



AYLESBURY
GRAMMAR SCHOOL
Founded 1598

Allegations of abuse against staff (including low-level concerns) Policy

This policy is updated and approved by the Governing Body every three years

This version was approved by the Full Governing Body in January 2024

The next update will be due by January 2027

SIGNED: _____

Mr R Williams – Chair of Governors



Allegations of abuse against Staff (including low-level concerns) Policy

1. Allegations that may meet the harms threshold

- 1.1 This should be read in conjunction with the current statutory guidance: 'Allegations that may meet the harms threshold' in part 4 of Keeping Children Safe in Education.
- 1.2 This section applies to all cases in which it is alleged that a current member of staff, including a supply teacher, volunteer or contractor, 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 – this includes behaviour taking place both inside and outside of School
- 1.3 If we are in any doubt as to whether a concern meets the harm threshold, we will consult our local authority designated officer (LADO).
- 1.4 We will deal with any allegation of abuse quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.
- 1.5 A 'case manager' will lead any investigation. This will be the Headmaster, or the chair of governors where the Headmaster is the subject of the allegation. The case manager will be confirmed at the earliest opportunity.
- 1.6 Our procedures for dealing with allegations will be applied with common sense and judgement.
- 1.7 If we receive an allegation of an incident happening while an individual or organisation was using the School premises to run activities for children, we will follow our safeguarding policies and procedures and inform our LADO.

2. Suspension of the individual facing the allegation until the case is resolved

- 2.1 Suspension of the individual facing the allegation will not be the default position and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that there 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.
- 2.2 Based on an assessment of risk, we will consider alternatives such as:
 - Redeployment within the School so that the individual does not have direct contact with the child or children concerned
 - Providing an assistant to be present when the individual has contact with children
 - Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents/carers have been consulted
 - Temporarily redeploying the individual to another role in a different location, for example to an alternative School
 - If in doubt, the case manager will seek views from the School's HR Officer and the LADO, as well as the police and children's social care where they have been involved.

3. Definitions for outcomes of allegation investigations

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

4. Procedure for dealing with allegations

- 4.1 In the event of an allegation that meets the criteria above, the case manager will take the following steps:
 - 4.1.1 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.
 - 4.1.2 Discuss the allegation with the LADO. 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 LADO – 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 LADO as soon as practicably possible after contacting the police).
 - 4.1.3 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.
 - 4.1.4 Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the School is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the LADO, police and/or children's social care services, as appropriate.
 - 4.1.5 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.
 - 4.1.6 **If immediate suspension is considered necessary**, agree and record the rationale for this with the LADO. 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 School and their contact details.
 - 4.1.7 **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 LADO 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.

- 4.1.8 **If it is decided that further action is needed**, take steps as agreed with the LADO to initiate the appropriate action in School and/or liaise with the police and/or children's social care services as appropriate.
 - 4.1.9 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, including via the Education Support Partnership.
 - 4.1.10 Inform the parents or carers of the child/children 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/carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice.
 - 4.1.11 Keep the parents/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)
 - 4.1.12 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.
- 4.2 If the School 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.
- 4.3 Where the police are involved, wherever possible the School 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 School's disciplinary process, should this be required at a later point.
- 4.4 Additional considerations for supply teachers and all contracted staff:
- If there are concerns or an allegation is made against someone not directly employed by the School, such as a supply teacher or contracted staff member provided by an agency, we will take the actions below in addition to our standard procedures
- 4.5 We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome.
- 4.6 The governing board will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the School, while the School carries out the investigation.
- 4.7 We will involve the agency fully, but the School will take the lead in collecting the necessary information and providing it to the LADO as required.
- 4.8 We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency 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)
- 4.9 When using an agency, 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 HR manager or equivalent to meetings as appropriate.

5. Timescales

- 5.1 We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable:
 - 5.1.1 Any cases where it is clear immediately that the allegation is unsubstantiated or malicious should be resolved within 1 week.
 - 5.1.2 If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken within 3 working days.
 - 5.1.3 If a disciplinary hearing is required and can be held without further investigation, this should be held within 15 working days.
- 5.2 However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

6. Specific actions

Action following a criminal investigation or prosecution

- 6.1 The case manager will discuss with the LADO 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.

Conclusion of a case where the allegation is substantiated

- 6.2 If the allegation is substantiated and the individual is dismissed or the School ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the School will make a referral to the DBS for consideration of whether inclusion on the barred lists is required.
- 6.3 If the individual concerned is a member of teaching staff, the School will consider whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

Individuals returning to work after suspension

- 6.4 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.
- 6.5 The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending the School.

Unsubstantiated, unfounded, false or malicious reports

If a report is:

- 6.6 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
- 6.7 Shown to be deliberately invented, or malicious, the School 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:

- 6.8 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

6.8 Shown to be deliberately invented, or malicious, the School will consider whether any disciplinary action is appropriate against the individual(s) who made it

7. Confidentiality and information sharing

- 7.1 The School will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.
- 7.2 The case manager will take advice from the LADO, 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 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

8. Record-keeping

- 8.1 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.
- 8.2 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).
- 8.3 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
- 8.4 In these cases, the School will provide a copy to the individual, in agreement with children's social care or the police as appropriate.
- 8.5 We will retain all records at least until the accused individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

9. References

When providing employer references, we will:

- 9.1 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
- 9.2 Include substantiated allegations, provided that the information is factual and does not include opinions

10. Learning lessons

- 10.1 After any cases where the allegations are substantiated, the case manager will review the circumstances of the case with the LADO 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.

- 10.2 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
- 10.3 For all other cases, the case manager will consider the facts and determine whether any improvements can be made.

11. Non-recent allegations

- 11.1 Abuse can be reported, no matter how long ago it happened.
- 11.2 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.
- 11.3 Where an adult makes an allegation to the School that they were abused as a child, we will advise the individual to report the allegation to the police.

12. Concerns that do not meet the harm threshold

- 12.1 The guidance should be read in conjunction with the current statutory guidance in 'Section 2: Concerns that do not meet the harm threshold' in part 4 of Keeping Children Safe in Education.
- 12.2 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.
- 12.3 Concerns may arise through, for example:
- Suspicion
 - Complaint
 - Safeguarding concern or allegation from another member of staff
 - Disclosure made by a child, parent or other adult within or outside the School
 - Pre-employment vetting checks
- 12.4 We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

13. Definition of low-level concerns

- 13.1 The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the School 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 LADO
- 13.2 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 students/colleagues
 - Using inappropriate or offensive language

14. Sharing low-level concerns

- 14.1 Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may appear inappropriate (but might not be in specific circumstances), through to that which is ultimately intended to enable abuse. We understand that any such concerns, including those which do not meet the harm threshold as laid out in Keeping Children Safe in Education are shared responsibly and with the right person, and recorded and dealt with appropriately.
- 14.2 Ensuring concerns are dealt with effectively should also protect those working in or on behalf of the School from potential false allegations or misunderstandings.
- 14.3 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.
- 14.4 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
 - Empowering staff to self-refer
 - 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 School's safeguarding system
 - Responding effectively to low-level concerns

15. Responding to low-level concerns

- 15.1 Where a low-level concern has been identified, this will be reported as soon as possible to the Designated Safeguarding Lead. Where the DSL is not available, the information will be reported to the Headmaster. When the low-level concern has been reported to the Designated Safeguarding Lead, they will inform the Headmaster of the details as soon as possible and 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 where appropriate, and to any potential witnesses
- 15.2 The Headmaster, DSL and HR Officer will meet to review all concerns and will use the information collected to categorise the type of behaviour and determine any further action, in line with this policy. The Headmaster will be the ultimate decision-maker in respect of all low-level concerns.
- 15.3 Low-level concerns about the Designated Safeguarding Lead will be reported to the Headmaster and those about the Headmaster will be reported to the Chair of Governors (who is also the Safeguarding Governor) rwilliams@ags.bucks.sch.uk

16. Record keeping

- 16.1 All low-level concerns will be recorded in writing. 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. Staff raising a concern will be encouraged to put the concern in writing and include date and details of the concern. Where concerns are reported verbally, a record of the conversation will be made by the person hearing the concern. A summary of the concern will be logged on a confidential document accessed only by the Headmaster, the DSL, the HR Officer and the Safeguarding Governor.

16.2 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 LADO
- Retained at least until the individual leaves employment at the School

16.3 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.

16.4 In most cases it will be appropriate to discuss concerns with the member of staff, and retain a note of the discussion, alongside their response and if they are given any guidance or advice. There may be occasions when the Headmaster/DSL can establish easily that there is no cause for concern and it is not necessary to address it with the individual. In such cases the School would note it on the low level concerns record, but wouldn't necessarily need to inform the individual concerned.

17. Can the reporting person remain anonymous?

17.1 The person bringing forward the concern will be named in the confidential record. Where they request to remain anonymous, this will be respected as far as possible. However, there may be circumstances where this is not possible, e.g. where a fair disciplinary investigation is needed or where a later criminal investigation is required.

18. Should staff report concerns about themselves (ie self-report)?

18.1 It may be the case that a person finds themselves in a situation which could be misinterpreted or might appear compromising to others; or they may have behaved in a manner which on reflection they consider falls below the standard set out in the Staff Code of Conduct. In these circumstances staff should self-report to the DSL. This will enable a potentially difficult situation to be addressed at an early opportunity if necessary.

19. Borderline cases

19.1 The Headmaster (or, if the concern relates to the Headmaster, the Safeguarding Governor) may take advice from the LADO in borderline cases in order to establish whether the concern is a low level concern or an allegation that potentially meets the harm threshold. This may include conducting an initial "no names" conversation with the LADO about whether the harm threshold is met.

20. References

20.1 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

21. Malicious or false low-level concerns and allegations

21.1 Details of low-level concerns and allegations found to be malicious or false will be removed from personnel records and the Low Level Concerns Record.

22. What is the role of the Governors?

- 22.1 The Headmaster will inform Governors about the implementation of the low-level concerns policy. The Safeguarding Governor may also review the confidential record.