



The King's (The Cathedral) School

Allegations Against Staff (Safeguarding) & Low-Level Concerns Policy

Responsibility:	HR Manager
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1. POLICY STATEMENT

- 1.1 Within this policy 'we' and 'us' means the King's (The Cathedral) School.
- 1.2 At all times we will follow the Department for Education's statutory guidance as set out within Keeping Children Safe in Education.
- 1.3 We recognise that any allegation is serious and needs to be dealt with in a sensitive, efficient, fair, and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation. It is also important that those with responsibilities described in this procedure act without delay. All parties involved are likely to be distressed. Any disruption to the normal running of the School should be minimised.
- 1.4 We are clear that in the event of an allegation being proven false or malicious, there may follow the immediate permanent exclusion of the student making the allegation, should they have made the allegation, and/or disciplinary action may be considered where the allegation was made by a member of staff

2. APPLICATION

- 2.1 This applies to all staff, students, visitors and Governors of the School and contractors, volunteers and agency staff working within the School.

3. PRINCIPLES (when dealing with allegations that may meet the harm threshold)

- 3.1 This policy provides the steps to take where there is an allegation of abuse against a member of staff in relation to a student. The process described in this document is intended for use with all staff. In this procedure, the term 'parents' means all those having parental responsibility for a child.
- 3.2 Based on 'Section 1: Concerns or allegations that may meet the harm threshold' in part 4 of Keeping Children Safe in Education the following 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

4. PROCEDURE

- 4.1 The Headteacher will designate a Designated Safeguarding Lead (DSL) for the School. The Headteacher shall advise the Governors and all members of staff of the name of our DSLs and inform them of any changes.

5. RECEIVING AN ALLEGATION

- 5.1 All allegations of abuse made against a person defined in paragraph 2.1 in relation to a student must be reported immediately to the Headteacher.
- 5.2 In the event of the allegation being made against the Headteacher, the Chair of Governors will undertake the role assigned to the Headteacher throughout this procedure.

5.3 The Headteacher must make a written record (timed and dated) of what has been reported. If possible, the allegation should be written by the student, or the person to whom the allegation was first made.

5.4 Total confidentiality must not be promised to the student or adult making the allegation or disclosure. For example, the person against whom the allegation has been made will have a right to know the substance of the allegation if disciplinary or legal action is to be taken.

6. HEADTEACHER INITIAL CONSIDERATION OF AN ALLEGATION

6.1 The Headteacher should decide whether any enquiries are necessary in order to determine whether or not to refer the matter to the Local Authority Designated Officer (the LADO) or the police. The Headteacher should consider what information needs to be gathered and how it is to be obtained. Staff or students must not be interviewed until advice has been sought. Third parties within the School may be asked, but not required, to write an account of their direct experience in relation to the allegation.

6.2 Where the Headteacher considers that a referral might be warranted under safeguarding procedures, the matter must be referred to the Local Authority Designated Officer (LADO) without delay. Any alleged physical injuries must be investigated by the appropriate external agencies.

6.3 The Headteacher may seek advice from appropriate agencies. These agencies include Children's Services, the Department for Education, the police, and our HR advisors.

6.4 At this initial stage, the Headteacher, in consultation with any external agencies, should decide on the extent to which information can be shared with the member of staff who is the subject of the allegation.

6.5 If the Headteacher decides to refer an allegation to the Children's Services and/or the police, any internal School enquiries should be held in abeyance until the Social Services/police have indicated that they have no further involvement or they wish for the school to proceed.

7. IF AN EXTERNAL REFERRAL IS DECIDED UPON

7.1 The Headteacher or the nominated DSL should contact the LADO or the police, as appropriate, to report the allegation.

7.2 The Headteacher should discuss with the Duty Officer what may and may not be said to the student/parent, to the member of staff against whom the allegation has been made, and to the initial informants.

7.3 The Headteacher should inform the Chair of Governors that an allegation relating to a member of staff has been referred. At this stage, the Headteacher should not describe the circumstances of the allegation to the Chair of Governors.

The Headteacher should prepare a standard response to queries by parents and the media. The response should indicate that:

- the matter is governed by procedures which the Headteacher is obliged to follow;
- the matter is in the hands of the appropriate agencies and no further comment can be made;
- no names can be given for public use.

7.4 When inter-agency discussions take place, it is essential that the Headteacher or a substitute attends.

7.5 When the appropriate agencies have completed their procedures, the Headteacher may decide that an internal investigation should be carried out to establish whether or not our disciplinary procedure should be invoked. Any disciplinary investigation will follow the Staff Disciplinary Policy. Interviews with children should be kept to a minimum.

8. SUSPENSION OF STAFF

8.1 Suspension is not a disciplinary action and will not automatically follow an allegation, but it may be an appropriate step at any stage, depending on the information available. All options to avoid suspension should be considered prior to taking that step. Based on an assessment of risk, the following alternative may be considered:

- 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
- Redeploying the individual to alternative work in the school so that they do not have unsupervised access to 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

8.2 The decision on suspension is for the Headteacher to take. Where external agencies are involved, any decision on suspension should be made after consultation with them. Factors such as the seriousness of the allegation, the perceived risk to children, potential criminal proceedings, and the existence or otherwise of previous complaints and the possible conduct of the investigation may be relevant.

8.3 Staff who are suspended should receive written confirmation within one working day, giving as much detail as appropriate for the reasons for the suspension. Staff should be advised that a designated senior leader will be their point of contact. Staff who are suspended should also be advised to contact their teacher association, trade union or other professional body.

9. ROLE OF THE GOVERNING BODY

9.1 Members of the Governing Body will not normally become involved in child protection inquiries involving members of staff unless the Governor is subsequently requested to participate under our disciplinary procedure.

10. RECORD KEEPING

10.1 The Headteacher is required to manage the keeping of records in relation to the allegation. Where a person makes an oral statement, a written record should be produced and, as with other written statements, it should be signed and dated by the author.

10.2 The Headteacher should also ensure that a record is maintained of the process followed in handling the allegation. The Headteacher should verify the accuracy of that record.

10.3 These records must be stored securely.

11. 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 that 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

12. SUPPORTING THOSE INVOLVED

12.1 Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action unless there is an objection by the children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided by the employer.

12.2 The Headteacher should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

12.3 Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the Headteacher should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case.

12.4 Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice

13. 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 a 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 that supports the allegation being made

14. ACTIONS FOLLOWING A SUBSTANTIATED ALLEGATION

If the allegation is substantiated and:

- the person is dismissed; resigns, or otherwise ceases to provide his or her services, or
- the employer ceases to use the person's services.

In the case of a teacher, the Headteacher must consider whether to refer the matter to the TRA to consider whether the individual should be prohibited from teaching.

Additionally, there is a legal requirement for employers to make a referral to the DBS where they consider an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

15. NON-RECENT ALLEGATIONS

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

15.2 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.

15.3 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.

16. CONCERNS THAT DO NOT MEET THE HARM THRESHOLD (LOW-LEVEL CONCERNS)

16.1 Based on 'Section 2: Concerns that do not meet the harm threshold' in part 4 of Keeping Children Safe in Education the following 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 point 3 of this policy. These are referred to as low level concerns.

16.2 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

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

16.3 Definition of low-level concerns

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

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, contrary to school policy
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door, or
- Humiliating pupils

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

16.4 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 as per section 7.7 of this policy
- 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

16.5 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 school's code of conduct. The headteacher will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with the DSL.

16.6 Record Keeping

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.

Records will be:

- Kept confidential, held securely, and comply with the Data Protection Act 2018 and the 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 harm 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 school

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.

16.7 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 LADO and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues that would ordinarily be included in a reference, such as misconduct or poor performance