The Canterbury Academy Trust
Schools for all the Talents

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Managing Allegations and Low-Level Concerns Policy

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1. Introduction

1.1 This policy sets out the approach the trust will take in response to safeguarding allegations or concerns raised in respect of employees or anyone else working with pupils across the trust, including volunteers, contractors, and supply staff.

1.2 Allegations or concerns will fall into one of the following categories:

- Concerns / allegations that may meet the harm threshold.
- Concerns / allegations that do not meet the harm threshold – 'low-level concerns.'

1.3 All Allegations must be reported to the Director of HR. All low-level concerns must be reported to the Heads of School via reporting on Staff safe.

1.4 This policy should be considered in conjunction with the Child Protection and Safeguarding policy and the Staff Discipline policy.

2. Concerns/Allegations that meet the harm threshold

2.1 An allegation may indicate that someone poses a risk of harm if they continue to work with children, if they have:

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

2.2 The harm threshold may also be applied to conduct outside of the trust which might suggest that the person is unsuitable to work with children due to a 'transferable risk'.

3. Initial Response

3.1 When an allegation has been received the immediate concerns are:

- The welfare of the child
- The investigation & support for the subject of the allegation

3.2 On receipt of an allegation pre-liminary investigations should be conducted to determine an understanding of the key issues.

3.3 Cases that potentially meet the harm threshold should be referred to the Local Authority Designated Officer (LADO) without any undue delay. In the event of a serious allegation a referral to the Police may also be necessary.

3.4 When a police investigation is unnecessary next steps will be agreed following a multi-disciplinary strategy meeting or after advice has been provided by the LADO.

3.5 In the event that further enquiries are required an investigation will be conducted in line with the trust's disciplinary procedure.

4. Supply Teachers/Contracted Staff

4.1 The trust's disciplinary procedure will not apply to individuals not employed by the trust.

4.2 In the event of a safeguarding allegation a referral must made to the LADO and the employing organisation notified.

4.3 A decision will be taken whether to suspend or redeploy the individual while an investigation is conducted.

4.4 The trust will lead the investigation but will provide information to the employer regarding the outcome of the investigation in order that a decision can be taken by the employer regarding any further action.

5. Suspension

5.1 Suspension should not be an automatic response following receipt of an allegation.

5.2 A decision to suspend should be taken following the completion of a risk assessment to consider the following:

- The potential risk of harm to a child or children.
- Redeployment of the individual to a position within the trust where contact with children will be supervised.
- Redeployment to an alternative location
- Moving the child/children to another class to reduce contact with the subject of the allegation.

5.3 A record must be maintained of the rationale for the decision to suspend, any alternative options considered and why they were rejected.

5.4 The decision to suspend should be communicated without any undue delay and should be confirmed in writing.

6. Support

6.1 Child and Family

6.1.1 Details of the allegation should be provided as early as practicable following preliminary investigations and referral to the LADO/Police.

6.1.2 Regular updates should be provided as the case progresses mindful of the need to maintain the confidentiality of employees.

6.2 Employee

6.2.1 Details of the allegation should be provided to the employee as early as practicable following preliminary investigations and referral to the LADO/Police.

6.2.2 The employee should be encouraged to contact an employee representative.

6.2.3 The employee should be provided with a named contact with whom they can maintain regular contact.

6.2.4 The employee should be provided with details of the trust's Employee Assistance Programme and the Counselling Service in order to obtain wellbeing support.

6.2.5 Contact with colleagues should only be suspended where contact is likely to prejudice the investigation.

7. Confidentiality & Information Sharing

7.1 The trust will make every effort to maintain confidentiality and guard against publicity while the allegation is being investigated.

7.2 However, the trust does have an obligation to share relevant information about the pupil and the employee with appropriate agencies when an initial allegation is made.

7.3 Where there is Police involvement the employee should be asked to provide consent for statement and evidence to be shared for use in any subsequent disciplinary procedure.

8. Allegation Outcomes

8.1 The outcome of an allegation will fall into one of the following categories:

- **Substantiated:** there is sufficient evidence to support the allegation.
- **Malicious:** sufficient evidence to disprove the allegation and a deliberate act to deceive or cause harm to the subject of the allegation.
- **False:** there is sufficient evidence to disprove the allegation.
- **Unsubstantiated:** there is insufficient evidence to prove/disprove the allegation. There is no implication of either guilt or innocence.
- **Unfounded:** No evidence or proper base to support the allegation.

9. Referrals

9.1 If an allegation is substantiated and the employee is subsequently dismissed, resigns or their services are no longer utilised the trust must do the following:

- Consider whether to refer the matter to the Teaching Regulation Agency (TRA) to consider whether the individual should be prohibited from teaching.

- Refer the individual to the Disclosure and Barring Service (DBS) when the trust considers that the individual has engaged in conduct that has harmed or is likely to harm a child, or if a person poses a risk of harm.

10. Resignations and Settlements

10.1 Settlement Agreements must not be used to end employment when an employee has been the subject of an allegation that indicates that they are a risk, pose a risk of harm or are deemed not suitable to work with children.

10.2 When an individual leaves, resigns or ceases to provide their services after an allegation has been received the trust will conclude a full investigation, and where appropriate, a disciplinary process.

10.3 The individual should be given every opportunity to engage in the process and make representations as appropriate.

10.4 The process should be concluded even if the person is no longer at the trust. An outcome should be determined as if the person had remained in post. The outcome should be recorded and communicated to the individual.

11. Record Keeping & References

11.1 Details of malicious or false allegations will only be kept with the consent of the individual.

11.2 For all other allegations, substantiated, unfounded and unsubstantiated, a full record of the allegation, investigation and outcome must be retained on the employee file.

11.3 Allegations found to be false, unfounded, unsubstantiated or malicious will not be referenced in future employment references.

11.4 Substantiated safeguarding allegations must be included in employment references with only factual information provided.

11.5 Low Level concerns will not be mentioned in references unless they have met the harm threshold.

12. Historical Allegations

12.1 Ex-pupils who raise an allegation should be encouraged to report the matter to the Police.

12.2 Any allegation received by the trust should be reported to the LADO who will liaise with the Police and any other agencies.

13. Low Level Concerns

13.1 Low level concerns are not insignificant but are concerns that don't meet the harm threshold but may provide an indication that an individual is not suitable to work with children.

13.2 It is essential that all employees understand what a low-level concern is and how to appropriately share those concerns in a way that promotes an open culture which safeguards all pupils.

13.3 Employees are also encouraged to self-refer if they find they have been in a situation which could be misinterpreted or could be seen as not meeting their professional standards or the trust's Code of Conduct and the Campus Charter.

13.4 A low level concern is any concern that an adult working in the trust may have behaved in a way that:

- Is inconsistent with the Employee Code of Conduct and Campus Charter.
- Does not meet the harm threshold or is otherwise not serious enough to be referred to the LADO.

13.5 Examples could include:

- Being over friendly with children
- Having favourites
- Engaging with children on a one-to-one basis in secluded areas
- Humiliating children

13.6 Low Level concerns can originate from a number of sources:

- Suspicion
- Complaint
- Disclosure from a child/parent/adult
- Pre-employment checks

14. Reporting a Concern

14.1 All low-level concerns must be reported to the Heads of School and recorded via Staffsafe.

14.2 Low-level concerns in respect of supply staff or contractors will be shared with their employer via HR.

14.3 Low level concerns may be shared with the LADO if the Heads of School and/or DSL feels that the concern may meet the harm threshold or where there is a pattern of concerns.

15. Recording Concerns

15.1 A record of the incident will be kept of all low-level concerns via Staffsafe.

15.2 Records will be help confidentially and in line with the requirements of Data Protection Regulations.

15.3 A record of low-level concerns will be retained for as long as the employee remains at the trust.

16. Responding to Concerns

16.1 The Heads of School and/ or DSL will review the information provided in the low-level concern report to ensure it does not meet the threshold for a LADO referral.

16.2 The Heads of School and/or DSL will collect as much evidence as possible by speaking with the person who raised the concern and any witnesses.

16.3 The Heads of School and/or DSL will record information which will help in the decision-making process by determining the type of behaviour exhibited as well as what further action may need to be taken.

16.4 The Heads of School and/or DSL will then decide what actions should be taken next in regard to the member of staff and document the rationale behind this decision.

16.5 The Heads of School and/or DSL will review the low-level concerns regularly to ensure a consistent approach is taken in response to concerns that do not meet the LADO allegation threshold.