



Managing Allegations and Low-Level Concerns Relating to Adults Working within REACH Learning Provision

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1. Policy Statement

The care and support of all children and young people are of paramount concern to REACH Learning Provision.

The Provision takes the day-to-day care of its pupils, staff, and volunteers very seriously.

The Provision recognises that for large parts of pupil's early life, teachers and support staff play a key and critical role in influencing and shaping their life; academically, socially, and morally.

The Provision takes allegations of any kind against an adult working within the Provision very seriously, and this policy outlines the steps which should be taken when such allegations arise concerning pupil welfare and safeguarding.

All adults working within the Provision, children and young people and their parents/carers will be made aware of this policy, and it will be available on REACH Learning Provision website for public access.

This policy affirms that any allegations should be dealt with robustly, without prejudice and with the cooperation of external agencies where appropriate and necessary.

This policy should be read alongside:

- REACH Safeguarding Policy;
- REACH Staff Disciplinary Policy;
- REACH Whistleblowing Policy;
- Keeping Children Safe in Education (DFE, 2021);
- Working Together to Safeguard Children (DFE, 2018);
- The Children Act 1989 and 2004;
- The Children and Social Work Act 2017;
- The Education Act 2002.

This document follows statutory guidance from the Department for Education in relation to carrying out duties relating to handling allegations of abuse against adults working within the Provision.

When referring to the process for managing the response to allegations/concerns, this policy is split into two distinct sections:

- **Section One:** Allegations that may meet the harms threshold
 - Responsibilities
 - The role of the Provision
 - Initial response
 - Referral to the Designated Officer
 - considering suspension
 - Stages of investigation

- **Section Two:** Concerns that do not meet the harm threshold
 - Responsibilities
 - Initial response
 - Record Keeping
 - Referral to the Designated Officer
 - References

2. Background

Keeping Children Safe in Education (2021) describes two types of allegations/concerns within Part 4¹.

Both Allegations that meet the harm threshold for a referral to the Designated Officer (sometimes referred to as the 'LADO') and Allegations/concerns that do not meet the harms threshold—referred to for the purposes of this policy- all concerns should be directed straight to the principal.

2.1 Allegations that may meet the harms threshold

Where a concern or allegation indicates that an adult has:

1. behaved in a way that has harmed a child or may have harmed a child.
2. possibly committed a criminal offence against or related to a child;
3. behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
4. behaved or may have behaved in a way that indicates they may not be suitable to work with children.

These allegations/concerns are considered to meet the 'harm threshold'.

¹ Its section on the management of allegations made against adults working with children.

2.2 Concerns that do not meet the harm threshold

As part of our approach to safeguarding, we promote an open and transparent culture in which all concerns about all adults working in or on behalf of the provision (including supply teachers, volunteers, and contractors) are dealt with promptly and appropriately.

These types of concerns are low-level concerns.

The term 'low-level' concern does not mean that it is insignificant; it means that the behaviour towards a child does not meet the harm threshold.

A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the Provision 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 over-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; or,
- using inappropriate sexualised, intimidating, or offensive language.

Section one: Allegations that may meet the harms threshold

Responsibilities

Where a concern or allegation indicates that an adult has:

1. behaved in a way that has harmed a child, or may have harmed a child;
2. possibly committed a criminal offence against or related to a child;
3. behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
4. behaved or may have behaved in a way that indicates they may not be suitable to work with children;

a referral will be made to the Local Authority Designated Officer without delay.

Where staff become aware of a concern/allegation that meets the threshold, they have a statutory duty to report it to the Provision Manager (if the Provision Manager is the subject of the allegation concerns should be shared with the LEAD DSL).

These allegations/concerns are considered to meet the 'harm threshold'.

The role of 'Designated Officer' a statutory role. The Designated Officer gives advice, support and consultation on all matters relating to allegations against people in a professional and volunteer role involving children, young people and, if appropriate, vulnerable adults.

The provision will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.².

The Role REACH Learning Provision

The Lead for Safeguarding will be notified of any concerns where the Provision Management Team are considering the question that the threshold above may have been met.

Initial Response

Where the provision identify a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency, they should contact children's social care and as appropriate, the Police immediately as per the processes explained in their provision child protection policy.

There are two aspects to consider when an allegation is made:

1. **Looking after the welfare of the child** - the designated safeguarding lead 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 this guidance.

2. **Investigating and supporting the person subject to the allegation** - the case manager should discuss with the Designated Officer the nature, content and context of the allegation and agree on a course of action.

Before contacting the LADO, the provision will conduct basic enquiries in line with local procedures to establish the facts to help them determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation.

For example:

- was the individual in the provision at the time of the allegations?
- did the individual, or could they have, come into contact with the child?
- are there any witnesses? and,
- was there any CCTV footage?

When to inform the individual of the allegation should be considered carefully on a case-by-case basis, with guidance as required from the LADO, and if appropriate, children's social care and the Police.

Referral to the Designated Officer

Where the allegation/concern suggests that the harm threshold has been met, the Provision Management Team should contact the Designated Officer.

A "case manager" will lead an investigation. This will be either the provision Manager or, where the Provision Manager is the subject of an allegation, the chair of governors.

The Case Manager will be responsible for:

- contacting the Designated Officer to share the information about the allegation and to discuss the next steps.
- recording decisions (including the rationale behind them).
- informing all parties, if no further action.
- discussing options for the person against whom the allegations are made with the Provision Manager
- Contact details for the Designated Officer service:

Local Authority	Designated Officer	Contact details
Nottingham-	Claire Maclean	0115 876 2302 – Nottingham City

Where the initial discussion leads to no further action, the case manager and Designated Officer should:

- record the decision and justification for it
- agree on what information should be put in writing to the individual concerned and by whom.
- Manage the process in line with section two.

Considering Suspension

It is important to note that suspension is a neutral act that can protect the interests of both parties and is not a presumption of guilt.

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases, that will require the Case Manager to consider suspending the accused until the case is resolved.

Suspension should not be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step. Based on an assessment of risk, the following alternatives should be considered by the Case Manager with the support of the Director of Safeguarding before suspending the adult in whom the allegation has been made against:

- redeployment within the provision so that the individual does not have direct contact with the child(ren) concerned;
- providing another adult to be present when the individual has contact with children;
- redeployment to alternative work within the provision so the individual does not have unsupervised access to children;
- moving the child(ren) to classes where they will not come into contact with the adult,
- making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the adult to another role in a different location

Appendix 1 summarises the consideration process for suspension.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed upon and recorded by both the Case Manager (including notification to the Provision Manager) and the LADO. This will also include what alternatives to suspension have been considered and why they were rejected. Where it has been deemed appropriate to suspend the person, written confirmation will be sent within one working day explaining the reasons for the suspension.

Care will be taken where the person is suspended to ensure they are kept informed of both the progress of their case and current work-related issues.

It is important to note that the decision to suspend can be taken at any point during the investigation.

A referral to the DBS will be considered for any staff member for whom it is decided that they should be deployed to another area of work that is not regulated activity, or they are suspended through this policy.

Investigation stage

There are three types of investigation:

1. by Social Services and the Police

If the Designated Officer feels that the matter needs a formal investigation external to the provision or the Provision this will take the form of a strategy meeting with clear multi-agency discussions and plans taking place.

REACH Lead DSL will attend all such meetings in support of the Provision Manager, and in certain circumstances the Manager will attend.

REACH will support the multi-agency process until such time that they are directed to undertake a specific action or investigation. Where an action is directed, the provision will maintain contact with the Designated Officer to update them on the progress and outcome.

An agreement will be reached with the Designated Officer (and the Police / Children's Social Services if appropriate) and REACH HR as to how information is shared and maintained with the adult concerned throughout the investigative process.

The Case Manager will keep a record of all agreed actions and the strategies used, including the rationale behind them throughout the investigation process.

2. by the Police under criminal law

The Police should inform the Designated Officer and the employer immediately when:

- a criminal investigation and any subsequent trial is complete,
- it is decided to close an investigation without charge, or
- it is decided not to continue to prosecute after the person has been charged.

Where the Police are involved, wherever possible, the provision should ask the Police to obtain consent from the individuals involved to share their statements and evidence for use in the employer's disciplinary process.

This should be done as their investigation proceeds and will enable the Police to share relevant information without delaying the conclusion of their investigation or any court case.

3. In line with staff disciplinary procedures

Sometimes, the Designated Officer will ask the Education Establishment to undertake an investigation.

Where further enquiries are required to enable a decision about how to proceed, the Designated Officer and case manager should discuss how and by whom the investigation will be undertaken.

In straightforward cases, the investigation should normally be undertaken by a senior member of the Provision staff.

The case manager should monitor the progress of cases to ensure that they are dealt with as quickly as possible in a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

Outcomes

The definitions that should be used when schools and colleges determine the outcome of an allegation are set out below:

- **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 cause harm to the person 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. The term, therefore, does not imply guilt or innocence; or,
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

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.

3. Section Two: Concerns that do not meet the harm threshold

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

The purpose of this section is to support schools in creating and embedding a culture of openness, Trust, and transparency in which the school's values and expected behaviour, as outlined in the staff code of conduct, are constantly lived, monitored, and reinforced by all staff.

The purpose of this section of the policy is to ensure that all 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 safeguarding concerns with the designated safeguarding lead (or a deputy);
- addressing unprofessional behaviour and supporting the individual to correct it at an early stage;
- providing responsive, sensitive and proportionate handling of such concerns when they are raised; and,
- helping identify any weakness in the school or colleges safeguarding system.

Responsibilities

Low-level concerns about a member of staff should be reported, without delay, to the Provision Manager.

REACH recognises that it is crucial that any such concerns, including those which do not meet the allegation/harm threshold, are shared responsibly and with the right person and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of our schools from potential false allegations or misunderstandings.

Initial response

Low-level concerns that do not meet the harm threshold should still be reported to a Senior Member of staff.

If the concern has been raised via a third party, the Provision Manager should collect as much evidence as possible by speaking:

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

The Provision Manager should investigate the concern. If during the investigation, information uncovered suggests that the adult has:

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

A referral will be made to the Local Authority Designated Officer, by the Provision Manager, without delay.

Record keeping

All low-level concerns should be recorded in writing by the Provision Manager. The record should include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted; if the individual wishes to remain anonymous, then that should be respected as far as reasonably possible.

The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. All of this needs to be recorded along with the rationale for their decisions and action taken.

These records will be retained at least until the individual leaves their employment.

Records will be reviewed by the Provision Manager regularly so that potential patterns of concerning, problematic or inappropriate behaviour can be identified.

Consideration will also be given to whether there are wider cultural issues within the provision that enabled the behavior to occur and where appropriate policies could be revised, or extra training delivered to minimise the risk of it happening again.

Referral to the Designated Officer

Where a pattern of such behavior is identified, the provision should decide on a course of action, either through its disciplinary procedures or where a pattern of behavior moves from a concern to meeting the harm threshold outlined in section one, in which case it should be referred to the Designated Officer.

Where a referral is made to the Designated Officer, the process outlined in Section one.

Resignations and Settlement agreements

If the accused person resigns or ceases to volunteer, this will not prevent an allegation from being followed up in accordance with the statutory guidance 'Keeping Children Safe in Education 2021'.

REACH strongly believes that 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. Wherever possible, the accused should be given full opportunity to answer the allegation and make representations about it.

The person concerned will be notified of the conclusion of the allegations and sanctions that might be posed. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated or otherwise on the basis of all the information available will continue even if the accused does not cooperate.

REACH will not make 'Settlement agreements' (sometimes referred to as compromise agreements) with any person that agrees to resign if the employer agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference.³.

Record Keeping

Details of allegations that are found to have been malicious will be removed from personnel records. However, for all other allegations, the Provision recognises the importance of

- a clear and comprehensive summary of the allegation;
- details of how the allegation was followed up and resolved;
- a note of any action taken and decisions reached;

being kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

The record will be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

References

Other than where allegations are false, malicious, unsubstantiated, or unfounded, the outcome should be made clear when providing references to prospective employers.

REACH recognises that this is particularly important where the person moves into another position involving working with children.

Cases in which an allegation was proven to be false, unsubstantiated, or malicious should not be included in employer references. A history of repeated concerns or allegations which have

all been found to be false, unsubstantiated, or malicious should also not be included in any reference.

Learning Lessons from allegations/concerns

Throughout the process in handling allegations and at the conclusion of a case in which an allegation is substantiated, the Designated Officer should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the provision's procedures to help prevent similar events in the future.

REACH Learning Provision commits to engaging in any such learning process.

Any learning review should include issues arising from any decision to suspend the member of staff, the duration of the suspension and whether suspension was justified.

Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated.

The Designated Officer and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

Non-recent allegations

Where an adult makes an allegation to any of the REACH Staff that they were abused as a child, the individual will be advised to report the allegation to the Police.

Non-recent allegations⁴ Made by a child, will be reported to the Designated Officer in line with the local authority's procedures for dealing with non-recent allegations and this polic

⁴ The Designated Officer will coordinate with children social care and the Police. Abuse can be reported no matter how long ago it happened.

RESILIENCE - EMPOWER - ACHIEVE - COURAGE - HONESTY