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Managing Allegations Against Staff and Low Level Concerns

Sandon Primary Academy

Mrs R Beckett (Principal)

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Introduction

This Policy is to outline our procedures when an allegation is made against a member of our staff who works with children that indicates they pose a risk of harm. This includes; members of staff, supply teachers, volunteers and contractors.

This policy outlines the procedures should the allegation meet a harms threshold but also concerns that do not meet that threshold.

Part 1 – Allegations that may meet the harms threshold:

The threshold of harm is met if a member of staff 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 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.

This includes behavior that may have happened outside of school or college, that might make an individual unsuitable to work with children, this is known as transferable risk.

If we are unsure or in doubt about whether an allegation meets this threshold we will also seek advice from the local authority designated officer (LADO). The LADO must be informed if we are confident any of the above criteria has been met.

All concerns need to be made to the Principle or the Designated Safeguarding Lead. Should the allegation be against the DSL, it should be reported to the Principle. If the allegation is against the Principle, it should be reported the Chair of Trustees.

Sandon Primary Academy follows the statutory guidance of Keeping Children Safe in Education 2021, as well as Local Policy provided by the Stoke on Trent Children's Partnership. This can be accessed through the following link:

<https://www.staffsscb.org.uk/documents/allegations-of-abuse-made-against-a-person-who-works-with-children-stoke/>

Where it has been identified that a child has been harmed, there may be an immediate risk of harm to a child which would constitute an emergency. In this situation the DSL would contact children's social care and as appropriate the police immediately.

Our DSL 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.

Our DSL would then be responsible for discussing and reporting the concerns through to the LADO providing the nature, content and context of the allegation. They would then together agree a course of action.

When dealing with allegations all staff will apply common sense and professional judgement. All staff will deal with allegations quickly, fairly and consistently and will provide effective protection for the child and support the person subject to the allegation.

The DSL will ensure that they understand the local authority arrangements for managing allegations and will have read the local guidance thoroughly.

The DSL will conduct basic enquires in line with local procedures to establish the facts and to help them determine whether there is any foundation to the allegation. They will be careful not to jeopardise any future police investigation.

Further guidance around this can also be found within our safeguarding and child protection policy.

Part 2 – Concerns that do not meet the harm threshold

Sandon Primary are aware that concerns may arise in several ways and from a number of sources, some of which may not meet the harms threshold specified in part 1 of this policy. It is therefore important that we have processes in place to manage and record any such concerns and take appropriate action to safeguard children.

A concern that does not meet the harm threshold is considered a low level concern. A low-level concern is any concern about an adult's behaviour towards a child that does not meet the allegation threshold set out within part 1, or is not otherwise serious enough to consider a referral to the LADO.

A low-level concern is any concern – no matter how small, and even if no more than a 'nagging doubt' – that an adult may have acted in a manner which:

- is not consistent with an organisation's Code of Conduct,⁹ and/or
- relates to their conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult's suitability to work with children.

Staff do not need to be able to determine in each case whether their concern is a low-level concern, or if it is in fact serious enough to consider a referral to the LADO, or meets the threshold of an allegation. Once staff share what they believe to be a low-level concern, that determination should be made by the Safeguarding Lead.

Sandon Primary will ensure that that they promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school are dealt with promptly and appropriately. This is part of our whole school approach to safeguarding.

Organisational culture is a 'slippery' concept – often referred to but rarely defined. It is culture, however, that sets the context and expectations of all behaviour in an organisation, and a positive culture where concerns can be identified and spoken about openly is a key element of a strong safeguarding system.

What that means in practice is that ensuring that all those who work with children behave appropriately, and the early identification and prompt and appropriate management of concerns about adults, is critical to effective safeguarding.

Creating a culture in which all concerns about adults (including where the threshold for an allegation is not met) are shared responsibly and with the right person, and recorded and dealt with appropriately, is crucial. This will encourage an open and transparent culture; enable organisations to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working for or with the organisation are clear about professional boundaries and act within them, in accordance with the ethos and values of the organisation.

Behaviour which is not consistent with the standards and values of an organisation, and which does not meet the organisational expectations encapsulated in their Code of Conduct, needs to be addressed.

Sandon Primary will:

- ensure that staff are clear about, and confident to distinguish, expected and appropriate behaviour from concerning, problematic or inappropriate behaviour – in themselves and others, and the delineation of professional boundaries and reporting lines;
- empower staff to share any low-level concerns with the Safeguarding Lead, or with the Safeguarding

Lead or a values guardian/ safeguarding champion – as appropriate to each organisation, and to help all staff to interpret the sharing of such concerns as a neutral act;

- address unprofessional behaviour and help the individual to correct such behaviour at an early stage; (d) identify concerning, problematic or inappropriate behaviour – including any patterns – that may need to be consulted upon with (on a no-names basis if appropriate), or referred to, the LADO;
- provide for responsive, sensitive and proportionate handling of such concerns when they are raised; and
- (f) help identify any weaknesses in the organisation's safeguarding system.

How do we report low level concerns?

- It is critical that all low-level concerns are ultimately received by the Safeguarding Lead. Having one recipient of all such concerns should allow any potential patterns of concerning, problematic or inappropriate behaviour to be identified, and ensure that no information is possibly lost.
- To ensure this we will train staff to share all low-level concerns directly with the Safeguarding Lead.
- It is important that low-level concerns are shared with the Safeguarding Lead as soon as reasonably possible and, in any event, within 24 hours of becoming aware of it (where the concern relates to a particular incident) – although it should also be emphasised that it is never too late to share a low level concern.
- If the Safeguarding Lead is absent for any reason, low-level concerns should be shared with a clearly identified 'deputy,' who should ensure that they inform the Safeguarding Lead immediately on their return.
- If any low-level concern relates to the behaviour of the Safeguarding Lead, it should be shared with the headteacher or principal
- Staff can report these concerns anonymously.
- Staff can report the concerns verbally or through completing a written record. The concern form can be found in appendix A.
- If the concern is expressed verbally, the DSL will make a record of this concern using the same form.
- Sound professional judgement should be exercised by them in determining what information is necessary to record for safeguarding purposes. The name of the individual sharing the low-level concern, and their role, should be stated, as should the name of the individual about whom the concern is being raised, and their role within the organisation at the time the concern is raised. If the latter individual has an opposing factual view of the incident, this should also be fairly recorded.
- The record should include brief context in which the low-level concern arose, and concise details (which are chronological and as precise and accurate as possible) of any such concern and relevant incident(s). The record should be signed, timed and dated.

What will happen after a low-level concern is raised:

Once the Safeguarding Lead has received the low-level concern, whether directly or from their deputy, or from one of the organisation's values guardians/safeguarding champions – and in a school or college, the Safeguarding Lead has shared the low-level concern immediately with the headteacher/principal, they should:

- speak to the person who raised the concern (unless it has been raised anonymously), regardless of whether a written summary, or completed low-level concerns form has been provided;
- review the information and determine whether the behaviour (i) is entirely consistent with the organisation's Code of Conduct and the law, (ii) constitutes a low-level concern, (iii) is serious enough to consider a referral to the LADO, or (iv) when considered with any other low-level concerns that have previously been raised about the same individual, should be reclassified as an allegation and referred to the LADO/other relevant external agencies;
- where the Safeguarding Lead is in any doubt whatsoever, they should seek advice from the LADO – on a no-names basis if necessary;
- speak to the individual about whom the low-level concern has been raised (unless advised not to do so by the LADO/other relevant external agencies, where they have been contacted);
- make appropriate records of:
 - o all internal conversations – including with the person who initially shared the low-level concern (where this has been possible), the adult about whom the concern has been shared (subject to the above), and any relevant witnesses;

- all external conversations – for example, with the LADO/other external agencies (where they have been contacted, and either on a no-names or names basis);
- their determination
- the rationale for their decision; and
- any action taken

If it is decided that the low-level concern (LLC) in fact amounts to behaviour which is entirely consistent with the organisation’s Code of Conduct and the law:

- it will still be important for the Safeguarding Lead to inform the individual in question what was shared about their behaviour, and to give them an opportunity to respond to it;
- in addition, the Safeguarding Lead should speak to the person who shared the low-level concern – to provide them with feedback about how and why the behaviour is consistent with the organisation’s Code of Conduct and the law;
- such a situation may indicate that:
 - the Code of Conduct is not clear;
 - the briefing and/or training has not been satisfactory; and/or
 - the LLC policy is not clear enough.

If the same or a similar low-level concern is subsequently shared by the same individual, and the behaviour in question is also consistent with the Code of Conduct, then an issue may need to be addressed about how the subject of the concern’s behaviour is being perceived, if not about the behaviour itself, and/or the organisation may need to look at the implementation of its LLC policy.

If it is decided that the current concern is low-level:

- it should also be responded to in a sensitive and proportionate way – on the one hand maintaining confidence that such concerns when raised will be handled promptly and effectively whilst, on the other hand, protecting staff from any potential false allegations or misunderstandings. Any investigation of low-level concerns should be done discreetly and, on a need, -to-know basis; Developing and implementing a low-level concerns policy: A guide for organisations which work with children 11
- most low-level concerns by their very nature are likely to be minor. Some will not give rise to any ongoing concern and, accordingly, will not require any further action. Others may be most appropriately dealt with by means of management guidance and/or training;

Sandon Primary will retain all records of low-level concerns (including those which are subsequently deemed by the Safeguarding Lead to relate to behaviour which is entirely consistent with the Code of Conduct) in a central low-level concerns file (either electronic or hard copy). Where multiple low-level concerns have been shared regarding the same individual these should be kept in chronological order as a running record, and with a timeline alongside.

If there are a series of low-level concerns these will all be considered together and the threshold of harm reviewed. If required the LADO will then be informed. If in any doubt we will always seek advice from the LADO.

The Safeguarding Lead will review the central low-level concerns file periodically to ensure that all such concerns are being dealt with promptly and appropriately, and that any potential patterns of concerning, problematic or inappropriate behaviour are identified. A record of these reviews should be made.

Appendix A

Low-Level Concern Form

Please use this form to share any concern – no matter how small, and even if no more than a ‘nagging doubt’ – that an adult may have acted in a manner which:

- is not consistent with Sandon Primary Academy’s Code of Conduct, and/or
- relates to their conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult’s suitability to work with children.

You should provide a concise record – including brief context in which the low-level concern arose, and details which are chronological, and as precise and accurate as possible – of any such concern and relevant incident(s) (and please use a separate sheet if necessary).

The record should be signed, timed and dated.

Name of staff member:	
Department and role:	
Details of concern:	
Signed:	
Time & date:	