KALEIDOSCOPE
Multi Academy Trust

Allegations of abuse against Teachers and other Staff

Based Upon the North Somerset Model Policy

Approved by: **Next Review:**	Kaleidoscope Trust Board September 2026	**Date:** September 2025

ALLEGATIONS AND CONCERNS MADE ABOUT STAFF

1. INTRODUCTION

1.1 This guidance should be read and where appropriate followed in conjunction with the School's Disciplinary Policy. The Department for Education (DfE) statutory guidance which follows (Part Four of *Keeping Children Safe in Education*) applies to all maintained schools and to independent schools (including academies, free schools and alternative provision academies) and Pupil Referral Units (PRUs).

1.2 Section One of Part Four of *Keeping Children Safe in Education* should be followed where it is alleged that anyone working in the school, including supply teachers, any other agency or 'casual' workers, volunteers and contractors 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; or
- behaved towards a child or children in a way that indicates s/he may pose a risk of harm if they work regularly or closely with children;
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

1.3 Section Two of Part Four of *Keeping Children Safe in Education* should be followed where concerns (including allegations) do not meet the harm threshold set out above. However, where a pattern of behaviour moves from a concern to meeting the harm threshold then Section One of Part Four should be followed and a referral made to the Local Authority Designated Officer (LADO).

1.4 It is very important for the Headteacher/Executive Headteacher/Head of School of the School to consider at the outset and before any investigation commences, whether any allegation is safeguarding related and meets the criteria in paragraph 1.2 above. If it does, then Section One of Part Four of the statutory DfE guidance *Keeping Children Safe in Education* entitled *Safeguarding concerns and allegations made about staff, including supply teachers, volunteers and contractors* must be followed and a referral made to the LADO Service. A referral form should be emailed to the LADO Service at the email address below. The named LADO for North Somerset is James McMillan. LADO cover is shared amongst a group of Independent Safeguarding Reviewing Officers (ISROs) on a rota basis. If there is any doubt as to whether or not the allegation meets the criteria, advice should be sought from the LADO Service. The contact number for the LADO is **07795 092692**. The email address is LADO@n-somerset.gov.uk Do not send any personal or identifying information, other than your own, if you are unsure whether your email address is encrypted**. If an allegation is made against a**

member of staff, the Kaleidoscope Safeguarding Lead and CEO must be informed as soon as possible.

1.5 In the course of any subsequent disciplinary investigation into a safeguarding allegation, this guidance should continue to be referred to as necessary.

1.6 When a safeguarding allegation is made an investigation should be carried out to gather enough evidence to establish if it has foundation and to ensure there is sufficient information to meet the referral duty criteria explained in the DBS referral guidance which can be found here DBS barring referral guidance - GOV.UK (www.gov.uk)

1.7 If at any point during a disciplinary investigation into what was originally considered to be a non-safeguarding allegation it emerges that the allegation is safeguarding related, the advice of the LADO Service should be sought at the earliest opportunity.

1.8 See Appendix 1 for a summary flow chart showing how allegations in North Somerset are dealt with in the first instance.

1.9 Further information on children's safeguarding can be found in the DfE's Working Together to Safeguard Children and Keeping Children Safe in Education and on the North Somerset Safeguarding Children Board website .

2.0 INFORMATION MANAGEMENT

2.1 All individuals involved in managing allegations of abuse have a responsibility to manage/process (store, use and retain) information in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

2.2 The Data Protection Act 2018 and the GDPR do not prevent the sharing of information for the purposes of keeping children safe; please see the section on information sharing in the Guidance *Safeguarding concerns or allegations made about staff, including supply teachers, volunteers and contractors* (paragraphs 397 to 405) below. For further information on information sharing in the context of safeguarding, please see paragraphs 114 to 122 in Keeping Children Safe in Education, chapter one of Working Together to Safeguard Children and in the government guidance Information Sharing: Advice for Practitioners Providing Safeguarding Services. Advice for LA maintained schools on data protection and information sharing is available from North Somerset Council's Information Governance team. Further guidance on the GDPR and Data Protection is available at The Information Commissioner's Office (ICO) and in the Data protection: toolkit for schools

Statutory DfE Guidance: Safeguarding concerns and allegations made about staff including supply teachers, volunteers and contractors

Note: this guidance forms Part 4 of the DfE's statutory guidance* Keeping Children Safe in Education. The paragraph numbers are those in *Keeping Children Safe in Education 2024.

359. Schools and colleges should have their own procedures for dealing with safeguarding concerns and/or allegations against those working in or on behalf of schools and colleges in a paid or unpaid capacity, this includes, members of staff, supply teachers, volunteers and contractors.

360. This part of the guidance has two sections covering the two levels of concerns and allegations:

1. Concerns / allegations that may meet the harms threshold.
2. Concerns / allegations that do not meet the harms threshold – referred to for the purposes of this guidance as 'low level concerns'.

361. These procedures should be consistent with local safeguarding procedures and practice guidance.

Section one: Allegations that may meet the harms threshold

362. This part of the guidance is about managing cases of concerns/allegations that might indicate a person would pose a risk of harm[1] if they continue to work in their present position, or in any capacity with children in a school or college. In this part (section one) of the guidance reference is made to **'allegation'** for ease. This guidance should be followed where it is alleged that anyone working in the school or a college that provides education for children under 18 years of age, including supply teachers, volunteers and contractors has:

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

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

364. Where appropriate an assessment of transferable risk to children with whom the person works should be undertaken. If in doubt seek advice from the local authority designated officer (LADO).

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[1] The harm test is explained on the Disclosure and Barring service Guidance - Making barring referrals to the DBS and Section 31(9) of the Children Act 1989 as amended by the Adoption and Children Act 2002.

365. It is important that policies and procedures make clear to whom allegations should be reported (as set out at paragraph 70 [of *Keeping Children Safe in Education*]) and that this should be done without delay. A "case manager" will lead any investigation. This will be either the headteacher or principal, or, where the Headteacher/Executive Headteacher is the subject of an allegation, the Chair of Governors or Chair Trustees (if the allegation is against the CEO) it will be the proprietor.

The initial response to an allegation

366. Where the school or college identify a child has been harmed, that there may bean immediate risk of harm to a child or if the situation is an emergency, they should contact local authority children's social care and as appropriate the police immediately as per the processes explained in Part one of this guidance.

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

1. **Looking after the welfare of the child** - the designated safeguarding lead (or deputy) is responsible for ensuring that the child is not at risk and referring cases of suspected abuse to the local authority 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 LADO, the nature, content and context of the allegation, and agree a course of action.

368. When dealing with allegations, schools and colleges should:•apply common sense and judgement;

- deal with allegations quickly, fairly and consistently; and
- provide effective protection for the child and support the person subject to the allegation.

369. Schools and colleges should ensure they understand the local authority arrangements for managing allegations, including the contact details and what information the LADO will require when an allegation is made. Before contacting the LADO, schools and colleges should 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 whether:

- the individual was in the school or college at the time of the allegations
- the individual did or could have come into contact with the child
- there are any witnesses, and
- there is any CCTV footage.

370. These are just a sample of example questions. Schools and colleges should be familiar with what initial information the LADO will require. This information can be found in local policy and procedural guidance provided by the LADO service.

371. 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 local authority children's social care and the police.

372. If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion involving the police and/or local authority children's social care will

be convened in accordance with the statutory guidance Working Together to Safeguard Children. If the allegation is about physical contact, for example restraint, the strategy discussion[2]or initial evaluation with the LADO should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour. Further information about the use of reasonable force can be found at paragraphs 166-168 in Part Two of this guidance and on GOV.UK.

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

374. Where it is clear that an investigation by the police or local authority children's social care is unnecessary, or the strategy discussion or initial assessment decides that is the case, the LADO should discuss the next steps with the case manager.

No further action

375. Where the initial discussion leads to no further action, the case manager and the LADO should:

- record the decision and justification for it; and,
- agree on what information should be put in writing to the individual concerned and by whom.

Further enquiries

376. Where further enquiries are required to enable a decision about how to proceed, the LADO and case manager should discuss how and by whom the investigation will be undertaken. Wherever possible, the first review should take place no later than four weeks after the initial assessment. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the review meeting if the investigation continues. The LADO will provide advice and guidance to schools and colleges when considering allegations against adults working with children. The LADO's role is not to investigate the allegation, but to ensure that an appropriate investigation is carried out, whether that is by the police, local authority children's social care, the school or college, or a combination of these. In straightforward cases, the investigation should normally be undertaken by a senior member of the school's or college's staff.

377. Where there is a lack of appropriate resource within the school or college, or the nature or complexity of the allegation requires it, the allegation will require an independent investigator. Many local authorities provide for an independent investigation of allegations for schools that are maintained by the local authority, often as part of the HR/personnel services that schools and colleges can buy in from the authority. It is important that local authorities ensure that schools and colleges in that area have access to an affordable facility for independent investigation where that is appropriate. Colleges, academies and independent schools should also ensure they secure the services of a person who is independent of the school or college.

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[2] The purpose of a strategy discussion and those likely to be involved is described in Working Together to Safeguard Children

378. 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. Wherever possible, the first review should take place no later than four weeks after the initial assessment.

379. Dates for subsequent reviews, ideally at fortnightly (and no longer than monthly) intervals, should be set at the review meeting if the investigation continues.

Supply teachers and all contracted staff

380. In some circumstances schools and colleges will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply because agencies will have their own policies and procedures; for example, supply teachers or contracted staff provided by an employment agency or business.

381. Whilst schools and colleges are not the employer of supply teachers, they should ensure allegations are dealt with properly. In no circumstances should a school or college decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome. Governing bodies and proprietors should discuss with the supply agency or agencies where the supply teacher is working across a number of schools of colleges, whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school or college, whilst they carry out their investigation.

382. Agencies should be fully involved and co-operate with any enquiries from the LADO, police and/or local authority children's social care. The school or college will usually take the lead because agencies do not have direct access to children or other school of college staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process. Supply teachers, whilst not employed by the school or college, are under the supervision, direction and control of the governing body or proprietor when working in the school or college. They should be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency or agencies are taken into account by the school or college during the investigation.

383. When using a supply agency, schools and colleges should inform the agency of the process for managing allegations but also take account of the agency's policies and the duty placed on agencies to refer to the DBS as personnel suppliers. This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.

Organisations or Individuals using school premises

384. Schools and colleges may receive an allegation relating to an incident that happened when an individual or organisation was using their school premises for the purposes of running activities for children (for example community groups, sports associations, or service providers that run extra-curricular activities). As with any

safeguarding allegation, schools and colleges should follow their safeguarding policies and procedures, including informing the LADO.

Governors/Trustees

385. If an allegation is made against a governor/Trustee, schools and MATs should follow their own local procedures. Where an allegation is substantiated, they should follow the procedures to consider removing them from office.

Suspension

386. 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. The case manager **must** consider carefully whether the circumstances warrant suspension from contact with children at the school or college, or until the allegation is resolved. It should be considered only in cases where there is cause to suspect a child or other children at the school or college is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. If in doubt, the case manager should seek views from their personnel adviser and the LADO, as well as the police and local authority children's social care where they have been involved.

387.Where a school or sixth form college is made aware that the Secretary of State has made an interim prohibition order, in respect of an individual who works at a school or sixth form college, they should take immediate action to ensure the individual does not carry out work in contravention of the order. This means that pending the findings of the TRA investigation, the individual **must not** carry out teaching work. School and colleges should have clear policies on pay arrangements whilst the person is suspended or where there is an interim prohibition order in place.

388. In many cases, an inquiry can be resolved quickly and without the need for suspension. The employer will decide on whether the individual should continue to work at the school or college, based on consultation with the LADO who will provide relevant information they have received from the police or local authority children's social care on whether they have any objections to the member of staff continuing to work during the investigation of the case.

389. Based on advice from the school or college's HR provider and/or a risk analysis drawn up with the LADO, the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment within the school or college 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 to alternative work in the school or college so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, but this decision should only be made if it is in the best interest of the child or children concerned and takes accounts of their views. It should be made making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or college or where available, work for the local authority or academy trust.

390. These alternatives allow time for an informed decision regarding the suspension, this will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unfounded, unsubstantiated, malicious, or false.

391.If immediate suspension is considered necessary, the case manager should record the rationale and justification for such a course of action. This should also include what alternatives to suspension have been considered and why they were rejected.

392. Where it has been deemed appropriate to suspend the person, written confirmation should be given within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

393. Local authority children's social care or the police may give their view to the LADO but they cannot require the case manager to suspend a member of staff or the removal of a volunteer, although the case manager should give appropriate weight to their views. The power to suspend is vested in the governing body or proprietor who are the employers. However, where a strategy discussion, or initial assessment, concludes that there should be enquiries by the local authority children's social care, and/or an investigation by the police, the LADO should canvass police and local authority children's social care for views about whether the accused member of staff should be suspended from contact with children. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment about whether the person poses a risk of harm to children.

Supporting those involved

Duty of care

394. The welfare of a child is paramount (how children should be protected and supported is set out throughout this guidance) and this will be the prime concern in terms of investigating an allegation against a person in a position of trust. However, when an allegation or safeguarding concern is being investigated it is likely to be a very stressful experience for the adult subject of the investigation, and potentially for their family members. It is important that an employer offers appropriate welfare support at such a time and recognises the sensitivity of the situation. Information is confidential and should not ordinarily be shared with other staff or with children or parents who are not directly involved in the investigation.

395. Employers have a duty of care to their employees. They should:

- manage and minimise the stress caused by the allegation;
- inform the individual as soon as possible, explaining the likely course of action, guided by the LADO, and the police where necessary;
- advise the individual to contact their trade union representative, or a colleague for support;

- appoint a named representative to keep the person informed about progress of the case;
- provide access to counselling or medical advice where appropriate. For staff in schools maintained by the local authority this may include support via the local authority's occupational health arrangements; and
- not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence.

396. Parents or carers of the child or children involved should be:

- formally told about the allegation as soon as possible.[3] The case manager should consult the LADO and where involved local authority children's social care and/or the police on what information can be disclosed;
- kept informed about the progress of the case, only in relation to their child -no information can be shared regarding the staff member; and
- made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress as set out in section 141F of the Education Act 2002.

Confidentiality and Information sharing

397. In an allegations management meeting or during the initial assessment of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim, see paragraphs114-122 in Part two about information sharing.

398. Where the police are involved, wherever possible the school or college 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.

399. Local authority children's social care should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

400. The school and college **must** make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2011 amended the Education Act 2002, to introduce reporting restrictions. These provisions made it an offence (except in the limited circumstance expressly permitted by the legislation), for any person to publish any material that may lead to the identification of a teacher in a school[4] who has been accused by, or on behalf of, a child from the same school (where that identification would identify the teacher as the subject of the allegation).

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[3] In deciding what information is disclosed, careful consideration should be given to the provisions of the Data Protection Act 2018, the law of confidence and, where relevant, the Human Rights Act 1998.

[4] Section 141F of the Education Act 2002 only applies to teachers in schools does not apply to colleges

401. The reporting restrictions apply until:

- the point that the accused person is charged with a relevant offence; or
- the Secretary of State[5]122 or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation.

402. The reporting restrictions are disapplied if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a court lifts the reporting restrictions in response to a request to do so.

403. The legislation prevents the "publication" of material by any person that may lead to the identification of the teacher who is the subject of the allegation. "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public." This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public). In circumstances where schools need to make parents aware about an allegation, they should make parents and others aware that there are restrictions on publishing information.

404. In accordance with the Authorised Professional Practice published by the College of Policing in May 2017, the police will not normally provide any information to the pressor media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. In exceptional cases where the police wish to depart from that rule, for example an appeal to trace a suspect, they **must** apply to a magistrates' court to request that reporting restrictions be lifted.

405. The case manager should take advice from the LADO, police and local authority children's social care to agree the following:

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

Allegation outcomes

406. 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.

[5] Carried out by the Teaching Regulation Agency.

407. Ultimately the options open to the school or college depend on the nature and circumstances of the allegations and the evidence and information available. This will range from taking no further action, to dismissal or a decision not to use the person's services in future.

Following a substantiated allegation

408. 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;

the employer has a legal duty to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

409. In the case of a member of teaching staff at a school, sixth form college or 16-19 academy, the case manager **must** consider whether to refer the matter to the TRA to consider whether the individual should be prohibited from teaching (paragraphs 357-358 of [of *Keeping Children Safe in Education*] for further information).[6]

410. There is a **legal requirement** for employers to make a referral to the DBS[7] 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 (paragraph 353-356 for further information).

Following a criminal investigation or a prosecution

411. The police should inform the LADO 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.

412. In those circumstances, during the joint assessment meeting the LADO should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or local authority children's social care should also inform that decision. The options will depend on the circumstances of the case and the consideration should take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

Unsubstantiated, unfounded, false or malicious allegations

413. If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to local authority children's social care may be appropriate.

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[6] Teacher Regulation Agency – guidance on Referrals to the TRA..

[7] Disclosure and Barring Service – guidance on Referrals to the DBS.

414. If an allegation is shown to be deliberately invented or malicious, the school or college, should consider whether any disciplinary action is appropriate against the individual who made it as per their own behaviour policy.

Returning to work

415. Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager should consider how best to facilitate that. Guidance and advice are usually provided via HR or the LADO. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The case manager should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school or college.

Managing the situation and exit arrangements

Resignations and 'settlement agreements'

416. 'Settlement agreements' (sometimes referred to as compromise agreements), by which a person 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, should **not** be used, where there are allegations that indicate the person is a risk or poses a risk of harm to children or deemed not suitable to work with children. Such an agreement will not prevent a thorough police and/or school or college investigation where that is appropriate.

417. Schools and colleges should not cease their investigations if the person leaves, resigns or ceases to provide their services. 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.

418. Wherever possible, the accused should be given full opportunity to answer the allegation and make representations about it. 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, should continue even if the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record an outcome wherever possible. The person concerned should be notified of the conclusion of the allegations and sanctions that might be posed.

419. Other than where allegations are false, malicious, unsubstantiated, or unfounded, the outcome should be made clear when providing references to prospective employers. This is particularly important where the person moves into another position involving working with children.

420. It is not appropriate to reach a settlement/compromise agreement if the person subject to the allegation resigns or their services cease to be used. However, in limited circumstances schools and colleges sometimes use settlement agreements to end the

employment relationship on agreed terms, but not where there is an allegation that the individual poses a risk to children.

421. Where a settlement/compromise agreement is used, schools and colleges should not let it prevent the employer from:

- fulfilling their legal duty to refer cases to the DBS where the referral criteria are met – see paragraphs 353-354 [of *Keeping Children Safe in Education*]. Non-compliance of this duty is a criminal offence; or
- providing a reference to potential employers when requested; or
- considering whether to make a referral to the Teaching Regulations Agency (TRA) where the criteria are met - see paragraphs 357 [of *Keeping Children Safe in Education*].

Record keeping

422. Details of allegations following an investigation that are found to have been malicious or false should be removed from personnel records, unless the individual gives their consent for retention of the information. However, for all other allegations i.e. substantiated, unfounded and unsubstantiated, it is important that the following information is kept on the file of the person accused:

- 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 and the outcome i.e. substantiated, unfounded or unsubstantiated;
- a copy provided to the person concerned, where agreed by local authority children's social care or the police; and,
- a declaration on whether the information will be referred to in any future reference.

423. The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

424. All other records should 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.

425. The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.

References

426. Cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious should not be included in employer references. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious should also not be included in any reference. See paragraph 229 for further information on references. Substantiated safeguarding allegations that meet the harm threshold should be included in references, provided that the information is factual and does not include opinions.

Learning lessons

427. Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school's or college's procedures to help prevent similar events in the future. This should include issues arising from any decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

428. For all other cases, where the allegation concluded to either unfounded, false, malicious or unsubstantiated the case manager (and, if they have been involved, the LADO) should consider the facts and determine whether any lessons can be learned and improvements can be made.

Non-recent allegations

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

Section Two: Concerns that do not meet the harm threshold

430. Governing bodies and proprietors should have policies and processes to deal with any concerns (including allegations) which **do not** meet the harm threshold, referred to in this guidance as 'low-level' concerns. It is important that schools and colleges have appropriate policies and processes in place to manage and record any such concerns and take appropriate action to safeguard children.

Low level concerns

431. As part of their whole school approach to safeguarding, schools and colleges should ensure that they promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school or college (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

432. Creating a culture in which **all** concerns about adults are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should:

- enable schools and colleges to identify inappropriate, problematic or concerning behaviour early;
- minimise the risk of abuse, and
- ensure that adults working in or on behalf of the school or college are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution.

What is a low-level concern?

433. The term ‘low-level’ concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’ - that an adult working in or on behalf of the school or college 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, 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.

434. 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.

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

436. It is crucial that all low-level concerns 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 schools and colleges from becoming the subject of potential false low-level concerns or misunderstandings.

Staff code of conduct and safeguarding policies

437. As good practice governing bodies and proprietors should set out their low-level concerns policy within their staff code of conduct and safeguarding and child protection policies as set out in Part two of this guidance. They should make it clear what a low-level concern is and the importance of sharing low-level concerns, and an explanation of what the purpose of the policy is – i.e. to create and embed a culture of openness, trust and transparency in which the school’s or college’s values and expected behaviour which are set out in the staff code of conduct are lived, monitored and reinforced by all staff.

438. As set out in Part two of this guidance, the governing body or proprietor should ensure their staff code of conduct, behaviour policies and safeguarding policies and procedures are implemented effectively, and ensure appropriate action is taken in a timely manner to safeguard children and facilitate a whole school or college approach to dealing with **any** concerns.

439. Schools and colleges can achieve the purpose of their low-level concerns policy by:

- ensuring their 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 (see below);
- addressing unprofessional behaviour and supporting the individual to correct it at an early stage;
- handling and responding to such concerns sensitively and proportionately when they are raised; and,
- helping identify any weakness in the school or colleges safeguarding system.

Sharing low-level concerns

440. Schools and colleges should ensure that their low-level concerns policy contains a procedure for sharing confidentially such concerns which is clear, easy to understand and implement. Whether all low-level concerns are shared initially with the DSL (or a nominated person (such as a values champion)), or with the headteacher/principal is a matter for the school or college to decide. If the former, then the DSL should inform the headteacher/principal of all the low-level concerns and in a timely fashion according to the nature of each particular low-level concern. The headteacher/principal should be the ultimate decision maker in respect of all low-level concerns, although it is recognised that depending on the nature of some low-level concerns and/or the role of the DSL in some schools/colleges, the Headteacher/Executive Headteacher may wish to consult with the DSL and take a more collaborative decision making approach.

441. Low-level concerns which are shared about supply staff and contractors should be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.

442. If schools and colleges are in any doubt as to whether the information which has been shared about a member of staff as a low-level concern in fact meets the harm threshold, they should consult with their LADO.

443. Schools and colleges should ensure they create an environment where staff are encouraged and feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.

Recording low-level concerns

444. All low-level concerns should be recorded in writing. 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.

445. Schools and colleges can decide where these records are kept, but they must be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).

446. Records should be reviewed so that potential patterns of inappropriate, problematic or concerning behaviour can be identified. Where a pattern of such behaviour is

identified, the school or college should decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, in which case it should be referred to the LADO (as per section one [of this guidance]). Consideration should also be given to whether there are wider cultural issues within the school or college that enabled the behaviour to occur and where appropriate policies could be revised or extra training delivered to minimise the risk of it happening again.

447. It is for schools and colleges to decide how long they retain such information, but it is recommended that it is retained at least until the individual leaves their employment.

References

448. Part three of this guidance [*Keeping Children Safe in Education*] is clear that schools and colleges should only provide substantiated safeguarding concerns/allegations (including a group of low-level concerns about the same individual) that meet the harm threshold in references. Low level concerns should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. It follows that a low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference.

Responding to low-level concerns

449. The school or college low-level concerns policy should set out the procedure for responding to reports of low-level concerns. If the concern has been raised via a third party, the headteacher/principal (or a nominated deputy) 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.

450. 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**.**

451. A good low level concerns policy will simply be a reflection and extension of the school's or college's wider staff behaviour policy/code of conduct**.**

452. More detailed guidance and case studies on low-level concerns can be found in Developing and implementing a low-level concerns policy: a guide for organisations which work with children (farrer.co.uk).

Approved by Kaleidoscope Trust Board
11/09/2024

Appendix 1: Summary Flow Chart for Allegations of Abuse against Teachers including Supply Teachers, Other Staff, Volunteers and Contractors Follow KCSIE Part 4 Paragraph 1.2 (p87)

School's Headteacher/EHT/HoS receives an allegation or information and considers if it meets the harm threshold criteria /considers if pattern of behaviour moves from a concern to meeting the harm threshold. (See paragraph 355 of the attached guidance.) Assign a case manager without delay.

unsure

YES

Case manager: Headteacher/ EHT/ HoS.
-Risk assess the situation
-Establish facts – make basic enquiries. Record
- was individual in school and in contact with the child
- were there witnesses
- Information for the LADO

-Gain consent for statements
-Monitor progress
-Review no later than 4 weeks then every 2 weeks

KEEP GOOD DETAILED RECORDS INCLUDING FOLLOW UP & RESOLUTION

DSL/ DDSL:
- Look after welfare of the child
- Investigate & support person subject to the allegation
- Discuss with LADO course of action
- **If child harmed- contact LADO/ Police – at the earliest opportunity**

Schools must consult the LADO Service within 1 working day. (If immediate risk of harm/emergency social care and as appropriate the police should be contacted immediately.) Discussion includes: What procedure to follow, (e.g. No further action, Disciplinary, Child Protection), possible strategy meeting, other local authority LADO liaison, informing parents, possible HR support/involvement, notification to regulatory body e.g. Ofsted.
(In all cases referred to the LA or the Police, the LADO, ISRO and Police liaise immediately).

Enquiries proceed as agreed at Strategy Meeting and within timescales. Including actions relating to staff member and liaison with the child/parents.

Actions if no child Protection concerns or criminal investigation: Follow school's disciplinary procedures where appropriate. If no action record justification and agree what should be put in writing.

If <u>suspected</u> Child Protection, the LADO and Referral and Assessment Team hold a Strategy Discussion within 24 hrs. The referring agency will be represented. Police consider a criminal investigation.

Communication: Considered carefully and with guidance from the LADO

-Inform staff member asap and likely course of action
-Parents informed asap and kept informed of progress.

Make them aware of confidentiality reputational damage and unwanted publicity.

If suspension- confirm in writing within 1 day- detailed reason and contact for support. Only suspend if all other options have been considered (possible redeployment or child moved)

Outcomes: (KCSIE p. 96)
- **Substantiated**
- **Malicious**
- **False**
- **Unsubstantiated**
- **Unfounded**

If substantiated contact TRA, refer to DBS. If malicious consider disciplinary actions

Flowchart notes for the designated safeguarding lead

- It is recommended that the designated safeguarding lead should have a deputy in place to progress cases in their absence and to allow for circumstances in which the designated safeguarding lead is the subject of the concern.
- The procedure applies to employees, casual workers, volunteers and people employed by other agencies who are providing services on the school's behalf.
- The designated safeguarding lead is responsible for the completion of the any pro-formas / data returns that are required.

Please read 'Allegations of Abuse', for the procedure.

- For specific guidance on the harm threshold – See paragraphs 362 to 364
- Descriptions of the designated safeguarding lead's role follow

Summary of Roles:

- The Designated Safeguarding Lead has responsibility for ensuring that the school operates procedures for dealing with allegations in accordance with the DfE guidance; where directed to, for managing and overseeing individual cases in consultation with the Local Authority Designated Officer (LADO) Service, for resolving inter agency issues and for liaising with the Local Safeguarding Children Board (LSCB).
- The LADO / Independent Safeguarding Reviewing Officers (ISROs) are responsible for providing advice and support to organisations (including schools) and liaison with the Police.

Appendix 2

Role of the Designated Safeguarding Lead

Note: this guidance forms Annex C of the DfE's statutory guidance Keeping Children Safe in Education

Governing bodies/Trust Boards should ensure an appropriate **senior member** of staff, from the school or college **leadership team**, is appointed to the role of Designated Safeguarding Lead. The designated safeguarding lead should take **lead responsibility** for safeguarding and child protection (including online safety and understanding the filtering and monitoring systems and processes in place). This should be explicit in the role holder's job description.

The Designated Safeguarding Lead should have the appropriate status and authority within the school or college to carry out the duties of the post. The role of the Designated Safeguarding Lead carries a significant level of responsibility, and they should be given the additional time, funding, training, resources and support they need to carry out the role effectively. Their additional responsibilities include providing advice and support to other staff on child welfare, safeguarding and child protection matters, taking part in strategy discussions and inter-agency meetings, and/or supporting other staff to do so, and to contributing to the assessment of children.

Deputy designated safeguarding leads

It is a matter for individual schools and colleges as to whether they choose to have one or more deputy designated safeguarding leads. Any deputies should be trained to the same standard as the designated safeguarding lead and the role should be explicit in their job description. Whilst the activities of the designated safeguarding lead can be delegated to appropriately trained deputies, the ultimate lead responsibility for child protection, as set out above, remains with the designated safeguarding lead, this lead responsibility should not be delegated.

Availability

During term time the designated safeguarding lead (or a deputy) should always be available (during school or college hours) for staff in the school or college to discuss any safeguarding concerns. Whilst generally speaking the designated safeguarding lead (or deputy) would be expected to be available in person, it is a matter for individual schools and colleges, working with the designated safeguarding lead, to define what "available" means and whether in exceptional circumstances availability via phone and or video conferencing or other such media is acceptable. It is a matter for individual schools and colleges and the designated safeguarding lead to arrange adequate and appropriate cover arrangements for any out of hours/out of term activities.

Manage referrals

The Designated Safeguarding Lead is expected to refer cases:

- of suspected abuse and neglect to the local authority local authority children's social care as required and support staff who make referrals to local authority local authority children's social care;
- to the Channel programme where there is a radicalisation concern as required and support staff who make referrals to the Channel programme;

- where a person is dismissed or left due to risk/harm to a child to the Disclosure and Barring Service as required; and
- where a crime may have been committed to the Police as required. NPCC – When to call the police should help understand when to consider calling the police and what to expect when working with the police.

Working with others

The Designated Safeguarding Lead is expected to:

- act as a source of support, advice and expertise for all staff
- act as a point of contact with the safeguarding partners
- liaise with the headteacher or principal to inform him or her of issues- especially ongoing enquiries under section 47 of the Children Act 1989 and police investigations. This should include being aware of the requirement for children to have an Appropriate Adult. Further information can be found in the Statutory Guidance - PACE Code C 2019
- as required, liaise with the "case manager" (as per Part four [of *Keeping Children Safe in Education*,]) and the local authority designated officer(s) (LADO) for child protection concerns in cases which concern a staff member
- liaise with staff (especially teachers, pastoral support staff, school nurses, IT Technicians, senior mental health leads and special educational needs co-ordinators (SENCOs), or the named person with oversight for SEN in a college and Senior Mental Health Leads) on matters of safety and safeguarding and welfare (including online and digital safety) and when deciding whether to make a referral by liaising with relevant agencies so that children's needs are considered holistically
- liaise with the senior mental health lead and, where available, the Mental Health Support Team, where safeguarding concerns are linked to mental health
- promote supportive engagement with parents and/or carers in safeguarding and promoting the welfare of children, including where families may be facing challenging circumstances
- work with the headteacher and relevant strategic leads, taking lead responsibility for promoting educational outcomes by knowing the welfare, safeguarding and child protection issues that children in need are experiencing, or have experienced, and identifying the impact that these issues might be having on children's attendance, engagement and achievement at school or college[8] This includes:
  - ensuring that the school or college knows who its cohort of children who have or have had a social worker are, understanding their academic progress and attainment, and maintaining a culture of high aspirations for this cohort; and,
  - supporting teaching staff to provide additional academic support or reasonable adjustments to help children who have or have had a social worker reach their potential, recognising that even when statutory social care intervention has ended, there is still a lasting impact on children's educational outcomes.

Information sharing and managing the child protection file

The Designated Safeguarding Lead is responsible for ensuring that child protection files are kept up to date.

[8] We recognise that in some settings there may be a different strategic lead for promoting the educational outcomes of children who have or have had a social worker, particularly in larger schools or colleges. Where this is the case, it is important that the DSL works closely with the lead to provide strategic oversight for the outcomes of these children and young people.

Information should be kept confidential and stored securely. It is good practice to keep concerns and referrals in a separate child protection file for each child.

Records should include:

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

They should ensure the file is only accessed by those who need to see it and where the file or content within it is shared, this happens in line with information sharing advice as set out in Part one and Part two of this guidance.

Where children leave the school or college (including in year transfers) the designated safeguarding lead should ensure their child protection file is transferred to the new school or college as soon as possible, and within 5 days for an in-year transfer or within the first 5 days of the start of a new term. This should be transferred separately from the main pupil file, ensuring secure transit, and confirmation of receipt should be obtained. Receiving schools and colleges should ensure key staff such as designated safeguarding leads and SENCOs or the named person with oversight for SEN in colleges, are aware as required.

Lack of information about their circumstances can impact on the child's safety, welfare and educational outcomes. In addition to the child protection file, the designated safeguarding lead should also consider if it would be appropriate to share any additional information with the new school or college in advance of a child leaving to help them put in place the right support to safeguard this child and to help the child thrive in the school or college. For example, information that would allow the new school or college to continue supporting children who have had a social worker and been victims of abuse and have that support in place for when the child arrives.

Raising Awareness

The Designated Safeguarding Lead should:

- ensure each member of staff has access to, and understands, the school's or college's child protection policy and procedures, especially new and part-time staff;
- ensure the school's or college's child protection policy is reviewed annually (as a minimum) and the procedures and implementation are updated and reviewed regularly, and work with governing bodies or proprietors regarding this;
- ensure the child protection policy is available publicly and parents know that referrals about suspected abuse or neglect may be made and the role of the school or college in this;
- link with the safeguarding partner arrangements to make sure staff are aware of any training opportunities and the latest local policies on local safeguarding arrangements; and
- help promote educational outcomes by sharing the information about the welfare, safeguarding and child protection issues that children who have or have had a social worker are experiencing with teachers and school and college leadership staff.

Kaleidoscope Multi-Academy Trust has a Trust wide Safeguarding Policy and training programme. This is overseen by the MAT Safeguarding Lead and CEO.

Training, knowledge and skills

The Designated Safeguarding Lead (and any deputies) should undergo training to provide them with the knowledge and skills required to carry out the role. This training should be updated at least

every two years. The Designated Safeguarding Lead (and any deputies) should undertake Prevent awareness training.

Training should provide designated safeguarding leads with a good understanding of their own role, how to identify, understand and respond to specific needs that can increase the vulnerability of children, as well as specific harms that can put children at risk, and the processes, procedures and responsibilities of other agencies, particularly local authority children's social care, so they:

- understand the assessment process for providing early help and statutory intervention, including local criteria for action and local authority local authority children's social care referral arrangements;[9]
- have a working knowledge of how local authorities conduct a child protection case conference and a child protection review conference and be able to attend and contribute to these effectively when required to do so;
- understand the importance of the role the designated safeguarding lead has in providing information and support to local authority children's social care in order to safeguard and promote the welfare of children;
- understand the lasting impact that adversity and trauma can have, including on children's behaviour, mental health and wellbeing, and what is needed in responding to this in promoting educational outcomes;
- are alert to the specific needs of children in need, those with special educational needs and disabilities (SEND), those with relevant health conditions and young carers;[10]
- understand the importance of information sharing, both within the school and college, and with the safeguarding partners, other agencies, organisations and practitioners;
- understand and support the school or college with regards to the requirements of the Prevent duty and are able to provide advice and support to staff on protecting children from the risk of radicalisation;
- are able to understand the unique risks associated with online safety and be confident that they have the relevant knowledge and up to date capability required to keep children safe whilst they are online at school or college;
- can recognise the additional risks that children with special educational needs and disabilities (SEND) face online, for example, from online bullying, grooming and radicalisation and are confident they have the capability to support children with SEND to stay safe online;
- obtain access to resources and attend any relevant or refresher training courses; and,
- encourage a culture of listening to children and taking account of their wishes and feelings, among all staff, in any measures the school or college may put in place to protect them.

In addition to the formal training set out above, their knowledge and skills should be refreshed (this might be via e-bulletins, meeting other designated safeguarding leads, or simply taking time to read and digest safeguarding developments) at regular intervals, as required, and at least annually, to allow them to understand and keep up with any developments relevant to their role.

Providing support to staff

Training should support the designated safeguarding lead in developing expertise, so they can support and advise staff and help them feel confident on welfare, safeguarding and child protection matters. This includes specifically to:

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[9] Full details in Chapter one of Working Together to Safeguard Children.

[10] Section 17(10) Children Act 1989: those unlikely to achieve a reasonable standard of health and development without local authority services, those whose health and development is likely to be significantly impaired without the provision of such services, or disabled children.

- ensure that staff are supported during the referrals processes; and
- support staff to consider how safeguarding, welfare and educational outcomes are linked, including to inform the provision of academic and pastoral support.

Understanding the views of children

It is important that children feel heard and understood. Therefore, designated safeguarding leads (and deputies) should be supported in developing knowledge and skills to:

- encourage a culture of listening to children and taking account of their wishes and feelings, among all staff, and in any measures the school or college may put in place to protect them; and
- understand the difficulties that children may have in approaching staff about their circumstances and consider how to build trusted relationships which facilitate communication.

Holding and sharing information

The critical importance of recording, holding, using and sharing information effectively is set out in Parts one, two and five of this document, and therefore the designated safeguarding lead should be equipped to:

- understand the importance of information sharing, both within the school and college, and with other schools and colleges on transfer including in-year and between primary and secondary education, and with the safeguarding partners, agencies, organisations and practitioners;
- understand relevant data protection legislation and regulations, especially the Data Protection Act 2018 and the UK General Data Protection Regulation (UKGDPR); and
- be able to keep detailed, accurate, secure written records of all concerns, discussions and decisions made including the rationale for those decisions. This should include instances where referrals were or were not made to another agency such as LA children's social care or the Prevent program etc.