Head Teacher. Where the concern relates to the Head Teacher, the report should be made to the Proprietor. Training ensures that all staff are aware of how to handle low-level concerns, allegations against staff and our whistleblowing procedures.

This section applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers and contractors, which do not meet the harm threshold set out above.

#### **Low-Level Concerns**

Learning Opportunities has policies and processes in place to deal with concerns (including allegations) which do not meet the harm threshold. It is acknowledged that concerns may arise in several ways and from a number of sources. For example:

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

We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

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

Learning Opportunities will ensure that all concerns about adults, including allegations that do not meet the harm threshold are shared responsibly and with the right person e.g. Headteacher / Proprietor, recorded and dealt with appropriately. We believe that by ensuring they are dealt with effectively, those persons working within the school should be protected from becoming the subject of potential false low-level concerns or misunderstandings.

Our approach enables us to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of the school are clear about professional boundaries, act within these boundaries, and in accordance with the ethos and values of the school.

### **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. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority.

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, contrary to school policy
- 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
- humiliating children

Learning Opportunities encourage staff to share any concerns - no matter how small - about their own or a colleague's behaviour.

We recognise that such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

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

Learning Opportunities refers to our policy on the management of Low-Level concerns within the Staff Code of Conduct and the school Safeguarding / Child Protection policy.

The school's values and expected behaviour are constantly lived, monitored and reinforced by all staff. The staff code of conduct, behaviour policies and safeguarding policies and procedures are implemented effectively, and ensure appropriate action is taken in a timely manner to safeguard children and facilitate a whole school approach to dealing with any concerns.

### **Learning Opportunities:**

- 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;
- empower staff to share any low-level concerns;
- addresses unprofessional behaviour and support the individual to correct it at an early stage;
- provide a responsive, sensitive and proportionate handling of such concerns when they are raised; and,
- help identify any weakness in the school safeguarding system.

### **Sharing low-level concerns**

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

We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others.
- Empowering staff to share any low-level concerns as per section 7.7 of this policy.
- Empowering staff to self-refer.
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage.
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised.
- Helping to identify any weakness in the school's safeguarding system.

Low-level concerns about a member of staff, supply staff, volunteer or contractor will initially be reported to the Headteacher, or where the concern relates to the Headteacher, to the proprietor. Reports about supply staff and contractors will be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.

Within Learning Opportunities, the Headteacher is the ultimate decision maker in respect of all low level concerns, although depending on the nature of the concern, they may also consult with the other DSLs within the school in order to take a more collaborative decision-making approach.

Within the school, we encourage staff to 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.

Learning Opportunities will consult with the LADO if they are in any doubt as to whether the information shared about a member of staff as low-level in fact meets the harm threshold.

### **Recording low-level concerns**

Learning Opportunities use Confide, which is a secure software solution for recording and casemanaging allegations and concerns about staff and other people working in or with the school. The system enables

us to easily record concerns in a secure environment, to record all aspects of our investigation, upload relevant documents and produce accurate reports and data. Confide also allows us to restrict access to the system so that the data remains confidential and is only available to users with the appropriate permissions.

All low-level concerns will be recorded in writing. The record will include details of the concern, the context in which the concern arose, action taken and the rationale for decisions and action taken. The name of the individual sharing their concerns will also be noted, if the individual wishes to remain anonymous then that will be respected as far as reasonably possible.

- Records will be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).
- Records will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, Learning Opportunities will decide on a course of action, either through our disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, in which case it will be referred to the designated officer at the local authority.

In reviewing information / records, Learning Opportunities will consider whether there are wider cultural issues within the school that enabled the behaviour to occur. Where appropriate, policies will be revised and / or additional training delivered to minimise the risk of it happening again.

Learning Opportunities will retain such information at least until the individual leaves our employment, or where it is felt that the concern warrants, for a longer period.

### **Responding to low-level concerns**

If the concern has been raised via a third party, the headteacher will collect as much evidence as possible by speaking:

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

The information collected will help categorise the type of behaviour and determine what further action may need to be taken in line with the school's staff code of conduct. All information will be recorded along with the rationale for decisions and action taken.

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

### **References**

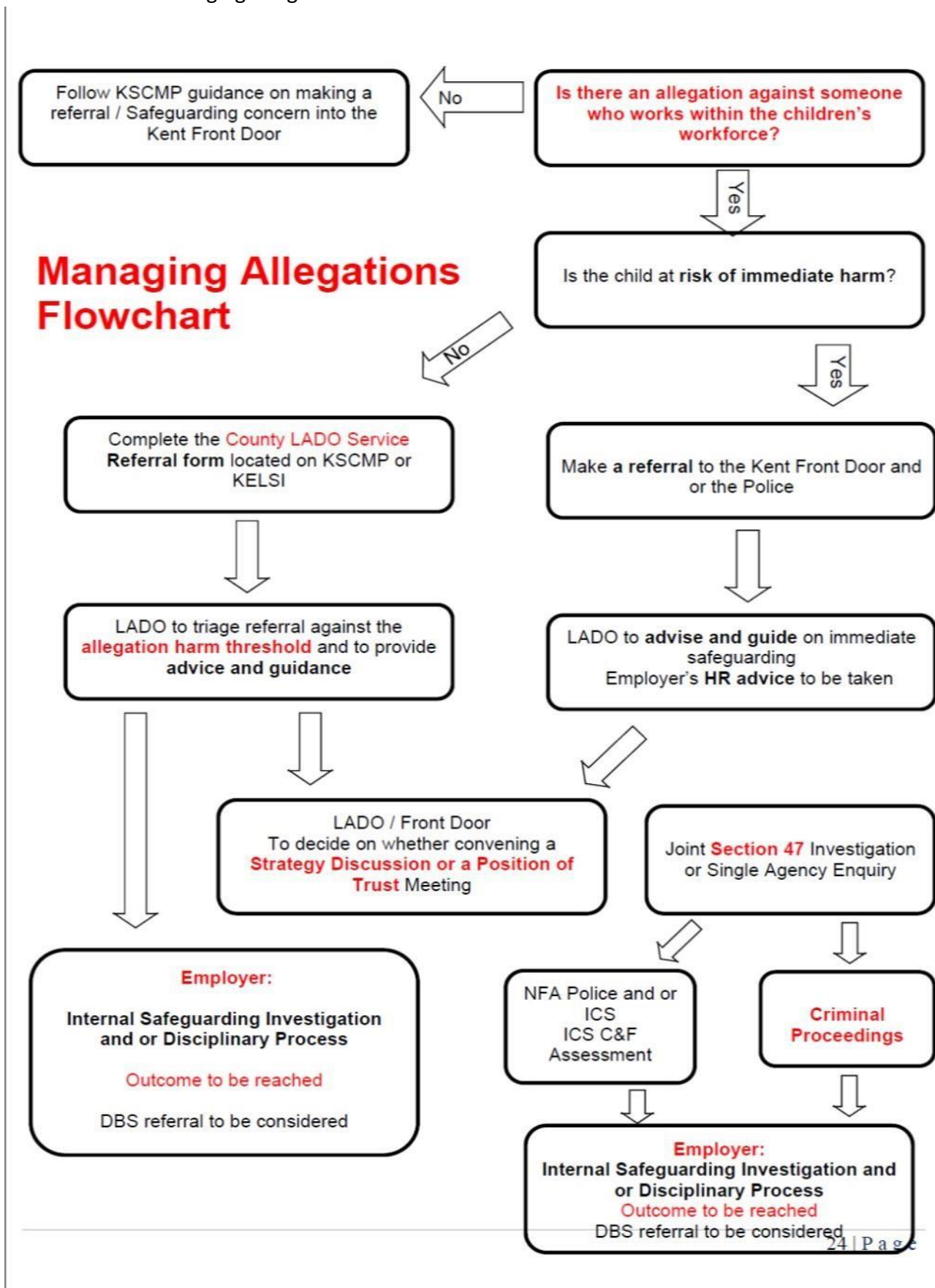
We will not include low-level concerns in references unless:

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

**WHISTLEBLOWING** (Refer to Learning Opportunities Whistleblowing Policy)

Staff and volunteers should feel confident about challenging the behaviour of others and voicing concerns. They should also know who to contact if they feel unable to report an incident within the school organisation. They can make a report to the police or local child protection services, or by contacting the NSPCC Whistleblowing Advice Line:

0800 028 0285 / [help@nspcc.org.uk](mailto:help@nspcc.org.uk)



## **APPENDIX B**

### **LOCAL AUTHORITY DESIGNATED OFFICERS (LADO) SAFEGUARDING WITHIN THE CHILDRENS WORKFORCE Do's & Don'ts**

The harm threshold is when it has been alleged that a person who works with children has:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child;
- Behaved towards a child or children in a way that indicates you may pose a risk of harm to children. Or
- Behaved in a way that indicates you may not be suitable to work with children

#### **DO:**

- Immediately safeguard the child or children – this may include making a request for support via the Front Door.
- Take steps with member of staff to minimise risk in consultation with your HR adviser and in considering welfare support for the member of staff.
- Notify the LADO within 24 hours by completing the County LADO Service referral form.
- Check if the member of staff holds any other position, paid or voluntary, within the children's workforce.
- Take the matter seriously and focus on fact and context.
- Ensure you know the child's lived experience and record the child's voice.
- Contact the LADO Enquiries Officer if you need advice or are unsure.

#### **DON'T:**

- You must not speak to the member of staff or take any action about the allegation until you have spoken with the LADO.
- Do not 'end' investigations if the member of staff leaves or resigns before an outcome has been established.
- Do not make assumptions or share your opinion.

Further information regarding allegation management can be found on the Kent Safeguarding Children Multi-Agency Partnership website.

The website can be assessed here: <https://www.kscmp.org.uk/> or via a search engine browse for the KSCMP e.g. through Google.

## COUNTY LADO SERVICE- CHILDREN'S SAFEGUARDING LADO REFERRAL FORM – for Professionals

Date of referral

Select Date

**Section A – only complete form if you can answer 'Yes' to Q1 and at least one of the other 4 questions**

- |   |        |
|---|--------|
| 1. Does this person <b>work</b> in the wider <b>children's workforce</b> in <b>KENT</b> [not Bromley, Bexleyheath or Medway (Strood, Rochester, Chatham, Gillingham & Rainham)] | Select |
|---|--------|

**Has this person met the Harm Threshold:**

- |  |        |
|--|--------|
| 1. Behaved in a way that has harmed a child or may have harmed a child?  | Select |
| 2. Possibly committed an offence against or related to a child?  | Select |
| 3. Behaved towards a child or children in a way that indicates that he or she would pose a risk of harm to children if they work regularly or closely with them? | Select |
| 4. Behaved in a way that indicates they may not be suitable to work with children? (includes transfer of risk, risk by association)                              | Select |

Please note that if you are **unsure** whether a referral should be made you can call the County LADO Service on **03000 410 888** and ask to speak with the **LADO ENQUIRIES OFFICER** who would be happy to advise you.

**Section B - The Person Being Referred** *(if more than one person involved, please complete separate forms)*

**\*Sections are mandatory, and every effort should be made to complete before submitting the referral. If key data is missing the referral may be returned to you due to the County LADO Service not being able to proceed.**

Full name of Person being referred *		Date of Birth * / age	
Previous names known (including maiden/aliases)* Record unknown if do not have the information		IF A FOSTER CARER-Do they have a partner?	Select
		Full Name of partner	
Gender *	Select	Partner's Date of Birth *	
Home Address *		Disability (if known)	Select
		Ethnicity	Select
Employer's name and address (including Agency & Voluntary organisations) *			
Job Title /Role *		Start date of current employment *	

What contact does the person have with children in that role?					
Is this their main/substantive role?		Select			
Does the person have any other contact (through work/volunteering with children?) Please provide details if known				Is the person aware that a referral has been made to the LADO?	Select
Have there been previous concerns or allegations against this person? If yes, please give details				Does this person live with children?	Select
<b>Section C - Details of Child Involved (if applicable) or adult (if historical)</b>					
Full name of Child				Date of Birth	
Gender	Select			Disability	Select
Ethnicity	Select			SEN	Select
Home Address				Status of child	Select
Details of Parents or Local Authority (and social worker) if child is in care				Are parents or social worker aware of incident?	Select
<b>Section D - DETAILS OF THE ALLEGATION/CONCERN</b>					
What is the nature of the allegation, concern or harm caused or posed by this individual?	Click to select	Has child been harmed or sustained an injury?	Select	Is this a historical allegation?	Select
Please provide details of incident that have given rise to the concerns (please provide as much information as possible including details of any other children involved, injuries/harm suffered, dates and location, details of any witnesses and any actions/decision that have been taken)					
Date, time and location of Incident*:					
<u>Details:</u>					
<u>Any Actions taken so far?</u>					
<b>Section E -</b>					

Have you informed the member of staff (MOS) you have made a referral?	Select	Date informed and details of what information was shared?	
Reason for not informing MOS at this stage:			

Please note it is expected the MOS is informed about an allegation made against them and to work transparently and timely with them. If MOS has not been informed at the point of the referral, possibly due to safeguarding reasons, the LADO will discuss with the referrer how and when this should be undertaken.

#### Section F - Details of Person completing this form.

Your name *		Your Role *	
Telephone Number *		Email address: *	
Organisation Name and Address *			
Are you the person with lead responsibility for allegation management in your organisation?	Click to select	If no, what is the name and contact details of your lead person?	
Have you consulted with the LADO Enquiries Officer about this allegation/concern?	Select	Number of form: (provided in title of email)	
Name of LADO Enquiries Officer:		Date contacted:	

**Attach copy of Enquiries Form if relevant**

#### For Office Use only

Section G	
LADO Scoping and rationale	
Name of allocated LADO	
Does this referral meet the threshold for LADO procedure?	
What is the categorisation? (Allegation, Consultation or For information only)	

<p><b>Advice given with Rationale around:</b></p> <ul style="list-style-type: none"> <li>➤ Immediate safeguards</li> <li>➤ Triangulation of known information – context, searches, complicating factors</li> <li>➤ Welfare support</li> <li>➤ Next steps/sign posting</li> </ul> <p>(using the Quality Assurance Practice framework)</p>	
<p><b>Search Results</b></p>	<p><b>MOS -</b></p> <p><b>YP -</b></p> <p><b>SETTING -</b></p>
<p><b>Liberi ID (MOS)</b></p>	<p><b>Liberi ID (Child)</b></p>

**Note: To be completed electronically and emailed as a 'word document only' to [kentchildrenslado@kent.gov.uk](mailto:kentchildrenslado@kent.gov.uk)**

**All allegations (and where you are unsure) must be notified to the LADO within 1 working day (24 hours)**

**Please ensure the child/ren are safeguarded by making a referral to the Childrens Social Work Services where appropriate. This is separate from the County LADO Service referral.**

## ALLEGATIONS AGAINST STAFF WORKING WITHIN THE CHILDRENS WORKFORCE

### COUNTY LADO SERVICE

#### GUIDANCE FOR INVESTIGATION REPORTS FOR ALL SETTINGS

The County LADO Service are often asked for example investigation reports or templates. This is a suggestion and can be adapted in line with your own internal processes and advice from your HR representatives. This is not a statutory document.

#### General points to address for all investigations: -

- Ensure whoever is investigating understands or has experience in **safeguarding**.
- Ensure that the investigating officer is **sufficiently impartial** or consider **commissioning** someone to complete on your behalf.
- Refer to the member of staff's contractual obligations and **code of conduct**.
- Be mindful of the **policy** and procedures relevant under safeguarding children.
- Ensure you are clear what the **allegation** is against the member of staff.
- Are you clear from the **LADO** what needs to be addressed?
- Ensure the **child's voice** and **lived experience** is included.
- Be clear on member of staff's voice, **insight and understanding** of risk and professional conduct.
- Provide a clear or recommended **outcome(s)** in line with allegation management.
- Clear **timeframe** for completion (maximum 10 working days).
- Ensure author of report knows it is acceptable and **appropriate to share** the content with the LADO.

**INVESTIGATION REPORT TEMPLATE**  
**TITLE e.g. ALLEGATION MANAGEMENT REPORT**

Member of Staff	Job Title/Role	Setting details
Investigating Officer	Job Title/Role	Setting Details
Date of allegation	Date Investigated	Date Concluded

**OVERVIEW / SUMMARY**

**Set out what has been alleged and by who, what is being investigated and the outcome.**

You will need to ensure that this clearly identifies the focus of the investigation and whether there are one or more allegations that need to be addressed.

Example:

*An allegation of inappropriate conduct has alleged to have taken place on 00/00/20000 by staff member X. Staff member X is alleged to have held child Y against the classroom wall (inappropriate physical intervention) whilst continuing to shout in their face in front of the class (inappropriate behaviour/emotional abuse) This was reported by ..... to staff member .... on 00/00/2000.*

*This report covers the investigation into this safeguarding concern. The investigation was to establish whether the child Y suffered harm and whether staff member X presented and or continues to present a risk to this child and or others. The investigation assessed whether staff member X breached their professional code of conduct, practice and policy (list which ones...)*

*The outcome of the investigation is...*

## METHODOLOGY

**Detail here terms of reference, what you did and your sources of information.** In some circumstances it may be useful to record a chronology and attached as an addendum to the report.

Details of **witnesses** that you have interviewed. If you have not interviewed a witness – explain the rationale behind your decision not to interview them.

Interview with and record/account of **member of staff subject to the investigation/allegation** must be included and analysed.

Reference to the **child's voice and lived experience** must be included. If not interviewed as part of this process explain how you have obtained the information. For example, child may have been interviewed by Social Worker and or Police as part of the investigation. Clear acknowledgement of safeguarding concerns and impact on the child is important and must be analysed.

Documents reviewed e.g. training records, incident logs, procedures.

## BACKGROUND – contextual safeguarding

Include details of employment / circumstances leading up to the current situation and actions taken in response to the allegation.

This will include details of safer recruitment processes e.g. whether references were requested, clear DBS etc.

Previous allegation management concerns and any relevant disciplinary actions.

## ANALYSIS

**Pull together information gathered, facts and evidence.**

Consider what supports the allegation(s) and what has been provided as mitigating factors. This may include highlighting areas that are unclear and the reasons why.

Remember that you are considering this against the test of '**balance of probabilities**' under Childrens safeguarding.

## CONCLUSIONS AND RECOMMENDATIONS

**This is where you provide an overall fact-based assessment on a) whether there is evidence to support the allegations and b) the strength of the evidence.**

The conclusions should be clear and concise without stating opinion or assumptions.

A clear rationale must be provided.

Refer to the allegation management outcomes and record clearly which outcome(s) has been reached. Do not leave this blank – an outcome or recommended outcome is expected and will be requested by the LADO who will adjudicate and confirm the final outcome(s) decisions.

**Substantiated** – there is sufficient identifiable information to prove the allegation – this did happen. Employer to refer to DBS if matter is serious enough to warrant dismissal or cessation of role.

**False** – there is sufficient evidence to disprove the allegation

**Malicious** – there is clear evidence to prove there has been a deliberate act to deceive and the allegation has been entirely false

**Unfounded** – there is no evidence or proper basis which supports the allegation being made. It might indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances

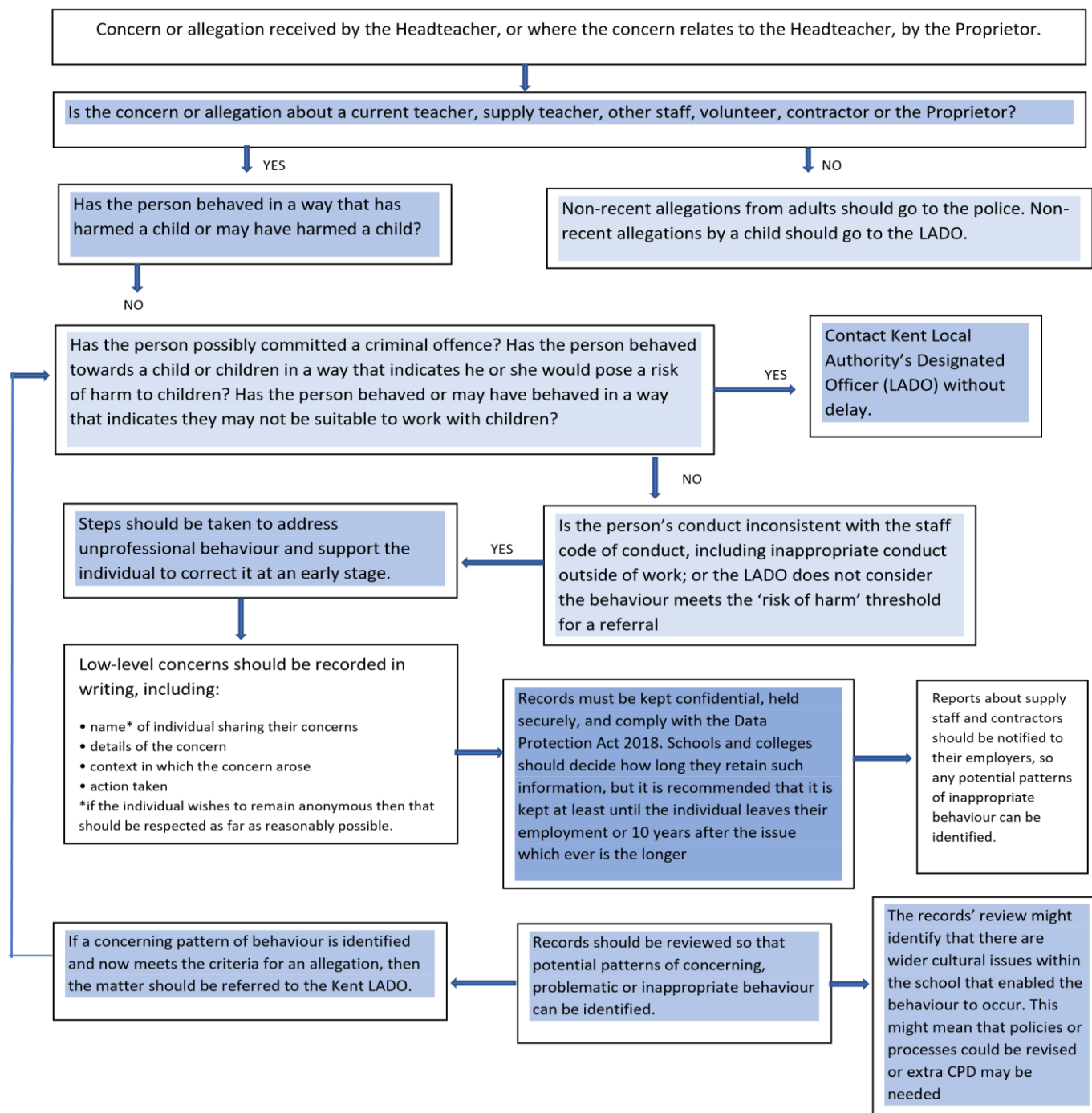
**Unsubstantiated** - An unsubstantiated allegation is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

**Sign and date your report – SHARE with the LADO.**

## LEARNING OPPORTUNITIES

## LOW-LEVEL CONCERNS

Managing Low Level concerns in relation to all staff working for or on behalf of Learning Opportunities, including teachers, supply staff, other staff, volunteers, & contractors; in accordance with our Staff Code of Conduct.

**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 KCSIE (2022). A low-level concern is any concern - no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and
- the LADO does not consider the behaviour meets the 'risk of harm' threshold for a referral