



HIGHDOWN SCHOOL AND SIXTH FORM CENTRE

LOW-LEVEL CONCERNS AND ALLEGATIONS OF ABUSE AGAINST STAFF POLICY

Aspiration – Respect – Excellence

Monitoring, Evaluation and Review

Author	Ms R E Cave Dr S L Capaldi	Review Period	1 year
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LOW-LEVEL CONCERNS AND ALLEGATIONS OF ABUSE AGAINST STAFF

This policy should be read in conjunction with the following policies and related documents:

- Safeguarding and Child Protection Policy
- Complaints Policy
- Staff Handbook (Code of Conduct)
- Confidential Reporting (Whistleblowing) Procedure (Staff Handbook)
- Safer Recruitment

Purpose

Highdown School is committed to providing the highest level of care for both its students and its staff. The purpose of the policy is to create and embed a culture of openness, trust and transparency in which the clear values and expected behaviour which are set out in the Staff Handbook (Code of Conduct) are constantly lived, monitored and reinforced by all staff¹. It is extremely important that any allegations of abuse against a teacher, any other member of staff (including agency staff), or other adult in our academy is dealt with thoroughly and efficiently, maintaining the highest level of protection for the young person, whilst also giving support and privacy to the person who is the subject of the allegation. This policy is in line with statutory guidance from the Department of Education. Low-level concerns or allegations must be reported **only** to the Designated Safeguarding Lead or Headteacher immediately, or to the Chair of Governors, where the Headteacher is the subject of concern. All concerns and/or allegations will be taken seriously and investigated immediately.

Spectrum of Behaviour²

Appropriate Behaviour	Low-Level Concern	Allegation
<ul style="list-style-type: none">▪ Behaviour which is entirely consistent with the Academy's Staff Handbook (Code of Conduct), and the law	<ul style="list-style-type: none">▪ Does not mean that it is insignificant; it means that the adult's behaviour towards a child does not meet the threshold of harm/allegation.▪ A low-level concern is any concern, no matter how small, and even if not more than causing a sense of unease or a 'nagging doubt', that an adult may have acted in a way that:<ul style="list-style-type: none">○ Is inconsistent with our Staff Handbook (Code of Conduct), including inappropriate conduct outside of work, and○ Does not meet the allegation threshold, or is otherwise not serious enough to consider a referral to the LADO, but may merit consulting with and seeking advice from the LADO, and on a no-names basis, if necessary	<ul style="list-style-type: none">▪ Behaviour which indicates that an adult who works with children has:<ul style="list-style-type: none">○ Behaved in a way that has harmed a child, or may have harmed a child; and/or○ Possible 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

¹ Developing and implementing a low-level concerns policy: a guide for organisation which work with children, (Farrer et al., 2021)

² Keeping Children Safe in Education, (DfE, 2023)

Staff who are concerned about the conduct of a colleague towards a student are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of the young person is paramount and must report their concerns immediately. Those who speak out and share concerns are protected and commended, thus embedding a culture of openness³ in which those who harm children would not succeed.

Low-level concerns (Allegations that may not meet harms threshold)

KCSIE (2023) provides some examples of Low-Level concerns which could include, but is 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
- Humiliating children

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 about a member of staff, agency teacher, volunteer or contractor must be reported in writing, e.g. by email, to either the Designated Safeguarding Lead or the Headteacher. Ultimately this will be discussed with the Headteacher. If the concern is about the Headteacher, the low-level concern must be reported to the Chair of Governors, via the Clerk to the Governing Body.

Reports should include:

- details of the concern given in descriptive, non-judgemental language. It is not the job of the reporter to assess the level of harm or risk.
- the context in which the concern arose
- the name of the individual sharing their concerns and noting if they wish, as far as is possible, to remain anonymous (although anonymity may not be possible, depending on the case).
- The report should not be discussed with colleagues, friends etc. Advice should be sought from the Designated Safeguarding Lead about the report, if any is needed.

Staff should also self-refer in the same way confident that that referrals are neutral acts. For example where 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 a way that they consider falls below the expected professional standards.

The Designated Safeguarding Lead or Headteacher will respond to a low-level concern being reported by reviewing information and evidence shared and through talking directly to the person who raised the concern, to witnesses, and to the individual involved as well as reviewing CCTV footage (where this exists), as appropriate. The information collected will help categorise the type of behaviour and determine what further action may need to be taken, which will include consultation with the LADO to confirm categorisation. Further action to be determining, which may be through disciplinary procedures or categorisation as an allegation, with the appropriate follow-up.

³ <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life>

Actions taken will be added to the report and records will remain confidential and be kept securely in the personnel files held by the Head's PA. Employers of agency staff or contractors will be notified of reported low-level concerns so any potential patterns of inappropriate behaviour can be identified. Safeguarding officers of organisations which lease the Highdown's premises during evenings or weekends should notify the Designated Safeguarding Lead if any low-level concerns or allegations are raised against their employees or volunteers and continue to keep the school informed of the progress of the investigation and actions taken.

Records will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Multiple low-level concerns of a similar nature would be considered to a higher-level concern. Where a pattern of such behaviour is identified, the Headteacher will decide on a course of action, either through the academy's disciplinary procedures or, where behaviours move towards meeting the harms threshold, by referring to the LADO.

Records will be maintained until the individual leaves their employment and for a further 10 years, or until retirement age.

Low-level concerns will not be included in references unless they relate to issues which would normally be included in a reference, e.g. misconduct or poor performance. 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 will be referred to in a reference.

Allegations that may meet the harms threshold

Staff must report an allegation of abuse/harm towards a student or adult by an adult to the Headteacher, or if the allegation is about the Headteacher, to the Chair of Governors via the Clerk to the Governing Body. They must do this in writing, e.g. via email.

Reports should include:

- details of the allegation given in descriptive, non-judgemental language. It is not the job of the reporter to assess the level of harm or risk.
- the context in which the allegation arose
- the name of the individual reporting the allegation and noting if they wish, as far as is possible, to remain anonymous (although anonymity may not be possible, depending on the case)
- The report should not be discussed with colleagues, friends etc. Advice should be sought from the Designated Safeguarding Lead about the report, if any is needed.

It is imperative that allegations against staff are dealt with as efficiently as possible to:

- Minimise the risk to young people
- Minimise the impact on the young person's academic progress
- Ensure a fair and thorough investigation for all parties
- Establish the truth of an allegation to support a member of staff

It is not possible to give an exact time frame for investigations to be carried out in these situations. However, parties will be informed of the progress of investigation and processes and information given about when information will be shared (even if this is to report that there is no further update). Detailed notes should be kept about the process of the investigation (in addition to the notes about the allegation) as these may be required for police investigations and subsequent prosecutions.

The LADO will be contacted by the Headteacher/Designated Safeguarding Lead/Chair of Governors and a discussion will take place to decide whether:

- no further actions are needed
- a strategy discussion should take place
- there should be immediate involvement of the police or social care

The academy will share available information with the LADO about the allegation, the young person, and the person against whom the allegation has been made and consider whether a police investigation or a strategy discussion is needed. Representatives from other agencies may be invited into the discussion and could include representatives from health, social care, the GP and police. (Local Authority Designated Officer – Sue Darby/Sarah Rae Tel: 0118 9373 5555 - LADO, Young people's Safeguarding Unit).

An investigation into the allegations is normally carried out by children's social services or by the academy. This will be agreed at the initial evaluation stage. Where the academy is not conducting the investigation, it will cooperate with investigative agencies. Internal investigations must be second to any safeguarding investigation (and/or police investigation) and may need to be delayed until the external investigation is complete.

Where an allegation is about an agency teacher or contractor, their employers should be fully involved with any enquiries. The individual concerned should be advised to contact their trade union representative, if they have one, or a colleague for support.

Highdown School has a duty of care for all parties involved in an allegation:

- The person(s) who makes the allegation and their parents/carers:
 - Parents and carers will be notified if their young person makes or is involved in an allegation against staff if they do not already know. However, if the police or social services are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the parents.
 - Parents and carers will be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them. This may be a disciplinary outcome. During a disciplinary hearing the deliberations and information used for making a decision are usually confidential, but parents will be told the outcome. Social services and the police may be involved, depending on the severity of the case, and will provide the academy with advice on what type of additional support the young person may need.
- The employee:
 - Highdown School has a duty of care to its employees and will do everything to minimise the stress of any allegations and the disciplinary process. The person who is the subject of the investigation will be informed as soon as the allegation has been made, but only after the Headteacher has spoken to the Chair of Governors. The employee will then be advised on what the next course of action will be. However, if the police or social services are to be involved, they will be contacted before the employee and will advise as to what information may be disclosed to the person under investigation. The named representative will keep the subject of the allegation informed of the progress of the case and any other work-related issues. If that person has been suspended, they will keep them informed of any developments from academy.
 - If the employee is a member of a union or any other professional association, they should be advised to contact that body at the outset of the investigation. The employee may need additional support and the academy should consider what might be appropriate to best accommodate this.
 - If it is a criminal investigation and the police are involved, they may provide this additional support. The academy will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair

investigation with minimum impact for all parties. A breach of confidentiality will be taken seriously and may warrant its own investigation. It is a criminal offence to publish information that could lead to the identification of someone who is the subject of an allegation before they are charged or summonsed.

- **Agency Employees:**
 - If the person who is the subject of the investigation is hired by the academy through an agency, the process will apply as per this policy.
 - In addition, the agency will be informed of the investigation and kept briefed throughout the process.
- **Employees of other schools/academies:**
 - It is possible that an allegation may be made regarding an employee of another institution (for example where a joint trip or extra-curricular programme occurs). The information regarding the allegation will be passed to the employer. The investigation procedure will be carried out as for Highdown School staff and the outcomes passed to the employer.

The academy will not suspend a member of staff without serious consideration, and will not do it automatically once an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working, but is removed from the student making the allegation. A suspension may be decided upon if it is deemed that the young person or other young people may be at risk of harm, or if the nature of the case warrants a criminal investigation.

The Headteacher/Chair of Governors holds the power to suspend an employee but will be advised by the police and or social care whether or not a suspension is necessary. Where there is a chance of suspension, the employee will receive confirmation within one working day and will be informed of the reason for the suspension, but without detail if this would interfere with LADO or police investigation.

If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will still continue until an outcome has been reached, with or without the person's cooperation. They will be given full opportunity to answer the allegation. Compromise agreements will not be used in situations which are relevant to these procedures.

The outcome of an allegation will be one of the following:

- **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. This does not imply guilt or innocence
- **Unfounded:** to reflect cases where there is no evidence or proper basis which support the allegation being made

If the investigation results in the dismissal or resignation of a person, and that person has been charged with a criminal offence, a referral must be made immediately by the academy to the Independent Safeguarding Authority. The academy will be advised on this by the police and/or social services. If it is decided that the employee may return to academy (after a suspension) then provisions will be put in place by the academy to ensure that the transition is as smooth as possible. This may involve a phased return for a trial period or the use of another member of staff as a support/mentor in the short term. If the young person who made the allegation is still at the academy, the academy will consider what needs to be done to manage the contact between employee and young person.

Where an allegation is proven to be false, the Headteacher and Chair of Governors may refer to social services to determine whether the young person is in need of specialist care, or to help to understand if they are being

abused elsewhere. If an allegation is found to be intentionally fictitious and malicious, the Headteacher will decide what the proper sanction will be for the student who made the false allegation. The academy's behaviour policy sets out the disciplinary action that will be taken against students who are found to have made malicious accusations against academy staff. The Headteacher may wish to include the academy governors when considering what action to take. The academy has the power to suspend or exclude students who make false claims or refer the case to the police if the academy thinks a criminal offence has been committed. If the claim has been made by a person who is not a student, the academy will hand the information over to the police who may take further action against that person. The Headteacher (or Chair of Governors if the allegation is about the headteacher) will take appropriate disciplinary action if the false allegation was intentionally fictitious and malicious by a member of staff. 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.

Detailed records of all allegations made, investigations and outcomes will be kept in the personnel file of the person who has been under investigation. This person should be given a copy of the same information. This will enable the academy to:

- Provide all the necessary information for future academies, schools, other employers or voluntary organisations, if they require a reference.
- Where DBS checks highlight incidents of allegations that did not result in any criminal charges, records will need to show exactly what happened, what points of action were taken during and after the investigation, and how the result of the investigation was reached.
- Prevent unnecessary re-investigation in the future if an allegation re-surfaces.
- Inform the Teacher Regulation Agency.
- There is a legal requirement for employers to make a referral to the Disclosure and Barring Service (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.

The record will be kept, including for people who leave the organisation, at least until the person reaches normal retirement age or for 10 years if that will be longer, from the date of the allegation. Allegations that are proven to be malicious will not be kept on employment records or used in employee references. The records will be kept by the academy. Details of any allegation made by a student will be kept in the confidential section of their record.

No matter what the outcome is of an allegation of abuse against staff, the academy will review the case to see if there are any improvements that can be made in its practice or policy that may help to prevent similar cases in the future.

Monitoring and evaluating the policy

Monitoring arrangements for the effective implementation of the policy will be discussed and evaluated through a scrutiny meeting between the Headteacher and the Chair of Governors. The Chair of Governors is notified when the policy becomes live in the event of an allegation. The Chair of Governors will report back to FGB. The Governing Body should review an anonymised sample of low-level concerns at regular intervals, to ensure that these concerns have been responded to promptly and appropriately⁴.

⁴ Developing and implementing a low-level concerns policy: a guide for organisation which work with children, (Farrer et al., 2021)



