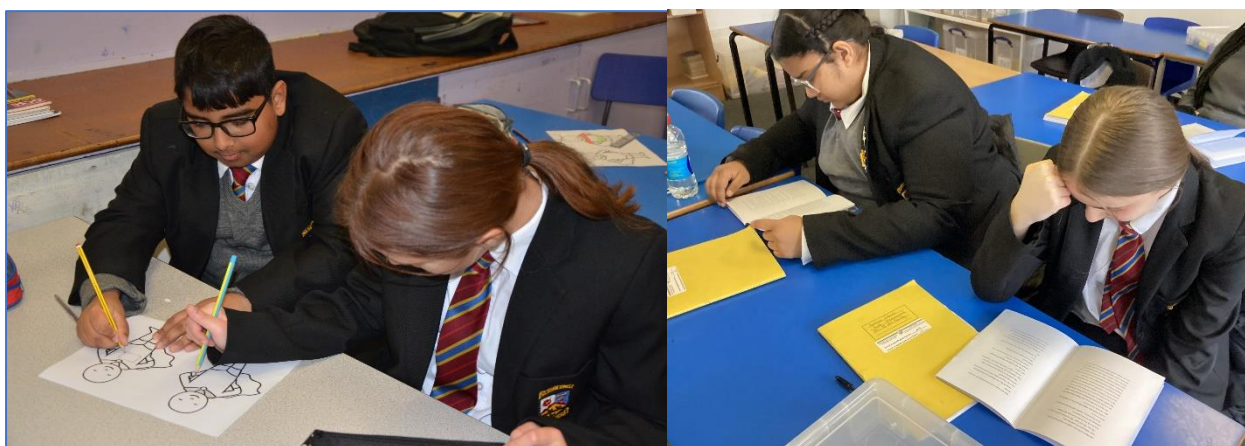




Saint John Wall Catholic School
A Catholic School For All

Mission Statement

'To educate each and every unique child in our care to hear and respond to what God calls them to be'



Managing Allegations and Low-Level Concerns Relating to Adults Policy

For God gave us a spirit not of fear but of power and love and self-control.
2 Timothy 1:7

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1. Policy Statement

This policy serves as our Saint John Wall Catholic School Low-Level Concerns Policy and is published on individual academy websites.

The care and support of all children and young people is of paramount concern to Saint John Wall Catholic School.

Saint John Wall Catholic School takes the day-to-day care of its pupils, staff, and volunteers very seriously.

Saint John Wall Catholic School recognize that teachers and support staff play a key and critical role in influencing and shaping pupils' lives; academically, socially, and morally.

Saint John Wall Catholic School takes allegations of any kind against an adult working within Saint John Wall Catholic School very seriously, and this policy outlines the steps which should be taken when such allegations arise concerning pupil welfare and safeguarding.

The policy refers to all staff, this includes, teaching staff, support staff, supply teachers, volunteers and contractors.

All adults working within Saint John Wall Catholic School, children and young people and their parents/carers will be made aware of this policy, and it will be available on the school's websites for public access.

This policy affirms that any allegations should be dealt with robustly, without prejudice and with the cooperation of external agencies where appropriate and necessary. This policy should be read alongside:

- Safeguarding Policy;
- Disciplinary Policy;
- Whistleblowing and Serious Misconduct Policy;
- Code of Conduct;
- Keeping Children Safe in Education (DFE, 2023);
- Working Together to Safeguard Children (DFE, 2018);
- The Children Act 1989 and 2004;
- The Children and Social Work Act 2017;
- The Education Act 2002.

This document follows statutory guidance from the Department for Education in relation to carrying out duties relating to handling allegations of abuse against adults working within the trust.

When referring to the process for managing the response to allegations/concerns, this policy is split into two distinct sections:

▪ Section One: Allegations that may meet the harm threshold

- Responsibilities
- The role of the School
- Initial response

- Referral to the Designated Officer
- considering suspension
- Stages of investigation

▪ **Section Two:** Concerns and or allegations that do not meet the harm threshold

- Responsibilities
- Initial response
- Record Keeping
- Referral to the Designated Officer
- References

2. Background

Keeping Children Safe in Education (2023) describes two types of allegations/concerns within Part 4.

Both allegations that meet the harm threshold for a referral to the Local Authority Designated Officer (referred to as the 'LADO') and allegations/concerns that do not meet the harm threshold – referred to for the purposes of this policy as 'low-level concerns' – must be reported.



Staff can report concerns using the Safe, Just & Wise icon.

School leaders will set out clearly to staff how they expect staff to report concerns within their whistleblowing policy.

2.1 Allegations that may meet the harm threshold

Where a concern or allegation indicates that an adult has:

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

these allegations/concerns are considered to meet the 'harm threshold'.

Sometimes, if there are concerns about the behaviour/conduct of a person in their private life who is in a position of trust working/volunteering with children, the headteacher will consider the transferable risk to the children they work/volunteer with; and apply that information to the aforementioned threshold test.

2.2 Concerns that do not meet the harm threshold

As part of our approach to safeguarding, we promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school (including supply teachers, volunteers, and contractors) are dealt with promptly and appropriately. These types of concerns are low-level concerns.

The term 'low-level' does not mean that the concern is insignificant; it means that the behaviour towards a child does not meet the harm 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 Saint John Wall Catholic School may have acted in a way that:

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

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,
- humiliating pupils

When the police are involved in a situation that requires intervention, they will contact the LADO service directly, sharing the information by way of a Public Protection Notice (PPN). Examples of these concerns are criminal misuse of substances or alcohol, criminal acts of dishonesty, violence against a person, sexual assaults, or internet crime. Where this information is shared with the Headteacher, the Headteacher will align their response with Section one of this policy.

3. The Role of the School

A member of the Saint John Wall Catholic School Safeguarding Directorate will be notified of any concerns where the headteacher makes a referral to the LADO. This will ensure that support is offered to all relevant parties, including the person against whom the allegation has been made.

A member of the Saint John Wall Catholic School safeguarding team will ensure that appropriate steps are taken to safeguard the child and ensure that appropriate support is provided to the adult.

Section One: Allegations that may meet the harm threshold

Responsibilities

Where a concern or allegation indicates that an adult has:

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

a referral will be made to the Local Authority LADO without delay.

Where staff become aware of a concern/allegation that meets the threshold, they have a statutory duty to report it to the Headteacher (or the Chair of Governors' if the Headteacher is the subject of the allegation).

These allegations/concerns are considered to meet the 'harm threshold'.

The role of 'Designated Officer' is a statutory role. The LADO gives advice, support, and consultation on all matters relating to allegations against people in a professional and volunteer role involving children, young people, and vulnerable adults.

Staff will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

Initial Response

Where staff identify 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, they should contact children's social care and, as appropriate, the police, immediately, as per the processes explained in their Safeguarding Policy.

There are two aspects to consider when an allegation is made:

1. **Looking after the pupil's welfare** - 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 this guidance.
2. **Investigating and supporting the person subject to the allegation** - the case manager should discuss the allegation's nature, content, and context with the LADO and agree on a course of action.

When dealing with allegations, Saint John Wall Catholic School expects staff to:

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

- Record **all** concerns, discussions and decisions made, and the reasons for those decisions.

The case manager must consider if a referral to Children's Services is appropriate, to support the pupil.

Before contacting the LADO, staff should conduct basic enquiries in line with local procedures to establish the facts to help them 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 at the time of the allegations?
- did the individual, or could they have, come into contact with the child?
- are there any witnesses? and,
- was there any CCTV footage?

When to inform the individual of the allegation should be considered carefully on a case-by-case basis, with guidance from the LADO and, if appropriate, children's social care and the Police.

Concerns relating to the Headteacher or a trustee/member must be reported directly to the Chair of the Saint John Wall Catholic School Governing Board.

Concerns about the Chair of the Saint John Wall Catholic School Board will be reported directly to the LADO.

Referral to the LADO

Where the allegation/concern suggests that the harm threshold has been met, the Headteacher should contact the Designated Officer.

A "case manager" will lead an investigation. This should be a member of the school leadership team. Alternatives could include a member of the senior leadership team of another school or an external investigator.

Where the Headteacher is the subject of an allegation, the Chair of Governors will allocate an appropriate person to lead the investigation.

The Case Manager will be responsible for:

- contacting the LADO to share the information about the allegation and to discuss the next steps;
- recording decisions (including the rationale behind them);
- informing all parties, if no further action;
- discussing options for the person against whom the allegations are made with the Headteacher and Human Resources;
- attend, with the support of the Safeguarding lead, any appropriate strategy meeting if and when called.

Contact details for the LADO service can be found in Appendix 2.

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

- record the decision and justification for it and,
- agree on what information should be put in writing to the individual concerned and by whom.
- Manage the process in line with section two.

Considering 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.

It is important to note that suspension is a neutral act that can protect the interests of both parties and is not a presumption of guilt.

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations.

In some rare cases, that will require the case manager to consider suspending the accused until the case is resolved. In such a case, the case manager **must** consider carefully whether the circumstances warrant suspension from contact with children at the academy, until the allegation is resolved.

Based on that assessment of risk, the following alternatives should be considered by the case manager before suspending the adult against whom the allegation has been made:

- redeployment within the school so that the individual does not have direct contact with the child(ren) concerned;
- providing another adult to be present when the individual has contact with children;
- redeployment to alternative work within the school so the individual does not have unsupervised access to children;
- moving the child(ren) to classes where they will not come into contact with the adult,
- making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the adult to another role in a different location, for example, an alternative school.

Where suspension is considered necessary, case managers **must** work through and submit to the HR Manager a staff suspension consideration assessment (appendix 1).

Care will be taken where the person is suspended to ensure they are kept informed of both the progress of their case and current work-related issues. Saint John Wall Catholic School will not prevent social contact with colleagues and friends unless such contact is likely to be prejudicial to the gathering and presentation of evidence.

If an immediate suspension is considered necessary, the rationale for such a course of action must be recorded by the case manager.

This record should include details of any advice provided by the LADO. This will 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 sent within one working day explaining the reasons for the suspension.

A referral to the DBS will be made for any staff member for whom it is decided that they should be suspended or removed from regulated activity. If at the conclusion of the case, the matter is found to be un-substantiated, false, malicious or un-founded, the DBS will be updated with the outcome.

Investigation stage

There are three types of investigation:

1. by Social Services and the Police;

If the LADO feels that the matter needs a formal investigation external to the school, this will take the form of a strategy meeting with clear multi-agency discussions and plans taking place.

A member of the Saint John Wall Catholic School Safeguarding team should attend all such meetings in support of the Head Teacher.

The school will support the multi-agency process. The school will maintain contact with the LADO to update them on the progress and outcome of any action taken.

If appropriate, an agreement will be reached with the LADO (and the Police / Children's Social Services) and HR as to how information is shared and maintained with the adult concerned throughout the investigative process.

The case manager will record all agreed actions and the strategies used, including the rationale behind them, throughout the investigation process.

2. by the Police under the Police and Criminal Evidence Act

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 with prosecution after the person has been charged.

Where the police are involved, staff should ask them to obtain consent from the individuals involved to share their statements and evidence for use in the employer's disciplinary process.

This should be done as their investigation proceeds and will enable the police to share relevant information without delaying the conclusion of their investigation or any court case.

3. by school in line with staff disciplinary procedures.

Sometimes, the LADO will ask the school to undertake an investigation.

Where further enquiries are required to enable a decision about how to proceed, the LADO and case manager should discuss how and by whom the investigation will be undertaken.

In straightforward cases, the investigation will typically be undertaken by a senior member of the school staff.

The case manager should monitor the progress of cases to ensure that they are dealt with as quickly as possible in a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

If an allegation is made against an adult working within the school, the quick resolution of that allegation should be a clear priority to the benefit of all concerned. All unnecessary delays should be eradicated at any stage of consideration or investigation.

The discussions with the LADO will help the case manager know the best options to deal with the allegations. If the matter is to be dealt with internally within the school, the Headteacher will, with the necessary support from the HR Manager, make very clear plans for managing the allegations, the impact on others and the preventative steps needed to avoid such a situation occurring again.

Investigations will be conducted under the school's Disciplinary Policy, as it is the only school policy that captures investigations.

The Headteacher will chair disciplinary hearings relating to safeguarding allegations, where there is not a conflict of interest identified. An awareness of the allegation, or the immediate actions taken, is not considered a conflict of interest.

Outcomes

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

The definitions that will be used by the academy when determining 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.

The outcome will be decided by the chair of the hearing, in cases that reach a hearing stage; in all other cases, it will be agreed by the HR Manager and Headteacher in a recorded meeting.

If the allegation is substantiated and:

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

Saint John Wall Catholic School will make enquires for consideration of whether inclusion on the barred lists is required; and in the case of a member of teaching staff, refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching.

When it is decided on the conclusion of a case that a person who has been suspended can return to work, the Case Manager, with the support of the Saint John Wall Catholic School HR team, will consider how best to facilitate that. The Case Manager will also consider how the person's contact with the child(ren) who made the allegation can best be managed if they are still a pupil at the school.

Where the school considers pupils have made malicious allegations, they are likely to have breached school behaviour policies. Leaders will therefore consider whether to apply an appropriate sanction which could include suspension or permanent exclusion.

Any allegations made by staff that are considered to be malicious may be deemed a breach of the school's code of conduct and could lead to disciplinary action being taken against the member of staff or termination of their services.

Section Two: Concerns that do not meet the harm threshold

A low-level concern is any concern about an adult's behaviour towards a child that does not meet the allegation threshold set out above or is not otherwise serious enough to consider a referral to the LADO.

This section aims to support schools in creating and embedding a culture of openness, trust, and transparency in which the school's values and expected behaviour, as outlined in the staff code of conduct, are constantly lived, monitored, and reinforced by all staff.

The purpose of this section of the policy is to ensure that all staff are clear about what appropriate behaviour is and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour in themselves and others;

- empowering staff to share any low-level safeguarding concerns with the designated safeguarding lead (or a deputy);
- addressing unprofessional behaviour and supporting the individual to correct it at an early stage;
- providing responsive, sensitive and proportionate handling of such concerns when they are raised; and,
- helping identify any weakness in the school's safeguarding system.

Responsibilities

Low-level concerns about an adult should be reported, without delay, to the Headteacher.

Where the Headteacher receives a referral, they should create a record; and track concerns locally to establish any patterns.

The school recognises that it is crucial that any such concerns, including those which do not meet the allegation/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 our school from potential false allegations or misunderstandings.

All concerns, discussions and decisions made and the reasons for those decisions must be recorded.

Initial response

Low-level concerns and or allegations that do not meet the harm threshold should be reported to the Headteacher.

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

- directly to the person who raised the concern, unless it has been submitted anonymously;

- to the individual involved and any witnesses.

The Headteacher should investigate the concern. If, during the course of the investigation, information uncovered suggests that the adult 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 he or she may pose a risk of harm to children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children;

Without delay, a referral will be made to the Local Authority Designated Officer by the Headteacher.

The Headteacher is the ultimate decision-maker in respect of all low-level concerns.

Low-level concerns which are shared about supply staff and contractors will be notified to their employers so that any potential patterns of inappropriate behaviour can be identified.

Record keeping

A record of all low-level concerns must be maintained by the Headteacher.

The record should include details of the concern, the context in which the concern arose, and action(s) 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 information collected will help them categorise the type of behaviour and determine what further action may need to be taken. All of this needs to be recorded.

These records will be retained at least until the individual leaves their employment.

Records will be reviewed by the Headteacher regularly so that potential patterns of concerning, problematic or inappropriate behaviour can be identified.

Consideration will also be given to whether there are broader cultural issues within the school 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.

Once the Headteacher has contacted the Designated Officer, they must make a record that captures any discussions (including internal discussions and meetings) and decisions made and the reasons for those decisions.

This record must be kept confidential and stored securely.

Referral to the Designated Officer

Where a pattern of such behaviour is identified, leaders should decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a

concern to meeting the harm threshold outlined in section one, in which case it should be referred to the Designated Officer.

Where a referral is made to the Designated Officer, the process is outlined in Section one.

If the school is in any doubt whether the information shared about a member of staff as a low-level concern meets the harm threshold, they will consult with their Designated Officer.

References

Our school will refer to substantiated safeguarding allegations in references.

Low-level concerns will not be included in references unless they relate to issues typically included in a reference, such as misconduct or poor performance; however in cases where an adult is disciplined for a safeguarding-related concern, that doesn't reach the threshold for a referral to the Designated Officer when they are found to be substantiated, we will provide a reference that reflects the fact that a disciplinary process has taken place and refer to the sanction.

Where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it will also be referred to in a reference.

Resignations and Settlement agreements

A settlement agreement will never be made, nor a resignation accepted, where the allegation against the adult meets the threshold outlined in section 1.

If the accused person resigns or ceases to volunteer, this will not prevent an allegation from being followed up in accordance with the statutory guidance 'Keeping Children Safe in Education' (2023).

Saint John Wall Catholic School will make every effort to conclude 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 person concerned will be notified of the conclusion of the allegations. Recording the allegation and any supporting evidence and reaching a judgment about whether it can be substantiated or otherwise based on all the available information will continue even if the accused does not cooperate.

4. Record Keeping

Details of allegations found to have been malicious will be removed from personnel records. However, for all other allegations, Saint John Wall Catholic School recognises the importance of

- 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;

- being kept on the confidential personnel file of the accused. A copy of such a record will be provided to the person concerned.

The record 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.

5. References

Other than where allegations are false, malicious, unsubstantiated, or unfounded, the outcome should be made clear when providing references to prospective employers.

Saint John Wall Catholic School recognises that this is particularly important when the person moves into another position involving working with children.

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

6. Learning Lessons from allegations/concerns

Learning lessons from safeguarding cases is a fundamental part of an effective culture of safeguarding, and our school commits to engaging in any such learning process.

Throughout the process of handling allegations and at the 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.

The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

Any learning review should include issues arising from any decision to suspend a member of staff, the duration of the suspension and whether the suspension was justified.

Where an internal investigation relating to a safeguarding allegation leads to a disciplinary hearing being held, Saint John Wall Catholic School will undertake a learning review of the case with the intention of identifying any broader learning points for Saint John Wall Catholic School.

Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated.

Where the LADO does not undertake a learning review, the school will always consider the facts with the case manager and determine whether any improvements can be made.

Where the LADO is involved in a case, they will always be updated on any learning points identified.

7. Non-recent allegations

Where an adult makes an allegation to any Saint John Wall Catholic School that they were abused as a child, the individual will be advised to report the allegation to the police.

Non-recent allegations made by a child will be reported to the LADO in line with the local authority's procedures for dealing with non-recent allegations and this policy.

Appendix 1 – Suspension risk assessment

The following factors need to be considered and discussed with Human Resources prior to suspension taking place.

	Consideration notes
Nature of the alleged incident <ul style="list-style-type: none">○ Degree and nature of alleged offence○ Duration and frequency of allegation○ Extent of pre-meditation○ Degree of any threat or coercion	
Information re: member of staff <ul style="list-style-type: none">○ Previous concerns○ Previous allegations○ Contact with child(ren)/young person/people concerned and generally	
Advice from other stakeholders <ul style="list-style-type: none">○ Police○ LADO etc	
Investigation <ul style="list-style-type: none">○ Possibility of the investigation being impeded or corrupted should the person remain in work○ Possibility of further allegations being made / issues arising for person if in school during investigation	
Health and Safety <ul style="list-style-type: none">○ Potential risks to the person's health and safety should they remain in school (impact of threats from parents / carers / potential press interest etc)○ Potential risks to the health and safety of others.	
Alternatives to suspension <ul style="list-style-type: none">○ Explore and assess all other potential options e.g. redeployment or supervision or working from home etc.	

Risks identified and action plan:

Decision to Suspend:

Date: ____/____/____

Headteacher sign off:

A copy of the letter communicating the decision to suspend should be retained with the investigation file.

Ratified: 05/12/2023

Review Date: 05/12/2024

(This policy will remain in force beyond the review date if no updates are required)