LEIGH
Academies Trust

Education

Managing Allegations Against Staff Policy

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Managing Allegations Against Staff Policy

The Leigh Academies Trust includes the following elements - Trust Executive, academies, additional educational provisions, professional services, and Trustees/Directors/Governors. Everyone working in whatever capacity for or within the Leigh Academies Trust is required to follow this policy. For the avoidance of doubt this also includes supply teachers, volunteers and contractors.

This policy will be reviewed annually with the Leigh Academies Trust Director/Governor with responsibility for safeguarding.

Leigh Academies Trust will take appropriate action to ensure that an investigation conducted under this policy will not be confused with any statutory investigation undertaken by Children's Social Care or the police. Internal management investigations should only be pursued once the Children's Social Care and police have concluded their involvement or it has been deemed unnecessary to refer the matter to social care at the initial consultation with the local authority's Children's Safeguarding Team due to the allegation not reaching the threshold of abuse as defined by the Department of Health. In exceptional circumstances, it may be possible for a statutory investigation and an internal investigation to run concurrently, but this should only be in the most severe of cases and with the prior agreement of the agencies involved.

This document has been informed by a range of documents, including:

- DfE guidance (2012): 'Dealing with Allegations of Abuse against Teachers and Other Staff';
- 'Working Together to Safeguard Children' (2018);
- The Children Acts 1989 and 2004;
- Education Act 2002 (Sections 141F, 141G, 141H3, 157 and 175);
- National Employers' Organisation for School Teachers (NEOST) Guidance as referenced in Education Employers Bulletin No: 467.
- Keeping Children Safe in Education (2026)

Employees of the Leigh Academies Trust must be aware that the Sexual Offences Act 2003 now makes it an offence for those in a position of trust to have a sexual relationship with a young person between the ages of 16 and 18 years who is currently being cared for or educated by the individual.

Part A: Allegations that may meet the harms threshold

1 Child Protection Procedure

1.1 Every Academy within Leigh Academies Trust has a Safeguarding/Child Protection Policy and associated procedures that are ratified annually. These are available to any member of staff, volunteers, governors, supply teachers and contractors on request or via the staff portal. Information outlining the principles of child protection, definitions of abuse, powers of statutory agencies and roles and responsibilities of multi-agency staff within the children's workforce can be accessed from the Kent Safeguarding Children Board website.

1.2 Employees working within Leigh Academies Trust have a statutory responsibility to report all allegations of child abuse and to alert others, where appropriate, if they suspect that child abuse may have occurred. The specific arrangements for reporting such concerns are set out in detail in Section 3 of this policy. A referral to Social Services will ensure that the statutory agencies can fulfil their child-protection responsibilities.

1.3 If an allegation of abuse is made against a member of staff, supply teacher or contractor, immediate consultation is required with the local authority officer who carried out the operational Local Authority Designated Officer (LADO) function. This consultation must take place prior to any form of investigation being undertaken by Leigh Academies Trust or in the case of a supply teacher or contractor by their agency/employer. Any allegation against an employee or other adult working in the academy should lead to careful consideration of the possibility of abuse and of a referral of any concerns being made to the statutory agencies, if it is considered that the threshold of harm has been reached and a person who works with children has:

- behaved in a way that has harmed, 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 that they are unsuitable to work with children; 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 the Trust, that might make an individual unsuitable to work with children, this is known as a transferable risk. Where appropriate, an assessment of transferable risk to children with whom the person works should be undertaken. If in doubt we will seek advice from the local authority designated officer (LADO).

1.4 It might not be clear whether an incident constitutes an “allegation”. It is important to remember that in order to be an allegation the alleged incident has to be sufficiently serious as to suggest that harm has or may have caused harm to a child/ren or that the alleged behaviour indicates the individual may pose a risk of harm to children (or otherwise meet the above criteria).

1.5 Where an allegation needs to be investigated by an individual who is not directly employed e.g. supply teachers and contractors the Trust’s Disciplinary Policy will not apply and we will need to contact their employer as there is an obligation to ensure that the allegation is dealt with properly. It is unlikely that their employer will have access to all of the information required by the LADO and for this reason the Academy will lead on any investigation.

1.6 Where we receive an allegation relating to an incident that happened when an individual or organisation using our premises for the purposes of running activities for children (eg community groups, sports associations, or service providers that run extra-curricular activities). As with any other safeguarding allegation we will follow the procedures set out in this document which will include informing the LADO of the allegation.

1.7 It is the responsibility of the Chief Executive, Academies Directors and all Principals to ensure that all employees are aware of their responsibility to report any allegation or possible concern of a child-protection nature. Failure to report may (a) put a child at risk and (b) imply a breach of the employee’s contractual duty. Staff must be aware of this

policy, understand their responsibilities and know where in the academy/service a copy of the policy is to be found.

1.8 A child who reports that they may have been abused by a Leigh Academies Trust employee or supply teacher or contractor must be carefully listened to in all circumstances. 'Listened to' means just that; on no account should suggestions be made to a child regarding alternative explanations for their worries; neither should any member of staff attempt to question the child as part of any investigation, as this could lead to primary evidence for any future prosecution being compromised.

1.9 Staff cannot promise total confidentiality to pupils who disclose allegations. Staff should make this clear to children who approach them, whilst also offering reassurance that they have a right to be heard and that their allegation will be taken seriously.

1.10 All staff of Leigh Academies Trust have a duty to assist the statutory child-protection investigation agencies by ensuring that any possible allegation or concern is reported to an appropriate person and by cooperating with any investigative process, if/when required.

1.11 All staff of Leigh Academies Trust must be aware of the need to avoid impeding an investigation - e.g., by publicising the allegation or providing the opportunity for evidence to be obscured or destroyed. In cases where the Police or the Crown Prosecution Service have decided against a criminal prosecution, staff employed by Leigh Academies Trust must continue to co-operate fully with any internal disciplinary investigation that may follow.

1.12 All risk assessments and responses to concerns undertaken in accordance with this policy will be conducted in a reasonable, proportionate and transparent manner. The policy will be applied fairly and transparently, in line with the Trust's Diversity and Inclusion Policy and disability-discrimination legislation.

2 The Role of Respective Agencies in an Investigation

2.1 There are three possible types of investigation:

2.1.1 By Social Care and the Police under Section 47 of the Children Act 1989;

2.1.2 By the Police under criminal law;

2.1.3 By the specific Academy within Leigh Academies Trust, in line with staff disciplinary procedures.

2.2 Any disciplinary process should be clearly separated from the child-protection or criminal investigations. The disciplinary process may be informed by these other investigations and, in some circumstances, the child-protection agencies may decide to make a recommendation about suspension or other protective action as a result of a strategy discussion. The objectives of the child-protection or criminal investigation are different from those of the disciplinary procedure and the two processes should not be confused.

2.3 The Role of Children's Social Care

2.3.1 Children's Social Care has a duty to investigate cases where there is reasonable cause to believe that a child has suffered, or is likely to suffer, significant harm. On receiving a referral relating to an allegation against a member of staff which reaches the threshold of abuse, Social Care will call an initial strategy meeting

in line with the procedures of the relevant local safeguarding partners. This meeting will define whether a joint investigation is necessary under section 47 of the Children Act 1989.

2.3.2 At any point during a subsequent investigation, Social Care and the Police may agree that the investigation be terminated. This will either be because:

- Enquiries lead them to a conclusion that the child has not suffered the alleged harm; or
- They are satisfied, where harm has occurred, that there is no likelihood of it recurring.

2.3.3 Such a decision will be ratified at a final strategy meeting, with recommendations for further action, if appropriate - e.g., conducting an internal disciplinary investigation. It is important to recognise that the purpose of the child-protection investigation is to determine, on the balance of probability, whether a child has suffered significant harm (abuse) and, if so, to eliminate the likelihood of further abuse.

2.3.4 The staff undertaking child-protection investigations on behalf of Social Care are trained and experienced in doing so. They will handle cases sensitively and professionally, so that a thorough, independent investigation can be undertaken.

2.4 The Role of the Police

2.4.1 The Public Protection Unit of the police comprises a team of officers specialising in child protection. The officers are specially selected and trained for working with vulnerable persons and they will undertake most interviews with children in line with 'achieving best evidence' procedures.

2.4.2 In the event of an allegation being made against a member of staff, it is possible that they will be interviewed and/or arrested by police officers. Normally, the interview and/or arrest will not take place on academy premises.

2.4.3 The police are responsible for investigating allegations that indicate that a crime has been committed. The Crown Prosecution Service will then take any decision on whether or not to prosecute formally.

2.5 The Role of the Local Authority

2.5.1 The Children's Safeguarding Team (Education) are responsible for managing child-protection issues within the Education Division and any allegations against a member of staff must be reported immediately to the **LADO**. This consultation will determine whether the allegation reaches the threshold of **significant harm** to justify a referral to social services. The LADO may wish to consult colleagues in Social Services if there is any doubt about the need to refer the matter.

2.5.2 If the consultation discussion determines that the allegation does meet the criteria for referral to social services as a child-protection concern, the LADO will provide support to the Academy in making the referral and throughout the subsequent process as required.

2.5.3 The LADO will attend any strategy meetings that are convened and liaise closely with the Academy and the personnel consultant representing the local authority or the Academy. The LADO will also ensure that other key local-authority officers

are informed according to the circumstances of the case; this may include the press office in certain circumstances likely to attract media interest.

2.5.4 Should it be determined at the initial point of consultation with the LADO that the allegation does not meet the threshold for a child-protection referral to social services, then the LADO will advise on further action that may be taken by Leigh Academies Trust in investigating the matter internally in line with the staff-disciplinary procedures. This will require close liaison with the Academy's People Partner. Children's Safeguarding Service staff will not normally be involved in an internal management investigation, unless the role of expert witness or investigating officer is specifically commissioned by Leigh Academies Trust, particularly if it was necessary to interview children, for example. In such circumstances, the roles need to be clearly defined in terms of objectivity and impartiality.

2.6 The Role of the Academy

2.6.1 Each Academy within Leigh Academies Trust has a duty to co-operate fully with an investigation undertaken by the police and Social Care and the respective local authority Children's Safeguarding Team will provide support throughout this process. Academy staff have a key role in reassuring and supporting the child who is the alleged victim, while support for the member of staff who is the subject of the allegation will be facilitated in line with the staff-disciplinary process.

2.6.2 The task of investigating the allegation under disciplinary procedures is set out below and is separate from the investigations conducted by Social Services and the police. **Under no circumstances should the Academy initiate an internal management investigation into an allegation against a member of staff until a consultation has taken place with the local authority's Children's Safeguarding Team or Social Care directly**.

2.6.3 The Academy has a statutory duty to comply with child-protection procedures and this will include ensuring that all staff are familiar with the process and understand their responsibilities to report a concern. **When in doubt – consult.**

3 Reporting an Allegation or Concern

3.1.1 In relation to details within this section, please refer to the flow diagram showing procedural routes at Appendix A.

3.1.2 When a complaint of abuse is made against an employee on behalf of a child, there should be immediate consideration of whether a child or children is/are at risk of significant harm and in need of protection.

3.1.3 Any employee who becomes aware of a possible allegation or concern of a child-protection nature must take immediate steps to ensure that the matter is reported to the Principal and the Academy's Designated Safeguarding Lead (DSL). Where the allegation affects a member of one of the Leigh Academies Trust professional service teams, the relevant director of that team must be informed at the earliest opportunity. In the event that neither the Principal or the DSL is available, then the matter should be reported to the Deputy. Individuals with concerns must be encouraged to report them as quickly as possible, to the most senior person available at the time. An investigation may be impeded if a

concern is reported late and/or is communicated through several individuals before the Principal or DSL and it is important that the academy establishes at this stage who the lead contact will be for liaison purposes.

3.1.4 In the event that the allegation or concern involves the DSL, then the matter must be reported directly to the Principal. Should the allegation or concern involve the Principal or Trust service Director, then the matter must be reported to the DSL, who must also refer the matter to the Chief Executive Officer or Academies Director. Where the Principal is also the DSL, the matter should be reported to the Chief Executive Officer or Academies Director. They will also liaise with the nominated Trust Safeguarding Director. If the allegation is against the Chief Executive Officer or one of the Academies Directors, then the matter should be reported to the Chair of the Leigh Academies Trust Board. At all times, any report of any allegation or possible concern will be dealt with in the strictest confidence and, if necessary, staff can raise concerns directly with the LADO, with full protection under the Public Disclosure Act 1998 ('whistle-blowing').

3.1.5 **In all cases, the Principal, together with the DSL, must have an immediate preliminary consultation about the allegation or concern with the LADO, who will advise on further action in accordance with this procedure, if appropriate. This is not the beginning of an investigation, but part of the basic information- gathering process. This advice will include whom, if anyone, should be made aware that an allegation or concern has been raised.**

Where an allegation is made, the Principal or DSL will also notify both the People Director and the Academies Director.

3.1.6 The reporting member of staff - i.e. Principal, DSL, individual employee or governor - must also seek the advice of the Leigh Academies Trust People Partner regarding issues of process, responsibilities and communication.

3.1.7 It is important that the member of staff reporting the concern acts quickly. Establishing whether an allegation warrants further investigation or consultation is not the same as forming a view on whether the allegation is to be believed. **The Principal, Chief Executive Officer, Academies Directors or Chair of Leigh Academies Trust Board, to whom an allegation has been reported, is not expected to investigate the allegation or to interview pupils, but to assess, after consultation with the LADO, how the matter will proceed. Confidentiality must be maintained throughout this stage in order that any subsequent investigation is not prejudiced and that the interests of all parties are protected.**

3.1.8 Where the allegation relates to the use of physical intervention to restrain a student (Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable to render a situation safe), the Principal should consult with the LADO in the first instance, as this may be appropriately managed within the Academy. It is important for this consultation to take place to demonstrate that the Academy has acted in an open and transparent manner in establishing if the allegation meets the threshold for referral. An allegation of assault beyond the use of reasonable force, however, will need to be referred to Social Services as a child-protection matter. (DCSF Guidance, 'The Use of

Force to Control or Restrain Pupils', was issued in accordance with Section 93 Education and Inspections Act 2006, which supersedes Section 550A of the Education Act 1996 and DfES Circular 10/98).

4 Considering Whether Suspension is Appropriate

4.1.1 The suspension of an employee, particularly in situations of potential child-protection allegations, will have a significant impact on the individual and it is therefore essential that the facts of the case, as they are known, and alternative courses of action are carefully considered in deciding whether to suspend. The specific arrangements for the suspension of staff are set out in the Leigh Academies Trust Disciplinary Procedure, but it should be recognised that suspension is a neutral act to protect the interests of both parties and not an assumption of guilt. It is also essential that the Disciplinary Procedures are followed with regard to providing appropriate support to the individual throughout the period of suspension.

4.1.2 The decision to suspend is taken by the Trust (as set out in the Disciplinary Procedure) and not by the police or Social Care. However, Social Care, in collaboration with other agencies, may advise the Directorate and the Academy of any action recommended to ensure the protection of children, protection of employees and safeguarding of information.

4.1.3 In the event of the suspended member of staff living in school accommodation on site, then alternative arrangements will need to be negotiated in the best interests of the children, the Academy and the member of staff concerned.

4.1.4 Being suspended or asked to refrain from work can give rise to great anxiety in the individual subject to the allegations. They may fear that colleagues and others within the Academy/community will have interpreted the very act of suspension as an indicator of presumed guilt from an early stage and may feel particularly isolated and vulnerable.

4.1.5 Any member of staff subject to an allegation should be encouraged to seek advice and support, at the earliest opportunity, from their professional association or trade union. It must also be acknowledged that the whole Academy/community may be affected by a staff member's suspension and consideration should be given to necessary support strategies to address this.

4.1.6 The need for support is equally applicable when considering a staff member's return to work. Suspension should be sustained for as short a length of time as possible and, if it is agreed that a staff member is to return to school/work, careful planning needs to take place as to how this situation can be managed as sensitively as possible.

4.2 Initial Considerations

4.2.1 It may not be immediately obvious that suspension should be considered and this course of action sometimes only becomes clear after information is shared with, and discussion had with other agencies.

4.2.2 In some cases, early or immediate suspension may impede a police investigation and the decision whether to suspend may therefore have to be delayed until sufficient evidence has been gathered. Suspension should be

avoided in such cases wherever possible, and **should not be seen as an automatic response to an allegation**. This applies to the possible suspension of a Principal as well as other staff. Suspension should only follow after discussion with the Chief Executive Officer or Academies Director and People Director. The decision to suspend is the responsibility of the Principal / Chief Executive Officer / Chair of Leigh Academies Trust Board, depending on the staff member concerned.

4.2.3 When considering suspension, it is important to have regard to the following factors:

- The nature of the allegation;
- Assessment of the presenting risk;
- The context in which the allegation occurred;
- The individual's contact with children;
- Any other relevant information;
- The power to suspend;
- Alternatives to suspension.

4.2.4 Suspension should only be applied if one or more of the following grounds apply:

- A child or children would otherwise be at risk;
- The allegation is so serious that summary dismissal for gross misconduct is possible;
- It is necessary to allow any investigation to continue unimpeded.

4.3 Alternatives to Suspension

4.3.1 While weighing the factors to determine whether suspension is necessary, available alternatives to suspension should be considered. These may include:

- Leave of absence;
- Undertaking different duties which do not involve direct contact with the individual child or other children;
- Providing a classroom assistant or other colleague to be present throughout contact time.

4.3.2 If the member of staff is not based in an Academy, then an alternative may be to:

- Undertake office duty;
- Undertake non-contact tasks only.

4.4 Action Plan

4.4.1 The Children Act 1989 established the principle that the interests of the child are paramount. This, however, must be considered alongside the duty of care to staff. Any individual subject to allegations should, regardless of the decision to suspend or otherwise, be offered welfare support. Where possible, a means of monitoring the take-up and effectiveness of welfare support without

compromising confidentiality or trust should be sought. Where suspension is being considered, the duty of care requires the Principal / Chief Executive Officer to ensure that appropriate support is available to the member of staff. In the case of an allegation against a Principal, this responsibility lies with the Chief Executive Officer. Agreement must be reached with the Academy People Partner (and police where appropriate) as to how information will be shared and contact maintained with the member of staff throughout the investigative process. This should include agreement as to:

- How the member of staff will be kept updated on the progress of the investigation. The Academy will nominate a named representative to undertake this role;
- How support and counselling are to be offered;
- How links will be maintained with the Academy/Trust professional service team so that the staff member is kept informed of other matters occurring within the Academy/Trust professional service team/Leigh Academies Trust.

4.5 Confidentiality

4.5.1 The Education Act 2011 places reporting restrictions preventing the publication of any material that might lead to the identification of a teacher who has been accused of an offence. These restrictions cease to apply if the individual to whom they apply effectively waives the right to anonymity by going public themselves, or by giving written consent.

4.5.2 Any breach of the reporting restrictions will constitute a criminal offence and the party responsible for the publication identifying the teacher will be liable to a substantial fine of up to £5,000. All staff must be made aware through training opportunities of these restrictions.

4.5.3 All Principals, professional service directors, the Chief Executive Officer and Academies Director have a responsibility to safeguard confidentiality as far as is possible. Sensitive information must only be disclosed on a need-to-know basis with other professionals involved in the investigative process.

4.5.4 The Principal or DSL should take advice from the LADO and other agencies as appropriate in relation to:

- Who needs to know and exactly what information should be shared;
- How to manage speculation, leaks and gossip;
- What, if any, information can reasonably be given to the wider community to reduce speculation;
- How to manage press interest, should it arise.

4.6 Planning and Recording

4.6.1 It is essential to record the decisions reached and the rationale behind them. Records should also be made of the agreed action and strategies to manage the situation. The plan should clearly indicate the following:

- Any restrictions on normal contact or activity;

- Issues of contact with children;
- Arrangements for monitoring and welfare support in relation to the member of staff;
- Monitoring the support available for the child.

4.6.2 It is important to keep a record of the actions taken in the course of the investigation and, where relevant, the process and conclusion of suspension should be undertaken as quickly and fairly as possible. If individuals have specific tasks or responsibilities to carry out, this should be noted and followed up. Agreed strategies for managing and sharing information should be included here. In addition, the member of staff should be informed of the decisions taken at the earliest opportunity.

5 Disciplinary Investigation

5.1 No action under the disciplinary procedure shall be taken in circumstances which may interfere with the child-protection investigation. Child-protection investigations shall be treated as paramount and any further action under disciplinary procedures may therefore have to await full completion of the child-protection and criminal investigations, but will be undertaken as soon as possible.

5.2 Once any child protection investigation has been completed and if the matter is not proceeding to court, a decision should be taken by the appropriate person in Leigh Academies Trust concerning whether to investigate under the disciplinary procedures. The Academy will need to consult the People Partner prior to reaching a decision on this. In addition, the Academy must seek advice from the LADO in all cases if the safeguarding of children's welfare remains an issue within the Academy.

5.3 The Chief Executive Officer may nominate a representative to conduct the investigation where it would be inappropriate for a Principal/Trust professional service director or other member of the Academy's leadership group to do so - e.g., where the Principal's/Trust professional service director's knowledge might prejudice a fair hearing, where they are implicated or where the Chief Executive Officer believes it is in the best interests of the Academy. The investigation will be undertaken in accordance with the Academy's disciplinary procedure (see separate document).

5.4 The position of the employer in coming to a reasonably-held view is not analogous with the decision to be made by a criminal court. The employer should come to a reasonably-held view **on the balance of probability**. The disciplinary investigation must gather evidence that objectively establishes the facts, where possible, and must follow the principles of fairness, reasonableness and natural justice.

5.5 Where allegations of child abuse are received against an employee at an Academy, the LADO will take responsibility for ensuring that relevant information, as defined by the investigating officer, resulting from a child-protection investigation is made available to the Academy People Partner and the Principal of the appropriate Academy or Chief Executive Officer, in order to inform a decision about a possible disciplinary investigation.

5.6 Evidence derived from the child-protection investigation or criminal investigation - e.g., statements, exhibits and video-recorded interviews with children - may be available for use in subsequent disciplinary proceedings, particularly where the witnesses are the same. If access is sought to such material, a formal application should be made, via the

Children's Safeguarding Team, to police in line with the agreed protocol. (It should be noted that the Branch Crown Prosecutor will be cautious about releasing any prosecution material until the criminal proceedings have been concluded and will only consider doing so upon a valid request being made in writing).

5.7 Where no criminal prosecution is pending or intended, advice from the police Solicitor's Department on the release of material should be sought through the Children's Safeguarding Team, who will have established a protocol with the police on behalf of the local authority to ease this process. Witnesses may include police officers and social workers who have interviewed the child/ren. Social Care will usually release the minutes of strategy meetings and, where necessary, provide additional reports.

5.8 Whether it is appropriate to call children as witnesses will depend on their age, understanding and capability. However, the attendance of children at any hearing will only take place in extremely unusual circumstances, following careful consultation with all interested parties, including the parents of the child/ren.

5.9 If a decision is taken to proceed with a disciplinary investigation, the employee should be informed, in writing, as required under the disciplinary procedure. It is advisable to confirm this position in a meeting with the employee and his/her representative.

5.10 If a decision is taken not to proceed with a disciplinary investigation, the employee should be invited to a meeting with a union representative or workplace colleague to explain the circumstances of the decision and to confirm this in writing.

5.11 Those involved in the investigation of the complaint or the continuing management of the situation at the Academy cannot hear consequent disciplinary cases, since they may receive information that may prejudice a fair hearing of the complaint. Governors who are to hear disciplinary appeals must not be involved in the earlier investigation of the complaint or the disciplinary hearing.

5.12 The Academy will need to make appropriate arrangements to notify the parent/guardian of the child/ren of the outcome of the investigation/hearing and will take advice from the Academy People Partner and the Local Area Designated Officer (LADO) regarding the nature of information that can be disclosed.

5.13 Timescales

5.13.1 'Working Together to Safeguard Children' (2018) lays down indicative timescales within which the process should be concluded. It is recognised that these will present a challenge to all professionals but it is recommended that every effort should be made to comply with the following:

(a) If the nature of the allegation does not require formal disciplinary action, the Principal / professional service director / Chief Executive Officer should institute appropriate action within **three working days;**

(b) If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within **15 working days**;

(c) Where further investigation is required to inform consideration of disciplinary action, the Principal and Leigh Academies Trust Human Resources Director should discuss who will undertake the investigation. In such cases, once nominated, the investigating officer should aim to provide a report to the employer within **10 working days**;

(d) The decision on whether a disciplinary hearing is needed should be made within **two working days** of the employer receiving the report;

(e) A disciplinary hearing should then be convened within **15 working days**.

6 Referral to the Disclosure and Barring Service (DBS)

6.1 The Secretary of State's powers to bar or restrict a person's employment are contained in section 142 of the Education Act 2002. The relevant regulations, setting out the procedure to be followed, are the Education (Prohibition from Teaching or Working with Children) Regulations 2003 (SI 2003/1184). List 99 has now been replaced by the DBS barring list under the Vulnerable Groups Act 2006.

6.2 A relevant employer or agent - e.g., a teacher-supply agency - is required to provide a report to the DBS if they cease to use a person's services, or if a person is dismissed or resigns before a disciplinary process is completed because they are considered unsuitable to work with children, either as a result of misconduct or because of a medical condition that raises a possibility of risk to the safety or welfare of children. **A compromise agreement does not override the statutory duty to report the matter**.

6.3 These reporting arrangements apply to anyone who works in an Academy, including volunteers, regardless of what they do. They also apply to staff convicted of a criminal offence against children outside the work setting, when notification may be through the police.

6.4 Anyone subject to a direction under section 142 of the 2002 Act, given on the grounds that they are unsuitable to work with children, is also disqualified from working with children. 'Work' includes people in unpaid employment, employed under contract, undertaking work experience and volunteers.

6.5 There is an additional requirement that residential special schools must report such matters to Ofsted. It is the responsibility of the employing body to make this referral and to inform the individual of its statutory duty to do so.

6.6 Further information on the Disclosure and Barring Service (DBS) and the process of referral to the barring list can be found at www.gov.uk/disclosure-barring-service-check/overview.

7 Retention of Records

7.1 The Information Commissioner's Code of Practice: Employment Records 2002 states that **"records of allegations about workers who have been investigated and found to be without substance should not normally be retained once an investigation has been completed. There are some exceptions to this where, for its own protection, the employer has to keep a limited record that an allegation was received and investigated, for example where the allegation relates to abuse and the worker is employed to work with children or other vulnerable individuals."**

7.2 Records of investigations into alleged offences against children must be maintained, in order to identify patterns of concerns. A factual record of the details of all allegations and a written record of the outcome will be retained. This information will be held by the local authority, in line with the responsibilities of the LADO function.

7.3 The employee and/or their representative will be informed that such records exist, and will be able to seek disclosure within the parameters of the Data Protection Act by putting their request in writing through the appropriate channels.

7.4 Allegations that are found to be malicious should be removed from personnel records; and any that are unsubstantiated, unfounded or malicious should not be referred to in employer references.

7.5 An 'outcomes' proforma (Appendix B) will be completed by the relevant Principal/Trust service director / Chief Executive Officer. The member of staff who was the subject of the allegation has the opportunity to comment as part of the 'outcomes' process. This record will be retained on the individual's confidential personnel file held by the employing body within the terms of the Leigh Academies Trust Disciplinary Procedure. A copy will be provided to the individual concerned. Such records will be retained in line with DfE guidance, which states: '*Until the person has reached normal retirement age, or for a period of 10 years from the date of the allegation, if that is longer'* - Chapter 5 Section 10 'Safeguarding Children and Safer Recruitment in Education (2007).

7.6 Where a pupil has made an allegation, a copy of the statement or the record made of it should be kept on the section of a pupil's child-protection file, which is not open to disclosure, together with a written record of the outcome of the investigation. If there are related criminal or civil proceedings, records may be subject to disclosure; and, therefore, no assurances can be given on confidentiality.

8 Action in Respect of Unfounded or Malicious Allegations

8.1 If an allegation is shown to be deliberately invented or malicious, the Principal should consider whether any disciplinary action is appropriate against the student who made it, or whether the police should be asked to consider if action might be appropriate for the person responsible, even if he or she is not a student. Appropriate sanctions imposed by the Academy might include temporary or permanent exclusion.

9 Good Practice Guidelines

9.1 Employees of Leigh Academies Trust and agencies working within or on behalf of the Trust must be familiar with the Safeguarding Policy of the Academy within which they operate and associated procedures. Within these, guidance is given with regard to the following and should be followed:

- Out-of- school contact with pupils;
- Physical contact with pupils;
- Personal care of pupils;
- Relationships and attitudes;
- Extra-curricular activity;
- Reporting of incidents;
- Risk assessment and lone working;
- Use of the internet (and, in particular, social-networking sites - e.g., Facebook, Twitter and personal blogs), email and mobile phones.

9.2 Employees of the Trust and agencies working on behalf of the Trust will receive regular training related to current safeguarding policies and procedures operating within the Trust.

Part B Concerns that do not meet the harm threshold

10 What are low-level concerns?

10.1 KCSIE requires schools to record and address low level concerns to enable them to identify concerning, problematic or inappropriate behaviour early, minimise risk of abuse and ensure staff are clear about professional boundaries. A low-level concern does not mean that it is insignificant but that it does not meet the harm threshold (see Part A of this procedure) or is otherwise not serious enough to consider a referral to the LADO.

10.2 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 academy may have acted in a way that:

- Is inconsistent with the staff code of conduct, including appropriate 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.

10.3 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; and
- Using inappropriate sexualised, intimidating or offensive language.

10.4 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.

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

11 Reporting a low level concern

11.1 Where an employee needs to report a low level concern they should speak to the Principal and the Academy's DSL. Where the concern affects a member of one of the Leigh Academies Trust professional service teams, the relevant director of that team must be informed.

11.2 In the event the concern involves the DSL, then this should be reported directly to the Principal. Should the concern involve the Principal or Trust Service Director, then the concern should be reported to the DSL, who must also refer the matter to the relevant

Academies Director. If the concern is against the Chief Executive Officer or one of the Academies Directors, then the matter should be reported to the Chair of the Leigh Academies Trust Board. At all times, any report of any possible concern will be dealt with in the strictest confidence and, if necessary, employees can raise concerns directly with the LADO, with full protection under the Public Disclosure Act 1998 ('whistle-blowing').

11.3 Where low level concerns are raised the Principal, together with the DSL, they should contact the LADO, where necessary, to seek their advice and determine whether or not a referral should be made.

11.4 The Principal or DSL must also notify both the People Director and the Academies Director where the LADO recommends further action.

12 Low Level Concerns - Retention of Records

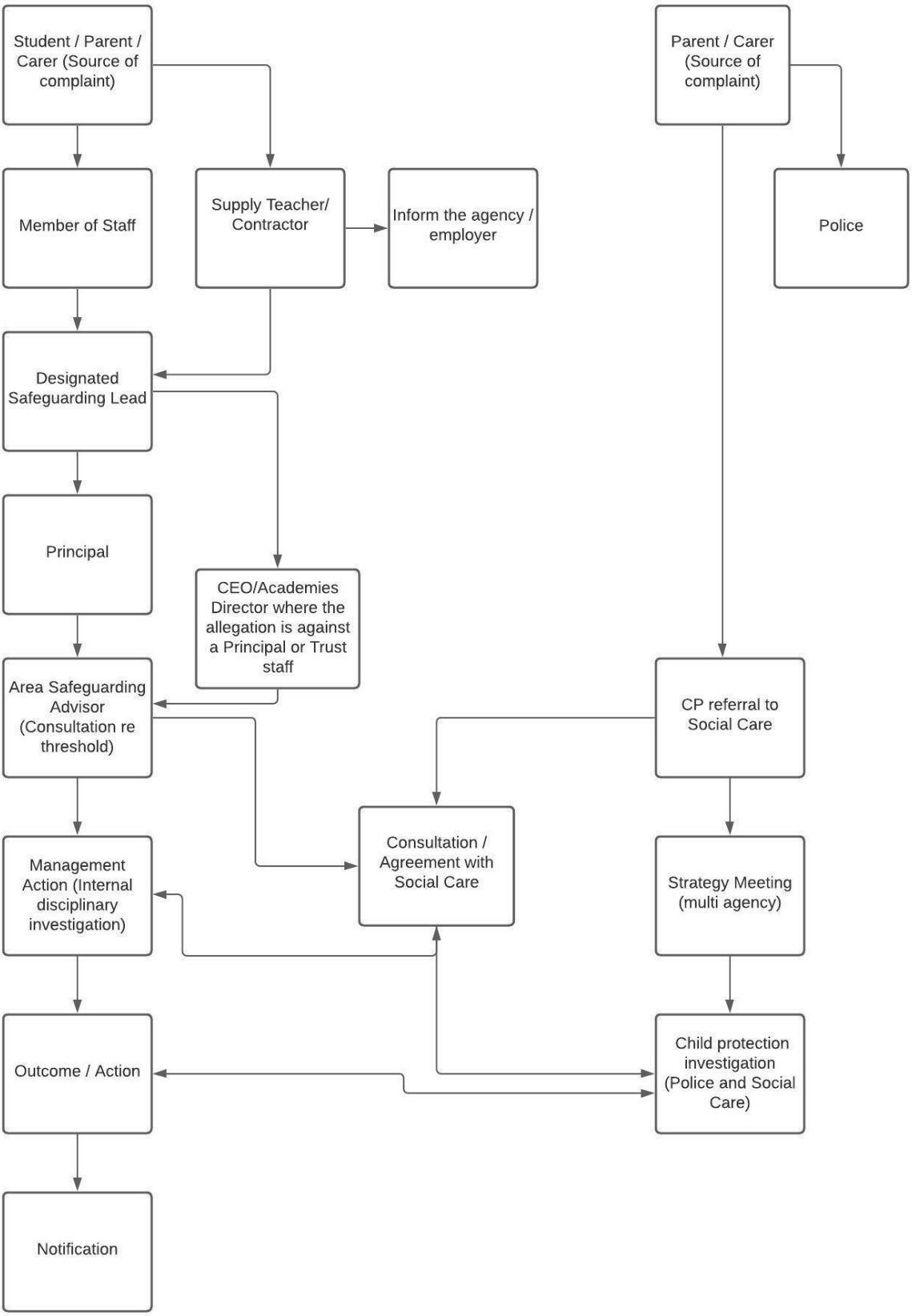
12.1 Low level concern forms are kept centrally, with access granted to the leadership team of the relevant academy. The data is stored in accordance with the Trust's GDPR and data protection policies.

12.2 The staff member(s) reporting the concern must keep the information confidential and not share the concern with others apart from the Principal and in the case of centrally employed staff their Trust Director.

12.3 Low level concerns will not be referred to in references unless they have been formalised into more significant concerns resulting in disciplinary or misconduct procedures. When staff leave any record of low-level concerns which are stored will be reviewed as to whether or not that information needs to be kept. Consideration will be given to:

- Whether some or all of the information contained within any record may have reasonably likely value in terms of any potential historic employment or abuse claim so as it justifies keeping it, in line with normal safeguarding records practice; or
- If, on balance, any record is not considered to have any reasonably likely value, still less actionable concern, and ought to be deleted accordingly.

Appendix A: Safeguarding allegations against staff



Appendix B: Outcome of Allegation Made Against Staff Member

This template is included as an indication of the type of information that should be gathered. Each Academy will need to have their own pro forma.

Explanatory Statement

This statement is made in accordance with the Safeguarding Children in Education Guidelines: Dealing with Allegations of Abuse against Teachers and Other Staff.

There is a requirement to keep a clear and comprehensive summary of allegations, **how the allegation was followed up and resolved, and a note of any action taken and decision reached.** This should be kept on an employee's confidential personnel file, and a copy provided to the person concerned.

The purpose of this record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will also provide clarification in cases where a future DBS Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. It will also help to prevent unnecessary re-investigation if, as sometimes happens, an allegation resurfaces after a period of time.

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

Name:

Academy/Service:

Date of Allegation:

Summary of Allegation made:

How Allegation was followed up:

Outcome of Management investigation:

Action taken and decisions reached:

Employee comments:

Signature: **Date:**

Printed name of person completing this form:

Signature: **Date:**

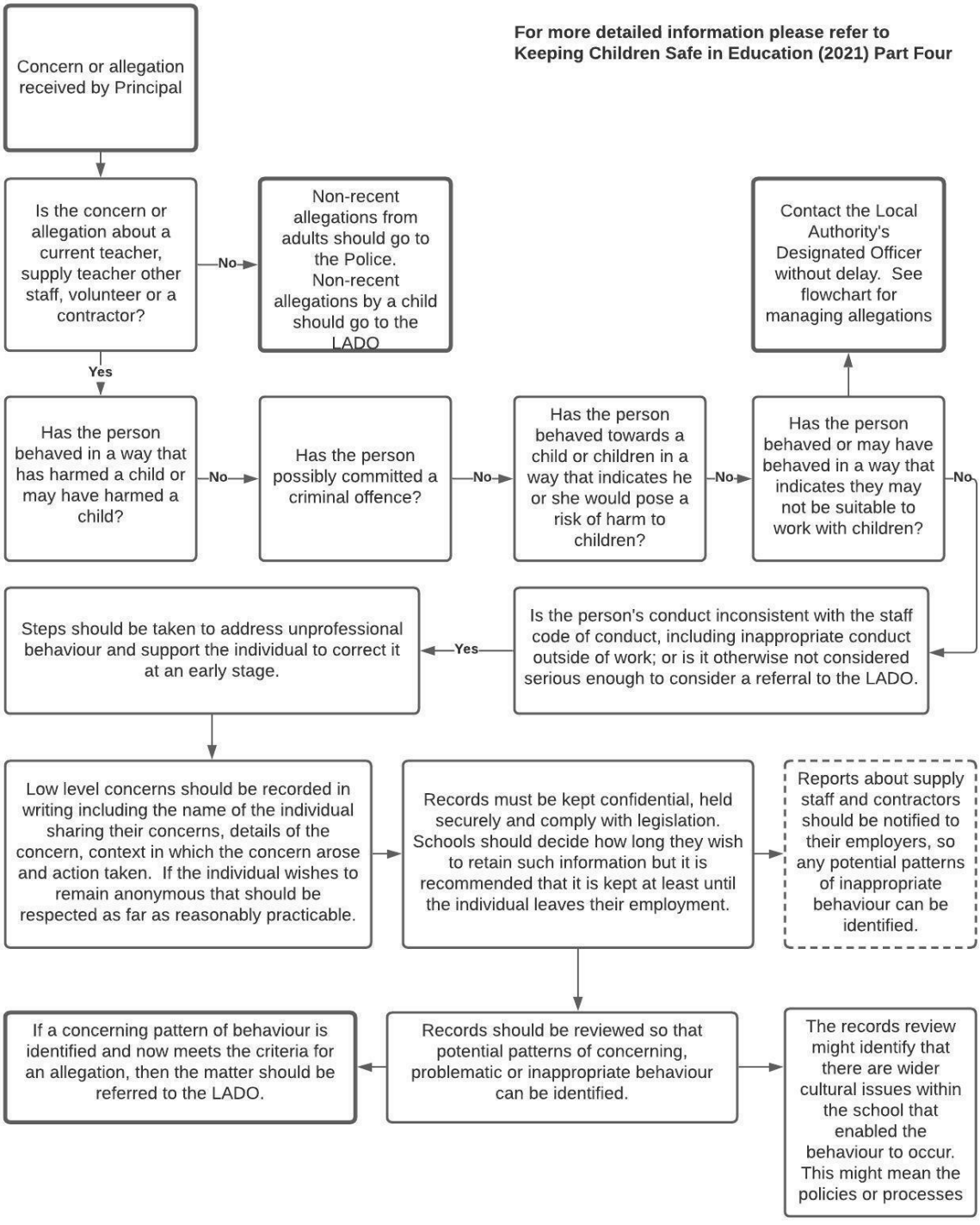
Status:

Definitions:
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.

This form is to be sent within two weeks of concluding your investigation to the LADO.

Form sent:

Appendix C: Low Level Concerns



What is a low level concern?
The term "low level concern" does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold set out in KCSIE (2021) paragraph 338. 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 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 be referred to the LADO.

Appendix D: Low Level Concern Form

This template is included as an indication of the type of information that should be gathered. The Trust has created a central form with each academy able to access the form and their data. .

Explanatory Statement

Please use this form to share any concern - no matter how small, and 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 Code of Conduct, including inappropriate conduct outside of work, and
- Does not meet the allegation threshold, or is otherwise not serious enough to consider a referral to the LADO.

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

The record should be signed, timed and dated.

Name:

Academy/Service:

Date:

Details of Concern

Name:

Signature: **Date:** **Time:**

Action Taken:

Name

Signature: **Date:**

This record will be held securely in accordance with the Trust's Managing Allegations Against Staff Part B Low Level Concerns policy. Please note that low level concerns will be treated in confidence as far as possible, but the Academy/Trust may in certain circumstances be subject to legal reporting requirements

or other legal obligations to share information with appropriate persons, including legal claims and formal investigations.