Castle Phoenix Trust

Allegations of Abuse

Made against teacher and other staff (including supply and volunteers) and dealing with low level concerns

Trust Level Policy

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Date	Notes
September 2021	**Changes are in relation to KCSIE 2021 guidance – DfE requirements Sections 3 to 27 are all rephrased clauses in line with KCSIE with low level concerns a new section in line with KCSIE**
August 2022	**Changes in relation to KCSIE 2022 guidance**
January 2024	**Review in line with KCSIE 2023 guidance**
October 2025	**Updated Summary and removed individually named schools** **Reviewed in line with KCSIE 2025 – no changes**

1 Summary

This policy has been produced, in accordance with DfE guidance (Keeping Children Safe in Education (KCSIE).

This policy will apply to anyone working (including all staff, supply/agency staff, casual workers, third party staff, volunteers and contractors) within Castle Phoenix Trust ('the Trust') and it's Schools ('the School').

In line with KCSIE this Trust policy will cover two levels of allegation/concern

- Allegations that may meet the harms threshold
- Allegations/concerns that do not meet the harms threshold – referred to for the purposes of the KCSIE guidance as 'low level concerns'.

The term 'low level' does not mean that it is insignificant, it means that the behaviour towards a child does not meet the harms threshold set out in clause 2 below. A low level concern is any concern that an adult 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 Local Authority Designated Officer (LADO).

2 Allegations That May Meet the Harms Threshold

This section of the policy will guide the Trust in managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It will be used in respect of all cases in which it is alleged that anyone working (including all staff, supply/agency staff, third party staff, casual workers, volunteers and contractors) in the school 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; or
- 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
- 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.

Where appropriate an assessment of transferable risk to children with whom the person works should be undertaken. If in doubt advise will be sought from the LADO.

If staff have safeguarding concerns or an allegation is made about another member of staff (including supply staff, volunteers, casual workers, and contractors) posing a risk of harm to children, then without delay:

- this should be referred to the headteacher
- where there are concerns/allegations about the headteacher/CEO, this should be referred to the chair of governors or chair of the board of Trustees and
- in the event of concerns/allegations about the headteacher, where the headteacher is also the sole proprietor of an independent school, or a situation where there is a conflict of interest in reporting the matter to the headteacher, this should be reported directly to the local authority designated officer(s) (LADOs).

A "case manager" will lead any investigation. This will be either the headteacher or principal, or, where the headteacher is the subject of an allegation, the chair of governors or chair of the board of Trustees.

Allegations against a teacher who is no longer teaching will be referred to the police. Historical allegations of abuse will also be referred to the police.

3 The initial response to an allegation

Where it has been 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, the school would contact children's social care and as appropriate the police immediately in line with KCSIE, part 1.

The school will consider two aspects when an allegation is made:

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

When dealing with allegations, schools will

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

Schools share information with the LADO in line with the local authority arrangements when managing allegations. Before contacting the LADO, the school will conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation. For example:

- was the individual in the school or college at the time of the allegations?
- did the individual, or could they have, come into contact with the child?
- are there any witnesses?
- was there any CCTV footage?

These are just a sample of example questions and the school will ensure it provides initial information the LADO will require.

The school will decide when to inform the individual of the allegation after careful consideration on a case by case basis, with guidance as required from the LADO, and if appropriate children's social care and the police. If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion involving the police and/or children's social care will be convened in accordance with the statutory guidance Working Together to Safeguard Children. If the allegation is about physical contact, for example restraint, the strategy discussion or initial evaluation with the LADO should take into account that teachers and other school staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where the case manager is concerned about the welfare of other children in the community or the member of staff's family, they will discuss these concerns with the designated safeguarding lead and make a risk assessment of the situation. It may be necessary for the designated safeguarding lead to make a referral to children's social care. Where it is clear that an investigation by the police or children's social care is unnecessary, or the strategy discussion or initial assessment decides that is the case, the LADO should discuss the next steps with the case manager.

4 No further action

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

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

5 Further enquiries

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

Where there is a lack of appropriate resource within the school, or the nature or complexity of the allegation requires it, the allegation will require an independent investigator and the Trust will secure such services as necessary.

The case manager will monitor the progress of cases to ensure that they are dealt with as quickly as possible in a thorough and fair process. Reviews would be conducted at fortnightly or monthly intervals, depending on the complexity of the case. Wherever possible, the first review would take place no later than four weeks after the initial assessment. Dates for subsequent reviews, ideally at fortnightly intervals, would be set at the review meeting if the investigation continues. The LADO will provide advice and guidance to the school when considering allegations against adults working with children. The LADO's role is not to investigate the allegation, but to ensure that an appropriate investigation is carried out, whether that is by the police, children's social care, the school or college, or a combination of these.

6 Supply teachers and all contracted staff

In some circumstances schools will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply because agencies will have their own policies and procedures; for example, supply teachers or contracted staff provided by an employment agency or business.

Whilst the school is not the employer of supply teachers, it should ensure allegations are dealt with properly. In no circumstances would the school decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome. The Trust would discuss with the supply agency or agencies where a supply teacher is working across a number of schools of colleges, whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school or college, whilst they carry out their investigation.

Agencies should be fully involved and co-operate with any enquiries from the LADO, police and/or children's social care. The school will usually take the lead because agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process. Supply teachers, whilst not employed by the school, are under the supervision, direction and control of the Trust when working in the school. They should be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency or agencies are taken into account by the school during the investigation.

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

7 Governors

If an allegation is made against a governor, the school will follow its own procedures. Where an allegation is substantiated, it would follow the procedures to consider removing them from office.

8 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. The case manager will consider carefully whether the circumstances warrant suspension from contact with children at the school or college, or until the allegation is resolved. It should be considered only in cases where there is cause to suspect a child or other children at the school is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. If in doubt, the case manager should seek views from their HR adviser and the LADO, as well as the police and children's social care where they have been involved. Where a school is made aware that the Secretary of State has made an interim prohibition order, in respect of an individual who works at a school, they should take immediate action to ensure the individual does not carry out work in contravention of the order. This means that pending the findings of the TRA investigation, the individual **must not** carry out teaching work. In many cases, an inquiry can be resolved quickly and without the need for suspension. The employer will decide on whether the individual should continue to work at the school, based on consultation with the LADO who will provide relevant information they have received from the police or children's social care on whether they have any objections to the member of staff continuing to work during the investigation of the case. The case manager should be as inventive as possible to avoid suspension. Based on advice from the school's HR provider and/or a risk analysis drawn up with the LADO, the following alternatives should be considered by the case manager before suspending a member of staff:

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

These alternatives 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 case manager should record the rationale and justification for such a course of action. 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 should be given 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 who their named contact is within the organisation and provided with their contact details.

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 Trust as the employers. However, where a strategy discussion, or initial assessment, concludes that there should be enquiries by the children's social care, and/or an investigation by the police, the LADO should canvass police and children's social care for views about whether the accused member of staff should be suspended from contact with children. 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.

9 Supporting those involved

Duty of care

The welfare of a child is paramount and this will be the prime concern in terms of investigating an allegation against a person in a position of trust. However, 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. It is important that the Trust offers appropriate welfare support at such a time and recognises the sensitivity of the situation. Information is confidential and should not ordinarily be shared with other staff or with children or parents who are not directly involved in the investigation.

The Trust has a duty of care to their employees. It would:

- 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 or carers of the child or children involved would be:

- formally told about the allegation as soon as possible. The case manager would consult the LADO and where involved children's social care and/or the police on what information can be disclosed;
- kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member; and
- made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress as set out in section 141F of the Education Act 2002 (Confidentiality and Information Sharing section below).

10 Confidentiality and Information sharing

In an allegations management meeting or during the initial assessment of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim (refer to paragraphs 105-113 in Part two of KCSIE about information sharing).

Where the police are involved, wherever possible the school will ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the Trust's disciplinary process. This should be done as the investigation proceeds and will enable the police to share relevant information without delaying the conclusion of their investigation or any court case. Children's social care should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

The school 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 reporting restrictions apply until:

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

The reporting restrictions are disapplied if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a court lifts the reporting restrictions in response to a request to do so.

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

In accordance with the Authorised Professional Practice published by the College of Policing in May 2017, the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. In exceptional cases where the police wish to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates' court to request that reporting restrictions be lifted.

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

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

11 Allegation outcomes

The definitions that should be used when schools determine the outcome of an allegation are set out below:

- **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.

Ultimately the options open to the school depend on the nature and circumstances of the allegations and the evidence and information available. This will range from taking no further action, to dismissal or a decision not to use the person's services in future. Suspension should not be the default position; an individual should be suspended only if there is no reasonable alternative (refer to section on suspension).

If the allegation is substantiated and:

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

The Trust has a legal duty to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

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

There is a legal requirement for employers to make a referral to the DBS where they consider an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

12 Following a criminal investigation or a prosecution

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

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

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

13 Unsubstantiated, unfounded, false or malicious allegations

If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

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

14 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 should consider how best to facilitate that. Guidance and advice are usually provided via HR or the LADO. 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 should 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.

15 Managing the situation and exit arrangements Resignations and '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, should 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. Such an agreement will not prevent a thorough police and/or school investigation where that is appropriate.

The school should not cease their 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 should be given full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated or otherwise on the basis of all the information available, should continue even if the accused does not cooperate.

It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record an outcome wherever possible. The person concerned should be notified of the conclusion of the allegations and sanctions that might be posed.

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

It is not appropriate to reach a settlement/compromise agreement if the person subject to the allegation resigns or their services cease to be used. However, in limited circumstances schools and colleges sometimes use settlement agreements to end the employment

relationship on agreed terms, but not where there is an allegation that the individual poses a risk to children.

Where a settlement/compromise agreement is used, schools and colleges should not let it prevent the employer from:

- fulfilling their legal duty to refer cases to the DBS where the referral criteria are met. Non-compliance of this duty is a criminal offence; 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.

16 Record keeping

Details of allegations following an investigation that are found to have been malicious or false should be removed from personnel records, unless the individual gives their consent for retention of the information.

However, for all other allegations, it is important that the following information is kept on the file of the person accused:

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

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

Schools have an 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 should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention. This can be found on the ICO website: https://ico.org.uk/

17 References

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

18 Learning lessons

Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school's procedures to help prevent similar events in the future. This should include issues arising from any decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

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

19 Non recent allegations

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

20 Concerns that do not meet the harm threshold

The Trust will make reference to school policies and procedures, including this policy and the code of conduct, grievance procedure and Speak up (Whistleblowing) policy to deal with concerns (including allegations) which do not meet the harm threshold set out above.

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

The school will manage and record any such concerns and take appropriate action to safeguard children.

21 Low level concerns

As part of their whole school approach to safeguarding, schools promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school

or college (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

Creating a culture in which all concerns about adults (including allegations that do not meet the harms threshold) are shared responsibly and with the right person, recorded and dealt with appropriately, is key to the school. The school encourages an open and transparent culture to support identifying concerning, problematic or inappropriate behaviour early; to minimise the risk of abuse; and to ensure that adults working in or on behalf of the school or college are clear about professional boundaries and act within these boundaries, and in accordance with the ethos of the Trust.

22 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 in section 2.

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

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

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

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

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.

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

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

23 Staff code of conduct and safeguarding policies

Staff must make themselves familiar with the code of conduct which outlines expectations and the importance of sharing low-level concerns to ensure a culture of openness, trust and transparency is embedded in the school. The expectations within the code should be lived, monitored and reinforced by all staff.

The Trust supports schools whereby the code of conduct, behaviour and safeguarding policies are implemented and to ensure appropriate action is taken in a timely manner to safeguard children and facilitate a whole school approach to dealing with any concerns.

Schools will undertake training with staff and support staff whereby

- staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others;
- empower staff to share any low-level safeguarding concerns in line with the safeguarding policy
- unprofessional behaviour is addressed, supporting the individual to correct behaviour at an early stage;
- a responsive, sensitive and proportionate handling of concerns is provided when they are raised; and,
- improvements are made should any weakness in the school's safeguarding system be identified.

24 Sharing low-level concerns

Low-level concerns about a member of staff, supply staff, volunteer or contractor should be reported as per section 2. Reports about supply staff and contractors should be notified to their employers, so any potential patterns of inappropriate behaviour can be identified. Schools create an environment where staff are encouraged and feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.

25 Recording low-level concerns

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

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

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,

the school would decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, in which case it should be referred to the LADO. Consideration would also be given to whether there are wider cultural issues within the school or college that enabled the behaviour to occur and where appropriate policies could be revised or extra training delivered to minimise the risk of it happening again. Schools will retain such information in line with the retention policy.

26 References

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

27 Responding to low-level concerns

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

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

The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. All of this needs to be recorded along with the rationale for their decisions and action taken.

The Trust and schools will consider low level concerns through its staff code of conduct and disciplinary procedures as appropriate.