Allegations of Abuse Made Against Staff and Low-Level Concerns Policy

Approved by:	A Minshull-Beech	**Date:**	23 January 2024.
Signed:	A Minshull-Beech	**Position:**	Chair of Trustee Board
Last review:	January 2024	**Next review by:**	January 2025

Monitoring arrangements

This policy will be reviewed at least annually in line with DfE, HSCP, HCC and any other relevant guidance, but may be reviewed earlier if deemed appropriate by the Chief Executive or Trustees.

Author: Matthew Atkinson	Title: Headteacher (IS)	Ref: JAN24	Date: Jan 24
Inclusion Education is the working name of Inclusion Hampshire CIO registered number 1162711			

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1. Aims, Scope & Principles

This policy applies to the Inclusion Education (Inclusion Hampshire CIO) and applies to all employees, volunteers & contractors at Inclusion Education and its provisions; Inclusion School, Inclusion College and EB8, collectively referred to hereafter as "Inclusion Education".

This policy aims to outline:

- Allegations that mean the harms threshold
- Detail the process Inclusion Education will follow when an allegation is made against a member of staff.
- Define a low-level concern.
- Detail how low-level concerns will be shared and recorded.

2. Legislation and guidance

This policy is based on the Department for Education's (DfE) statutory safeguarding guidance, Keeping Children Safe in Education 2023 and Farrer & CO's Low-level concerns guidance.

3. Allegations that may meet the harms threshold

This section is based on 'Section 1: Allegations that may meet the harms threshold' in part 4 of Keeping Children Safe in Education 2023
This policy applies to all cases in which it is alleged that a current member of staff, including a supply teacher / contractor or volunteer, has:

- Behaved in a way that has harmed a child / young person, or may have harmed a child / young person, or
- 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 may pose a risk of harm to children / young people, or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children – this includes behaviour taking place both inside and outside of school/college.

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

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

A 'case manager' will lead any investigation. This will be the CEO, a Headteacher, or the chair of Trustees where the CEO is the subject of the allegation. The case manager will be identified at the earliest opportunity.

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

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

3.1 Suspension of the accused until the case is resolved.

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

Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the school or college so that the individual does not have direct contact with the child / children or young person/s concerned.
- Providing an assistant to be present when the individual has contact with child / children or young people.
- Redeploying the individual to alternative work in the organisation so that they do not have unsupervised access to children or young people.
- Moving the child / children or young person/s to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents have been consulted.
- Temporarily redeploying the individual to another role in a different location.

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

3.2 Definitions for outcomes of allegation investigations

- **Substantiated:** there is sufficient evidence to prove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been deliberate act to deceive, or to cause harm to the subject of the allegation
- **False:** there is sufficient evidence to disprove the allegation
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)
- **Unfounded**: to reflect cases where there is no evidence or proper basis which supports the allegation being made

3.3 Procedure for dealing with allegations.

In the event of an allegation that meets the criteria above, the CEO/Headteacher (or chair of the Trustee board where the CEO is the subject of the allegation) – the 'case manager' – will take the following steps:

- Conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below.
- Discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police *before* consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police)

- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies.
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with young people at the school or college is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children's social care services, as appropriate.
- Where the case manager is concerned about the welfare of other children in the community or the individual's family, they will discuss these concerns with the DSL and make a risk assessment of the situation. If necessary, the DSL may make a referral to children's social care.
- **If immediate suspension is considered necessary**, agree, and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the organisation and their contact details.
- **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation.
- **If it is decided that further action is needed**, take steps as agreed with the designated officer to initiate the appropriate action in school or college and/or liaise with the police and/or children's social care services as appropriate.
- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate. Further information for support for staff can be found in the staff internal drive facility, which includes useful resources and information on external support.
- Inform the parents or carers of the young person/s involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against staff (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a staff member will be advised to seek legal advice.
- Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member)
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child.

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

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

3.4 Additional considerations for supply staff or contracted staff.

If there are concerns or an allegation is made against someone not directly employed by the organisation, such as supply staff or contractors, we will take the actions below in addition to our standard procedures.

- We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our local authority designated officer to determine a suitable outcome.
- The CEO / Trustee board will discuss with the agency / outside employer (if appropriate) whether it is appropriate to suspend the supply teacher / contractor, or redeploy them to another part of the organisation, whilst the investigation is carried out.
- We will involve the agency / outside employer (if appropriate) fully, but the organisation will take the lead in collecting the necessary information and providing it to the local authority designated officer as required,
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency / outside employer are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary)

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

3.5 Timescales

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

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

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

3.6 Action following a criminal investigation or prosecution.

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

3.7 Conclusion of a case where the allegation is substantiated.

If the allegation is substantiated and the individual is dismissed or the organisation ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the organisation will make a referral to the DBS for consideration of whether inclusion on the barred lists is required. If they think that the individual has engaged in conduct that has harmed (or is likely to harm) a child / young person, or if they think the person otherwise poses a risk of harm to a child / young person, they must make a referral to the DBS.

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

3.8 Individuals returning to work after suspension.

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

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

Unsubstantiated, unfounded, false or malicious reports:

If a report is:

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

Unsubstantiated, unfounded, false or malicious allegations:

If an allegation is:

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

Confidentiality and information sharing:

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

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

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

Record-keeping

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

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

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

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

References

When providing employer references, we will:

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

Learning lessons

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

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff.
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual.

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

Non-recent allegations

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

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

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

4. Concerns that do not meet the harm threshold

The section is based on 'Section 2: Concerns that do not meet the harm threshold' in Part 4 of Keeping Children Safe in Education 2023.

This section applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers, and contractors, which do not meet the harm threshold set out in section 1 above.

Concerns may arise through, for example:

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

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

4.1 Definition of low-level concerns (LLC)

The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the organisation may have acted in a way that:

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

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

- Being overly 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, intimidating or offensive language towards learners or other children.

For more detailed examples, please refer to Appendix B.

4.2 Sharing low-level concerns.

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

We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others.
- Empowering staff to share any low-level concerns either by speaking directly with the Head of Provision or by completing a Google Forms report.
- Empowering staff to self-refer by using the Google Forms reporting mechanism.

- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage.
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised.
- Helping to identify any weakness in the organisation's safeguarding system.

All low-level concerns should be made using the Microsoft Forms mechanism within 24 hours of the initial concern which is accessible by the Headteacher/DSL.

QR codes to this form can be found around the school/college in places frequently used by staff (e.g. office, staff room) and in a dedicated Microsoft Teams channel.

If a report cannot be made within this timeframe a report should be made at the soonest possible opportunity to the Headteacher either by using the form, clarifying it is over 24 hours since the initial concern, or in writing by email. It is never too late to report a low-level concern.

4.3 Responding to low-level concerns.

If the concern is raised via a third party, the Headteacher will collect evidence where necessary by speaking:

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

The headteacher will use the information collected to categorise the type of behaviour and determine any further action, in line with the organisation's staff behaviour and code of conduct expectations. The headteacher, in consultation with the Inclusion Hampshire's CEO, will be the ultimate-decision-maker in respect of all low-level concerns, though they may wish to collaborate with the DSL.

4.4 Record keeping

All low-level concerns will be recorded in writing through the Google Forms reporting system, even if the concern is initially conveyed verbally. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

Records will be:

- Kept confidential, held securely, and comply with the DPA 2018 and UK GDPR
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 1 of this appendix, we will refer it to the designated officer at the local authority.
- Retained at least until the individual leaves employment at the organisation.

Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

4.5 References

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

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

5. Links with other policies

This policy is linked to our:

- Safeguarding & Child Protection Policy
- Code of Conduct
- Staff disciplinary procedures
- Data protection policy and privacy notices
- Complaints procedure

6. Policy implementation

The Headteacher and CEO is responsible for ensuring the implementation of this policy and that regular reviews take place.

All staff and volunteers have a responsibility to adhere to this policy and will be made aware of this policy as part of their induction, supervision, and training.

Failure to act in line with this policy will result in disciplinary action.

Appendix A - Examples of a low-level concerns

These examples, provided by Farrer & Co, are intended to illustrate the boundaries between low-level concerns and allegations.

These examples are not exhaustive, nor will the responses set out below be appropriate in every context. This is because determining the appropriate response to any low-level concern is highly context-specific and depends on a range of factors. The purpose of these examples is to stimulate discussion, as well as a situation in which low-level concerns might cumulatively amount to an allegation, as well as to illustrate the boundaries between low-level concerns and allegations.

1. Low-level concern shared in a school/college context responded to under disciplinary procedure

A female teacher aged 38 consumes a large quantity of alcohol at the end of term party. The teacher persuades a 21-year-old male student PE coach, who is on a placement, to join her in some selfies, where they appear to be kissing each other. She posts the photos on her Facebook account which elsewhere identifies the school/college.

A colleague sees the photos and shares their concern about this verbally with the school/college's Headteacher, who makes a record of the information.

The Headteacher reviews the Facebook photographs and speaks with the teacher concerned, who is very embarrassed and apologetic, and agrees to remove the photographs and apologise to the student PE coach.

The Headteacher considers this to constitute a low level concern and, as such, does not make a referral to the LADO (given it is not considered to meet the threshold of an allegation). The Headteacher makes a record of the information initially shared with her, and her conversation with the teacher, and retains the record in a central low-level concerns file. Given the misconduct concerns, the Headteacher also refers the matter to the HR manager.

The HR manager invokes the school/college's disciplinary procedure. The teacher admits the allegation of inappropriate social media use, and the teacher is issued with a formal warning, a record of which is kept on her personnel file. If the teacher were to leave before the expiry of the formal warning this should be referred to in any reference in the normal way.

2. Low-level concern in a school/college context dealt with by management guidance

Several pupils, male and female, in Year 6, approach their Head of Year to say that they feel uncomfortable around Mrs. Brown because she 'touches' them, and they don't like it. When asked if they can explain a little more about what they mean, the pupils tell their Head of Year that Mrs. Brown puts her hands on their shoulder when she is talking to them, and sometimes sits at their table in such a way that their legs touch.

The Head of Year immediately makes a record of their conversation with the pupils, which they promptly share with the school/college's Headteacher.

The Headteacher asks to speak to Mrs. Brown, who explains that she is working in very cramped conditions, especially with a group of Year 6 boys who have grown so much that they take up all the space around the table, and that she sometimes puts a hand on the shoulder to get a pupil's attention.

The Headteacher explains that they understand this is making pupils feel uncomfortable and refers Mrs. Brown to the school/college's policy regarding appropriate touch. The Headteacher then plans for the Year 6 class to use a different room where there is more space.

The Headteacher considers this to constitute a low-level concern and, as such, does not make a referral to the LADO (given it is not considered to meet the threshold of an allegation). The Headteacher retains a copy of the relevant paperwork (including the Head of Year's record, and the Headteacher's record of their conversation with Mrs. Brown, and of the subsequent action taken) in a central low-level concerns file.

This one-off low-level concern should not be referred to in any reference.

3. Self-report of a low-level concern in a sports club context

Mr. Oliver is a coach at a tennis club and asks to speak to the DSL about an incident that took place the previous evening. He tells the DSL that, after a tennis tournament in a nearby town, the parents of Jamie Jones contacted him at the last minute to say that they would not be able to pick him up as they had to deal with an emergency at home. Mr. Oliver offered to take Jamie home in his own car, and the parents were pleased to agree to this.

However, Mr. Oliver subsequently realised that this was in breach of the tennis club's safeguarding policy, and staff code of conduct – and he is therefore self-reporting this to the DSL and has filled out the club's low-level concerns form.

The DSL is of the opinion that this was the best option available to Mr. Oliver at the time, but reminds Mr. Oliver that, should he find himself in such a situation again in the future, he should seek his line manager's or the DSL's prior approval to his proposed course of action.

The DSL considers this to constitute a low-level concern and, as such, does not make a referral to the LADO (given it is not considered to meet the threshold of an allegation). The DSL retains a copy of the relevant paperwork (including the low-level concerns form completed by Mr. Oliver, and the DSL's record of their conversation with him) in a central low-level concerns file.

This one-off low-level concern should not be referred to in any reference.

4. A series of low-level concerns in a school/college context which result in response under disciplinary procedure

Shortly after the start of the summer term, an initial concern is raised by a teacher with the Headteacher, that he has seen Mr. Stevens, the choir master, shouting at and deriding the young choristers in his care this week – which has led to a couple of them leaving their practice sessions in distress.

The Headteacher makes a record of the conversation, and decides to contact the LADO, in the first instance, to seek their advice on a no-names basis on how best to respond. The LADO agrees that the behaviour is concerning but advises that the threshold of an allegation has not been met.

The Headteacher asks to speak to Mr. Stevens and informs him about the concern that has been shared about his behaviour. Mr. Stevens apologises profusely and tells the Headteacher that over the past week he has been having a difficult time personally, has not been sleeping well, and has been feeling "a bit upset and short tempered." However, Mr. Stevens appreciates that his behaviour has not been appropriate, will rectify it, and tells the Headteacher that he also intends to apologise to the children "for his short fuse."

The Headteacher considers this to constitute a low-level concern and retains a copy of the relevant paperwork (including the Headteacher's record of their conversations with the teacher, the LADO, and Mr. Stevens) in a central low-level concerns file. The Headteacher also refers the matter to the Head of HR who, considering Mr. Stevens' response, notes the situation and does not consider any further action is required at this stage.

However, within a couple of weeks, the same teacher returns to share further concern with the Headteacher, having witnessed Mr. Stevens shouting at, and belittling, the young choristers again.

The Headteacher makes a record of the conversation, and contacts the LADO, who advises that whilst they agree that the behaviour is, again, concerning, it still does not meet the threshold of an allegation.

The Headteacher then asks to speak to Mr. Stevens and informs him about the further concern that has been shared about his behaviour. Mr. Stevens is less apologetic, claiming it's not all his fault and expressing some frustration over the choristers' capability. He recognises that his personal circumstances "have a part to play in this."

The Headteacher considers this to constitute a further low-level concern and retains a copy of the additional relevant paperwork (including the Headteacher's record of their conversations with the teacher, the LADO, and Mr. Stevens) in a central low-level concerns file.

The Headteacher informs the Head of HR who decides to invoke the disciplinary procedure, which results in Mr. Stevens being issued with a warning which is placed on his file, and a management plan is put in place.

At this point, the warning would need to be referred to in any reference should Mr. Stevens decide to leave the school/college before it expires.

Later that term, a parent contacts the Headteacher by email about Mr. Steven's behaviour – once again relating to distress caused by him belittling the choristers and telling them that they are not fit to be part of the next singing competition that they have been practising for.

The Headteacher contacts the LADO again, who advises that the matter still does not meet the threshold of an allegation but that they are becoming increasingly concerned by Mr. Steven's behaviour.

The Headteacher speaks again to Mr. Stevens, who states that the complaint is unfounded and has only been made because the parent's child was not selected to be a soloist in the competition.

The Headteacher considers this to constitute a further low-level concern and retains a copy of the additional relevant paperwork (including the email from the parent, and the Headteacher's record of their conversation with the LADO, and Mr. Stevens) in a central low-level concerns file.

The Headteacher informs the Head of HR who, again, invokes a disciplinary investigation. As part of that investigation, Mr. Stevens is told that the school/college has consulted with the LADO and, while his behaviour does not meet the threshold of an allegation, the LADO has expressed increasing concern about his behaviour. Mr. Stevens is given a final written warning.

If Mr. Stevens were to leave the school/college prior to the expiry of the warning, this matter would be summarised in a reference making clear the nature of the concern and the action taken.

5. An allegation in a school/college context with no history of low-level concerns, which leads to referral to LADO

A male pupil aged 14 tells his form tutor that Mrs. Appleby, the chemistry teacher, has hurt him. Hé shows the tutor a red mark around his neck. When the tutor asks him what happened the pupil says that Mrs. Appleby had shouted at him, telling him that he should not be wearing a neck chain at school/college, Mrs. Appleby then approached the pupil telling him that he must take the neck chain off immediately – when he hesitated to do so Mrs. Appleby then grabbed the chain and pulled him to his feet. It is clear from the marks on his neck that force has been used and the boy is upset.

The form tutor records what the boy has said and asks him to come with him to speak to the Headteacher. Mrs. Appleby has been at the school/college for five years and there have never been any previous concerns raised about her. The Headteacher decides that this is an allegation of physical assault which reaches the threshold and contacts the LADO. The LADO advises that consideration is given to suspending Mrs. Appleby. The LADO also advises that they contact the police and that a strategy meeting will be held. The school/college is advised by police to ask pupils in the lesson that day to each write an account of what happened in that lesson. As a result, more witnesses come forward, and their accounts corroborate what the pupil said.

The Headteacher refers the allegation to the Head of HR who decides to suspend Mrs. Appleby (as a neutral act pending further investigation because, if true, the allegation amounts to gross misconduct). The Head of HR initiates an investigation. Mrs. Appleby denies using force, but a number of credible witnesses confirm the male pupil's account. Mrs. Appleby is found to have committed gross misconduct and is summarily dismissed. The school/college refers the case to the Teaching Regulatory Authority.

The school/college subsequently receives a reference request for Mrs. Appleby to work as an assistant librarian. The school/college refers to her dismissal for gross misconduct, and accurately reflects the circumstances surrounding it, in its reference.

Appendix B - Appropriate conduct, allegation, and low-level concern diagram

Allegation

Behaviour which indicates that an adult who works with children has:

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

Low-Level Concern

Does not mean that it is insignificant, it means that the adult's behaviour towards a child does not meet the threshold set out above. 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 may have acted in a way that:

- is inconsistent with an organisation's staff 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.

Appropriate Conduct

Behaviour which is entirely consistent with the organisation's staff code of conduct, and the law.