

# Managing Allegations of Abuse Against Staff

(Policy and Procedure)

## **Adoption Arrangements**

All statutory policies in the Trust are ultimately the responsibility of the Trust Board. To enable it to discharge this responsibility appropriately and in collaboration with the constituent schools, the Trust Board will either:

1. set a full Trust wide policy which applies in the same way to all schools,
2. require individual schools to set a policy (in most cases with Trust-provided guidance) appropriate to the needs and circumstances of an individual school

<b>Approval Body:</b>	<b>Board of Trustees</b>
<b>Adopted:</b>	<b>1 July 2024</b>
<b>Leadership Grp Responsibility:</b>	<b>HR Director</b>
<b>Review period:</b>	<b>1 year</b>
<b>Date of next review:</b>	<b>July 2025</b>

**This is a Level 1 Policy against the Trust Governance Plan.**

## 1. Introduction

Tenax Schools Trust recognises the vital contribution made by its employees to providing the best possible education to the children and young people in each of our schools. Staff have a crucial role to play in educating and shaping the lives of young people, and as such high professional standards are expected of them. All staff, whether paid or voluntary, have a duty to keep children safe and to protect them from physical and emotional harm. This duty is, in part, exercised through the development of respectful, caring and professional relationships between staff and pupils and behaviour by staff that demonstrates integrity, maturity and good judgment. Staff should always act, and be seen to act, in the best interests of the child, avoid **any** conduct, in their work or personal lives, which would lead a reasonable person to question their motivation and/or intentions and take responsibility for their own actions and behaviour.

This procedure has been developed to comply with legal requirements and explains:

- How the Trust will address allegations of abuse and so-called “low-level” concerns in a consistent and structured manner
- What is expected from managers and employees with regards to the management of such issues.

This policy must be read in conjunction with Part 4 of Keeping Children Safe in Education, and the statutory guidance in Working Together to Safeguard Children. Other associated policies include:

Safeguarding and Child Protection Policy  
Discipline and Conduct Policy  
Whistleblowing Policy  
Staff Code of Conduct

These are available from the Tenax website at <https://www.tenaxschoolstrust.co.uk/our-policies/> or <https://www.tenaxschoolstrust.co.uk/our-policies/employment-policies/>

## 2. Ethos

Our Trust is a place where everyone should be able to flourish in a loving and hospitable community. Everyone is equal and we treat each other with dignity and respect. Each employee, in all their unique difference should be able to thrive, irrespective of physical appearance, age, gender, race, religion, ethnicity, socio-economic background, academic ability, disability, sexual orientation, marital status or gender identity. The individual identity of each school is valued equally, whether of faith designation or none.

## 3. Scope

This policy and procedure applies to all employees of Tenax Schools Trust, including the Chief Executive Officer.

This policy applies to all cases in which it is alleged that a current member of staff or volunteer has:

- Behaved in a way that has harmed a child, or may have harmed a child, 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 would pose a risk of harm to children

This policy applies regardless of whether the alleged abuse took place in the school. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

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

#### **4. Responsibilities of the Trust**

- To address concerns raised under this procedure in a way that provides effective safeguarding of children and young people whilst supporting the individual who is the subject of the allegation/s.
- To ensure consistency and fairness in the way allegations are addressed.
- To work with relevant external agencies, including the Local Authority Designated Officer, social services, and the police as appropriate to reach a resolution without undue delay
- Look after the welfare of the child - the designated safeguarding lead (or deputy) 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 Keeping Children Safe in Education.
- Investigate and support the person subject to the allegation - the case manager should discuss with the LADO, the nature, content and context of the allegation, and agree a course of action, taking advice from the Human Resources Director.
- To apply common sense and judgement whilst providing effective protection for the child and supporting the individual subject to the allegation.

#### **5. Responsibilities of the employee**

- To ensure they maintain appropriate standards of conduct at all times and comply with any relevant Trust or local academy rules, working practices and conditions of service.
- To advise the headteacher or Designated Safeguarding Lead (or line manager for centrally employed staff) if they become subject to any criminal or social services investigation.
- To report allegations of abuse, or "low-level" concerns to the headteacher or Designated Safeguarding Lead.
- To cooperate with any action taken under this procedure.

The Trust and the employee share a responsibility to maintain confidentiality in respect of any action taken under this procedure in the interests of all parties involved in managing the allegation.

#### **6. Delegated responsibility**

In schools, the management of allegations may be delegated to staff other than the Headteacher. References to the role of the Headteacher in the policy and procedure include his / her nominee, or Headteacher from any Trust school. Where concerns relate to the Designated Safeguarding Lead, they should be raised with the headteacher, or the Trust Executive Designated Safeguarding Lead.

For non-school staff, the management of allegations will normally be carried out through the individual's reporting line. Concerns relating to headteachers, or members of the Central Executive Team must be raised with the Chief Executive Officer. Should a concern be in relation to the Chief Executive Officer, this should be raised with the Chair of Trustees, details of which are set out in the Whistleblowing Policy.

Any investigation will be led by a case manager, who will normally be the headteacher.

## **7. Supply Staff and Contractors**

In the event that an allegation is made against an individual who is not directly employed by the Trust, advice must be sought from Human Resources. In these instances the Trust's own disciplinary procedures will not apply. The Trust will cooperate with the individual's employer and work jointly with the employer, the LADO, police and/or local authority children's social care. This will include discussing with the supply agency/employer organisation whether it is appropriate to suspend the individual or redeploy them whilst the allegation is investigated.

The employer organisation may require the school to undertake an investigation on their behalf, where they do not have access to children or Trust employees to collect the facts of the case. Where another employer seeks the assistance of the Trust to investigate an allegation, an appropriate person will be appointed to investigate, and will do so in line with the policies of the employer organization.

Under no circumstances should a school decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome.

## **8. Harms Threshold Test**

Allegations of abuse against staff will initially be assessed against the "harms threshold" to establish whether the individual may pose a risk of harm if they continue to work in their present position, or in any capacity with children and young people in the Trust. The criteria used are where an individual 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

The last bullet point above includes behaviour that may have happened outside of school, that might make an individual unsuitable to work with children, this is known as "transferable risk".

Initial enquiries may be required to establish the facts and make an initial assessment of whether there is any foundation to the allegation and to gather the information required by the Local Authority Designated Officer (LADO)

Where the case manager is concerned about the welfare of other children in the community or the member of staff's family, they should discuss these concerns with the designated safeguarding lead (or deputy) and make a risk assessment of the situation. It may be necessary for the designated safeguarding lead to make a referral to local authority children's social care.

### **9. Non-recent Allegations**

Where an adult makes an allegation to a school that they were abused as a child, the individual should be advised to report the allegation to the police. Non-recent allegations made by a child, should be reported to the LADO in line with the local authority's procedures for dealing with non-recent allegations. The LADO will coordinate with children social care and the police. Abuse can be reported no matter how long ago it happened.

### **10. Role of the Local Authority Designated Officer (LADO)**

Advice will normally be taken from the LADO before any further action is initiated in school. Where children or young people may be at immediate risk, the case manager must take all reasonable steps to contain the risk, which may include offering a short period of authorized paid leave to an individual or redeploying the individual to other duties or an alternative work area until such advice has been obtained.

The HR Director must be informed when advice is taken from the LADO in relation to any staff matter so that employment and policy advice can be provided.

Where the LADO refers the matter back to the school or Trust, any further investigation of the allegation will be undertaken in accordance with the terms of the Discipline and Conduct Policy. Any resulting investigation report may be used to decide whether there is a formal disciplinary case to answer and form part of the case against an individual.

### **11. Strategy Discussions**

If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion involving the police and/or local authority children's social care will be convened in accordance with the statutory guidance [Working Together to Safeguard Children](#). If the allegation is about physical contact, for example restraint, the strategy discussion or initial evaluation with the LADO should take into account that teachers and other school staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour. The case manager should refer to the school's Behaviour Policy and Staff Code of Conduct to examples of acceptable conduct.

The strategy meeting will be conducted in accordance with LSCB procedures.

The purpose of a strategy meeting is to:

- Consider the risk to the student and other students.
- Share all relevant information about the person who is the subject of the allegation and about the alleged victim.
- Determine the need for investigation and by whom.
- Plan the investigation/enquiries and set timescales for tasks to be undertaken.

- Consider whether any other children are affected by the allegations e.g. the persons own children, grandchildren or other children in the agency setting such as children placed with foster carers, childminders, a youth club.
- Ensure that the person who is the subject of the allegation is kept informed and supported.
- Decide how regular information and support will be provided to the child and family and by whom.
- Plan all interviews and agree who should undertake them so that there is no confusion between a criminal investigation (Section 47 Enquiry) and disciplinary processes.
- Consider the need to inform relevant parties.
- Jointly consider how to manage any media interest.
- Consider whether the circumstances require the person who is subject to the allegation to be suspended from contact with students, though this may change as the investigation progresses and should be reviewed regularly.
- If the allegation is against a governor, a temporary member of staff or a supply teacher, the appropriate course of action needs to be considered.

### **Attendance**

Attendance will be determined by consultation between the LADO and Case Manager and will usually include representatives from Children's Services. The member of staff who is the subject of the allegation will not be invited to attend the meeting; however, the strategy meeting will agree when and how the member of staff will be informed. The confidential minutes of the strategy meeting will be circulated by the Chairman of the meeting to relevant parties.

### **Communication following a strategy meeting**

The following should be informed of any action being taken:

- The parent/carer of the student. Also informing them that the matter is confidential and must not be discussed.
- The member of staff against whom the allegation has been made. A record should be kept on the individual's personal file.

## **12. Information sharing**

In a strategy meeting or initial evaluation of the case the agencies concerned must share all relevant information they have about the person who is the subject of an allegation, and about the alleged victim. Staff attending the strategy meeting should be prepared with the appropriate information – e.g. full name, address, when DBS check was completed, start date, involvement in youth activities, children of their own and any other information that could be helpful. As per procedures, the police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the Trust for disciplinary purposes. This should be done as their investigation proceeds rather than after it has concluded. This will enable the police to share relevant information without delay at the conclusion of their investigation or any court case. Children's Social Services should adopt a similar procedure when making enquiries to determine whether the student named in the allegation needs protection or services so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the School without delay.

### **13. Notifying an employee of an allegation(s) against them**

When to inform the individual of an allegation should be considered carefully on a case by case basis. This decision must take account of guidance from the LADO, and if appropriate, local authority children's social care and the police. It may not be possible to inform the individual of the exact nature of the complaint, particularly in the case of potentially criminal allegations.

An employee will be notified of all allegation(s) or complaint(s) made against them at the earliest practical opportunity and advised of the procedure that will be followed.

Prior to investigating an allegation it may not be possible or appropriate to be specific about the precise nature of the complaint at the outset – however the employee will be given a broad indication of the nature of the complaint.

### **14. Support to the Employee**

The Trust recognizes its duty of care to employees and will seek to manage and minimise the stress caused by the allegation by:

- informing the individual as soon as possible, explaining the likely course of action, guided by the LADO, and the police where necessary.
- appointing a named representative to keep the person informed about the progress of the case, and to whom they may address procedural questions.
- investigating concerns without undue delay
- encouraging an individual to be accompanied at formal and informal meetings by a workplace colleague or trade union representative
- conducting a risk assessment with the individual to identify any additional pressure points or needs
- not preventing social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence.

Employees are advised to seek support from their trade union or professional association where applicable. Employees may also wish to seek confidential support from the Education Support Partnership, details of which can be found at <https://www.educationsupport.org.uk/>

In instances where the investigation is prolonged or the employee is suspended, the school will, as far as is practicable, make arrangements to keep the employee informed with the progress of the investigation and timescales for conclusion.

Should employees need additional pastoral support they should contact their named representative in the first instance so that appropriate additional support can be put in place.

### **15. Suspension**

Suspension should not be an automatic response when an allegation is reported, and the case manager must seek advice from Human Resources before taking the decision to suspend an individual. The case manager may also take advice from the LADO. The police and local authority children's social care may give opinions on the appropriateness of a suspension, but they cannot

require the case manager to suspend an individual. Where their opinions have been rejected, this should be recorded, with the rationale.

Suspension should only be initiated after careful consideration and where all other alternatives have been explored – such as arranging a period of authorised absence, allocating an additional adult to be present when the individual has contact with children, temporary redeployment to an alternative role or place of work. The case manager must consider suspension only in cases where there is a cause to suspect that a child or children at the school are, or may be at risk of harm, or where the case is so serious as to consider the allegation may reach the threshold of gross incompetence, gross misconduct or gross negligence.

The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unfounded, unsubstantiated, malicious, or false.

Suspensions may be made by the Headteacher, member of the Executive Group or line manager in consultation with Human Resources. An employee may be suspended at any point during the investigation should the circumstances warrant. The considerations for and against suspension must be recorded on the Suspension Risk Assessment form – see appendix B. The risk assessment must record what alternatives to suspension have been considered and if rejected the reasons why they were not appropriate. This should be agreed and signed by the Human Resources Director and where the case manager is not a trained Designated Safeguarding Lead or Deputy, this should also be reviewed by a DSL, DDSL or the Trust Executive Safeguarding Lead.

Suspension may be lifted at any point should the situation change, and the risk assessment updated. Further details on suspension can be found in the Trust’s Discipline and Conduct policy.

Where a school is made aware that the Secretary of State has made an interim prohibition order, in respect of an individual who works at a Trust school the case manager should take immediate action to ensure the individual does not carry out work in contravention of the order. This means that pending the findings of the TRA investigation, the individual must not carry out teaching work. The case manager must contact Human Resources for advice on the employment implications of such an order.

Where it is decided that a person who has been suspended may return to work, advice should be taken from Human Resources on appropriate reintegration support for the individual. This may include planning for a phased return to work, team-teaching as a “handover” from staff covering a class, or additional training that may be required. It may be appropriate to appoint a mentor or coach to provide short term support upon their return, or offer access to counselling support. The case manager should also consider how the person’s contact with the child or children who made the allegation can best be managed if they are still attending the school.

## **16. Investigating the allegation**

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. The LADO will provide advice and guidance to schools when considering allegations against adults working with children.

The purpose of the investigation is to establish the facts, events and / or actions. The case manager may investigate the concern themselves, or may delegate the investigation to an appropriate person. Where there are allegations of abuse, an appropriate person will be a Trust headteacher or a senior leader/Executive Team member with Designated Safeguarding Lead training. The investigating officer may be supported by Human Resources. In the unlikely event that there is a lack of appropriate resource within the Trust, the Trust reserves the right to appoint a suitably qualified external investigating officer.

Investigations will be carried out in line with the Trust's Discipline and Conduct Policy, and any resulting findings may later be used to inform a formal disciplinary procedure.

The case manager will monitor the progress of a case to ensure that they are dealt with as quickly as possible within a fair and thorough process. Wherever possible, the first review will take place not later than four weeks after the initial assessment, and at not more than monthly intervals after that should the investigation continue.

### **17. Investigation outcome**

A written report will be produced of the investigation findings and shared with the case manager, who will forward this to the LADO if required. Outcomes from an investigation into allegations of abuse will fall into one of the following categories:

- 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
- 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

The investigation findings will inform whether any further action is required under the Trust's Discipline and Conduct policy.

The investigation outcome will be communicated to the employee in writing without undue delay and usually within 5 working days of the appropriate course of action being determined.

The investigation report will only be shared with the employee should formal action be instigated.

#### **Unsubstantiated or malicious allegations**

If an allegation is shown to be deliberately invented, or malicious, the headteacher, or other appropriate person in the case of an allegation against the headteacher, will consider whether any action is appropriate against the pupil(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a pupil. The Designated Safeguarding Lead should be informed and they should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

Where a malicious allegation has been made by an employee, this may be examined in accordance with the Trust's disciplinary procedures.

### **18. Action to be taken in respect of false allegations**

If an allegation made by a student is proved to be false and/or malicious, action should be taken to determine whether the person who made the allegation should access services or may have been abused by someone else. In the case of a student deliberately inventing or making a malicious allegation, the headteacher should consider talking action in accordance with the Behaviour Policy. If it is clear to the headteacher and the LADO that the allegation is demonstrably false or unfounded the member of staff should be informed orally and in writing of the allegation, that it is without foundation and that no further action will be taken. Where appropriate, and if requested, support should be offered, which could include referral to Occupational Health and counselling services. If an allegation made by a member of staff is proved to be false and/or malicious, an investigation should take place in accordance with the Trust's Discipline and Conduct policy. The police may also consider acting against the individual making the allegation.

### **19. "Low Level" Concerns**

Tenax Schools Trust has 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 enables us to identify inappropriate, problematic or concerning behaviour early, minimise the risk of abuse and ensure that adults working in or on behalf of the school are clear about and act within appropriate professional boundaries, and in accordance with our ethos and values.

In some cases concerns or allegations may not meet the harms threshold, but be "low level". The term low-level does not mean that a concern is insignificant. A low-level concern is any concern, no matter how small, and even if no more than causing a sense of unease or "nagging doubt" that an adult working in or on behalf of the school or Trust 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 'harm threshold' or is otherwise not considered serious enough to consider a referral to the LADO.

Low-level concerns may arise in several ways and from a number of sources. For example, suspicion, complaints, or allegations made by a child, parent or other adult within or outside of the organisation, or as a result of vetting checks.

Examples may include:

- Being over-friendly with children or young people;
- Having favourites;
- Taking photographs of children on their own phone/device contrary to school policies;
- Engaging with a child on a one to one basis in a secluded area or behind a closed door; or
- Humiliating pupils
- Using inappropriate sexualised, intimidating or offensive language with children or young people
- Invading a pupil's personal space

This is not an exhaustive list.

These behaviours exist on a spectrum from behaviour that may be inadvertent or thoughtless, through to that which is ultimately intended to enable abuse or “grooming” behaviours. These concerns may arise in a number of ways, or from a range of sources. For example, suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; witnessing an incident; or as a result of vetting checks undertaken.

Employees have a duty to report all low-level concerns so that any concerning behaviour can be addressed appropriately. This may require further investigation, or be through the provision of management guidance, training or refreshing an individual’s knowledge of school policies and procedures. Reporting of concerns helps us to identify where patterns of concerning conduct may exist, highlighting wider training needs, or areas for policy developments that will help keep children safe.

In all instances, the headteacher will be informed of low-level concerns and will be the ultimate decision maker on the action required. For staff in the Trust Central Team, or where a concern is raised about a headteacher, the CEO and Trust Executive Safeguarding Lead will be informed of low-level concerns. The concern will be recorded in writing, noting the details of the concern, the context in which it arose and the action taken, along with the name of the person raising the concern if possible. If the individual raising the concern wishes to remain anonymous this will be respected as far as reasonably possible.

Low-level concerns about contractors or others on site should be reported to the individuals above, who will ensure that their employer is notified so that any potential patterns of inappropriate behaviour can be identified.

Records of low-level concerns will be kept securely by the headteacher. Individual data will be retained until the end of the academic year in which an individual leaves our employment.

Concerns will be reviewed termly (based on a three-term year) to identify where patterns may exist.

If you are concerned that low-level concerns are not being recorded or responded to appropriately, these should be reported in line with the Trust’s Whistleblowing policy.

Low-level concerns will be recorded in writing and reviewed so potential patterns of concerning, problematic or inappropriate behaviour can be identified.

- Employees are encouraged to use the Low-level concern record form at Appendix A to report concerns. However, all concerns, however reported will be recorded and investigated appropriately.
- Records will be kept confidential and will be held securely and retained and in compliance with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR) and other relevant policies and procedures (for example data retention policies).
- Where a pattern is identified, the school will implement appropriate action, for example consulting with [the LADO enquiry line](#), Trust HR Director and following our disciplinary procedures.

- Further, if there are more than three low level concerns in any one rolling year about the same member of staff, this must automatically be referred to the Trust HR Director.

The number of Low Level Concerns received will be reported to the Local Governing Body via the Headteacher's report and any patterns discussed.

## **20. Resignations and Settlement Agreements**

The resignation of an individual, or otherwise ceasing the supply of their services, will not prevent an allegation being followed up in accordance with these procedures. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible the person should be given a full opportunity to answer the allegation and make representations about it, but the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available should continue even if that cannot be done or the person does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

So called 'settlement agreements', by which a person agrees to resign, if the school/Trust agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, will not be used in cases where safeguarding children and young people is a contributory factor to the concerns against them.

Resignation will not prevent a thorough police investigation where that is appropriate. An individual leaving the school/Trust's employment will not override the statutory duty to make a referral to the DBS or to the TRA where circumstances require that.

## **21. References**

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious. The Trust is obliged to include substantiated allegations in references, providing factual information. Low-level concerns will not be shared in references.

## **22. Referral to Other Agencies**

Where a teacher is dismissed for serious misconduct (or may have been dismissed for serious misconduct had they not resigned) the academy/Trust will consider whether to make a referral to the Teaching Regulation Agency (formerly the National College for Teaching and Leadership) in accordance with Education Act 2011 and The Teachers' Disciplinary (England) Regulations 2012.

Under the Safeguarding Vulnerable Groups Act (2007) a referral should be made to the Disclosure and Barring Service where an employee is dismissed (or would have been dismissed had they not resigned) because they have been cautioned or convicted of a relevant offence or behaved in a manner that has put at risk of harm/harmed a child.

Referrals may be made to one or both agencies in respect of the same incident(s).

### **23. 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 school'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

### **24. Retention of records**

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. Such records will include:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken and decisions reached (and justification for these, as stated above)

If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file, and provide a copy to the individual.

In accordance with Keeping Children Safe in Education, we will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

Appendix A

**Low Level Concern Form**

This form can be used to share any concern with the Headteacher or Director of Primary Education. All concerns should be raised, no matter how small or seemingly insignificant, 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 the Trust’s Staff Code of Conduct [including inappropriate conduct outside of work].

A concise record is required, including brief context in which the low level concern arose, plus details which are chronological, precise and as accurate as possible, of any such concern and /or relevant incident[s]. [Continue on separate sheets as necessary]. The form should be signed, timed and dated.

**Details of CONCERN :**

<p><b>Name of Staff member :</b></p>  <p><b>Signed :</b></p>	<p><b>Department and Role :</b></p>  <p><b>Time and Date :</b></p>
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**Received by :**

  

**At [time] :** **Date :**

Was advice/guidance sought from the LADO and or Human Resources? Yes :  No :

Was the staff member informed of the concern? [Good practice will require a response].  
NO  - Give a brief explanation for decision;

YES  - Staff response/mitigation/explanation:

REASSESSED AGAINST HARMS THRESHOLD: Yes :  No :

MEETS HARMS THRESHOLD: **IF YES REFER TO LADO AND HR** Yes :  No :

**ACTION TAKEN/NEXT STEPS :**

(include training provided, mentoring or ongoing monitoring as appropriate)

**Signed :**

**Dated :**

This record form will be held securely, either digitally or in paper form, in line with the Trust's Safeguarding and Data Protection Policies.

Low Level Concern reporting will be treated as confidential as far as possible, however in certain circumstances it may be necessary to share and or disclose the information with third parties such as the police or LADO where required. This includes where the individual raising the concern has indicated they wish to remain anonymous.

Appendix B

## Suspension Risk Assessment

### Employee Information

Title (e.g. Mr / Mrs / Miss / Ms)	
Surname	
Forename(s)	
Date of birth	
School/Trust location	
Role/s in school	
Does the teacher have Qualified Teacher Status?	
Teacher Reference Number (if applicable)	

### Details of risk assessment:

Reviewers	
Date of risk assessment	

### Summary of allegations:

### Summary of previous disciplinary concerns:

### Consideration:

(This risk assessment should consider the employee's role, any patterns of behaviour evident from disciplinary records, the nature of the concern, mitigating factors, the outcome of any disciplinary hearing/appeal, health or other factors affecting judgement, similar cases within the Trust)

### Risks:

**Potential mitigations:**

**Trust risk assessment:**

**Decision: Suspend YES / NO**

Signed:  
Safeguarding

Date:

Signed:  
Human Resources

Date:

### **References**

Regulations/legislation referred to in consideration of the risk assessment:

## Significant Harm

This was introduced by the Children Act 1989 and is defined by the Law Commission as:

*"Harm as a concept should be taken to include not only ill-treatment (including sexual abuse and forms of ill treatment that are not physical) but also the impairment of physical or mental health and the impairment of physical, emotional, social or behaviour development"*

**Abuse:** a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. They may be abused by an adult or adults or another child or children. It should be noted that abuse can be carried out both on and offline and be perpetrated by men, women, and children.

1. **Physical abuse:** a form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

2. **Sexual abuse:** involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing, and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

3. **Neglect:** the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing, and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate care-givers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

4. **Emotional abuse:** the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

**Position of Trust**

Those working with children and young people should understand that they are in positions of power and trust in relation to these groups. There is potential for exploitation and harm to children and young people and employees have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Employees should always maintain professional boundaries and avoid behaviour which might be misinterpreted by others. For teachers, this includes consistently upholding Part 2 of the Teacher Standards, “Personal and Professional Conduct”.

## Appendix D – Information Guide for Employees Facing Allegations

The aim of this information guide is to explain the processes involved, and the support and guidance available, if it is alleged that that you have; harmed a student or put a child at risk of harm, or committed a criminal act toward a student, or behaved in a way that raises concern about your suitability to work with children or young people.

### 1. Initial Action

As soon as possible after the allegation is made, the headteacher should consult the LADO to discuss what action is to be taken. This decision conclusions may be:

- a) The student is alleged to have suffered, or is likely to suffer significant harm - which requires immediate referral to Social Care
- b) A criminal offence is alleged - which requires referral to Social Care and Police
- c) The allegation represents poor or inappropriate behaviour - which should be considered under the Trust's disciplinary and/or capability procedures, including referral if appropriate to the school's occupational health advisor.
- d) The allegation is clearly and demonstrably without foundation and no further action will be taken.

If the conclusion of the initial discussions are a) or b) a Strategy Discussion should take place. The discussion will focus on the needs of the student(s) who may be at risk. It will determine what action should be taken regarding further investigation, but it is not part of any disciplinary procedures. If the initial discussions conclude the situation is as outlined in c): an investigation will be initiated under the Trust's disciplinary and/or capability procedures. If the conclusion is as outlined in d) you should be told orally and in writing that the allegation is without foundation, and that no further action will be taken.

### 2. Types of Possible Investigation

- Child protection enquiries by Social Care
- Criminal Investigation by Police
- Disciplinary/capability investigation

A disciplinary investigation may be held when external agency investigations are complete particularly in cases where there is the possibility that a criminal act has taken place.. Whilst these investigations should be conducted as speedily as possible, they should also be balanced against the need to be thorough and fair, in line with natural justice. Statements taken in external investigations could be used in subsequent disciplinary proceedings.

### 3. Suspension

Whilst suspension is a neutral act, it can have an affect on the individual and the perception of the individual by others. Suspension should therefore not be automatic. Alternatives to suspension will be considered, e.g. leave of absence, transfer of duties, redeployment or additional supervision. This list is not exhaustive.

The matter of suspension from work will be reviewed regularly. During an investigation it may become apparent that an individual should be suspended who was initially able to continue working. Conversely, an individual who was initially suspended may be able to return to work. Support will be provided when returning to work following a period of suspension that will be appropriate to the amount of time away from the workplace. This may include handover time, training or appointing a

mentor. Individuals who consider there to be particular needs should discuss these with their headteacher.

#### **4. Support**

You should expect to be:

- advised to contact your Union representative
- given details of a contact within the organisation who should keep you up to date with progress of your case
- able to access wider support from Occupational Health services if required
- provided with the contact details for the Education Support Partnership and, if available, details of other counselling services.

This may be a stressful time, so in addition to contacting your Union representative, you are advised to see your GP if you think your health may be affected.

Further information about disciplinary investigations can be found in the Trust's Discipline and Conduct policy on the Trust's website at <https://www.tenaxschoolstrust.co.uk/our-policies/employment-policies/>