Fiveways School Managing Allegations Policy

Policy Review

Review Cycle	Date of Current Policy	Author(s) of Current Policy	Review Date
Annual	October 2026	Swavek Nowakiewicz	October 2027

Policy Ratification

Role	Name	Signature	Date
Chair of Governors	Malcolm Gulliver	Agreed at meeting	02.10.26
Head Teacher	Swavek Nowakiewicz	Agreed at meeting	02.10.26

Details of Policy Updates

Date	Details
18.02.22	Latest Managing Allegations HR guidance, low level concerns included as part of KCSIE 2021 and Disciplinary Procedure adopted.
10.05.23	Latest guidance from SSE including disciplinary procedure
27.09.24	Latest SSE guidance taken from DfE. Disciplinary procedure now separate policy
03.10.25	This guidance relates to Keeping Children Safe in Education (statutory guidance issued by the Department of Education in September 2025) which updated the previous guidance and as such it should be noted and followed by all appropriate settings.
02.10.26	Notes for governing body updated

Managing allegations made against/concerns raised in relation to staff, including supply teachers, trainee teachers, volunteers, and contractors.

Version Number	1.1
Location	Guidance for Schools Volume 1 Section 23a
Author	HR Advisory – Support Services for Education (SSE)
Published	September 2026
Review Date	September 2027
Effective Date	This guidance relates to Keeping Children Safe in Education (statutory guidance issued by the Department of Education in September 2026) which updated the previous guidance and as such it should be noted and followed by all appropriate settings.
Consultation	Since this is guidance extracted from those issues by the DfE this has not been subject to consultation.

NOTE:
It is essential that everybody working in a school or college understands their safeguarding responsibilities. Governing bodies and proprietors should ensure that those staff who work directly with children read at least Part one of this guidance.

Governing bodies and proprietors, working with their senior leadership teams and especially their designated safeguarding lead, should now also ensure that those staff who do not work directly with children read Part one of this guidance.

Governing bodies and proprietors should ensure that mechanisms are in place to assist staff to understand and discharge their roles and responsibilities as set out in Part one of this guidance.

CONTENT

1. Introduction
2. Section One: Allegations that may meet the harms threshold
3. The initial response to the allegation
4. No further action
5. Further enquiries
6. Supply teachers and all contracted staff

7. Organisations or Individuals using school premises
8. Governors
9. Suspension
10. Supporting those involved - duty of care
11. Confidentiality and Information sharing
12. Allegation outcomes
13. Following a substantiated allegation
14. Following a criminal investigation or a prosecution
15. Unsubstantiated, unfounded, false or malicious allegations
16. Returning to work
17. Managing the situation and exit arrangements
18. Record Keeping
19. References
20. Learning Lessons
21. Non recent allegations
22. Section Two: Concerns that do not meet the harm threshold
23. Low-level concerns
24. What is a low-level concern?
25. Staff code of conduct and safeguarding policies
26. Sharing low-level concerns
27. Recording low-level concerns
28. References involving low-level concerns
29. Responding to low-level concerns

1. Introduction

Keeping Children Safe in Education is statutory guidance issued by the Department of Education in September 2026 (Keeping children safe in education 2026).

Schools and colleges must have regard to this guidance when carrying out their duties to safeguard and promote the welfare of children. The whole guidance is available as part of Section 23c Guidance for Schools. However, the extract related to **allegations made against/concerns raised in relation to members of staff, including supply teachers, trainee teachers, volunteers and contractors** is outlined below.

Schools and colleges should have their own procedures for dealing with 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, trainee teachers, volunteers and contractors.

Unless otherwise specified, 'school' means all schools whether maintained, non-maintained or independent schools, including maintained nursery schools, academies and free schools, alternative provision academies, maintained nursery schools and pupil referral units. 'College' means further education colleges and sixth-form colleges, and relates to children under the age of 18, but excludes 16-19 academies and free schools (which are required to comply with relevant safeguarding legislation by virtue of their funding agreement).

This document contains information on what schools and colleges **should** do and sets out the legal duties with which schools and colleges **must** comply. It should be read alongside Working Together to Safeguard Children (Working Together to Safeguard Children 2026) which applies to all the schools referred to above, including maintained nursery schools. Paragraph numbers in sections relate to the Keeping Children Safe in Education 2026 document.

This part of the guidance has two sections covering the two levels of allegation/ concern:

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

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

2. Section One: Allegations that may meet the harm threshold

437. This part of the guidance is about managing cases of concerns/ allegations that might indicate a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children in a school or college. This guidance should be followed where it is alleged that anyone working in a school or 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.**

438. 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.

439. 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).

440. It is important that policies and procedures make clear to whom allegations should be reported 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 is the subject of an allegation, the chair of governors or chair of the management committee and in an independent school it will be the proprietor.

3. The initial response to the allegation

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

442. There are two aspects to consider when an allegation is made:
- **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 children's social care as described in Part one of this guidance.
- **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.

443. 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.

444. 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:
- was the individual in the school or college at the time of the allegations?
- did the individual, or could the individual have come into contact with the child?
- are there any witnesses? and,
- was there any CCTV footage?

445. 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.

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

447. 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 (Working together to safeguard children - GOV.UK). If the allegation is about physical contact, for example restraint, the strategy discussion 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 paragraph 205-207 of the guidance (Keeping children safe in education 2026).

448. Where the case manager is concerned about the welfare of other children in the community or the member of staff'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.

449. 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.

Note: Somerset's LADO can be contacted through Somerset Direct on 0300 123 2224.

4. No further action

450. 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.

5. Further enquiries

451. 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. 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.

452. 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.

453. 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.

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

Note: Although these are guidelines, the school's own disciplinary policies will have timescales with regards to setting up hearings and providing notice which should be adhered to.

Note: The HR Advisory Service can support investigations as part of a school's HR package. The HR Advisory Service can be contacted on 01823 355992. Also see Guidance for Schools - Section 16a - Guidance on Conducting Workplace Investigations. More detailed or specialised investigation support needs can be discussed on a case-by-case basis. Schools are strongly advised to seek support from their HR Advisor if the LADO advises that the concerns may be dealt with internally by the school as a conduct issue. The School's Disciplinary Procedure must be adhered to alongside this guidance.

6. Supply teachers, trainee teachers and all contracted staff

455. 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, trainee teachers or contracted staff provided by an employment agency or business. Where this applies, schools and colleges share safeguarding responsibilities with the employment agency or business. Schools and colleges remain responsible for gathering the facts and managing the safeguarding process, while working closely with the employment agency or business, which will usually lead on any disciplinary action.

456. Whilst schools and colleges are not the employer of supply teachers, they are still responsible for ensuring 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.

457. 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 on handling allegations to ensure all appropriate action is taken. This is because agencies do not have direct access to children or other school or 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.

458. When using a supply agency, schools and colleges should inform the agency of its process for managing allegations but also take account of the agency's policies and the duties 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.

459. Where concerns or allegations relate to a trainee teacher placed within a school or college, the expectations of schools and colleges set out above also apply. In addition, teacher training providers are expected to follow the same procedures as set out for supply agencies.

7. Organisations or Individuals using school premises

460. 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.

8. Governors

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

9. Suspension

462. 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, 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 there 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.

463. 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 Teaching Regulation Agency (TRA) investigation, the individual **must not** carry out teaching work. Schools and colleges should have clear policies on pay arrangements whilst the person is suspended or where there is an interim prohibition order in place.

464. 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 children's social care on whether they have any objections to the member of staff continuing to work during the investigation of the case.

465. 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.

466. 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.

467. 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.

468. 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.

469. 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

remove 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 local authority children's social care, and/or an investigation by the Police, the LADO should canvass Police and 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.

Note: When considering suspension, reference should also be made to the school's Disciplinary Procedure. We also strongly advise seeking advice from the school's HR Advisor.

10. Supporting those involved

Duty of Care

470. 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.

471. 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.

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

- formally told about the allegation as soon as possible. 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.

11. Confidentiality and Information sharing

473. 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 paragraphs –140-152 in Part two about information sharing.

474. 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.

475. 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.

476. 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 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).

477. The reporting restrictions apply until:

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

478. 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.

479. 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.

480. In accordance with the Authorised Professional Practice published by the College of Policing in May 2017 (APP (authorised professional practice) | College of Policing), the Police will not normally provide any information to the press or 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.

481. 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.

Note: Maintained schools are advised to go through the Local Authorities Communication Team if there is likely to be media interest. It is sometimes necessary to inform the press directly of the above requirements and the Communication Team can support this.

12. Allegation outcomes

482. 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.

483. 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.

13. Following a substantiated allegation

484. 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.

485. In the case of a member of teaching staff at any school or sixth form college, the case manager **must** consider whether to refer the matter to the TRA to consider whether the individual should be prohibited from teaching (paragraph –432-433 for further information).

486. There is a **legal requirement** for employers to make a referral to the DBS where they consider an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child (paragraph – 427-431 for further information).

14. Following a criminal investigation or a prosecution

487. 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.

488. 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.

15. Unsubstantiated, unfounded, false or malicious allegations

489. 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.

490. 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.

16. Returning to work

491. 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.

17. Managing the situation and exit arrangements

Resignations and 'settlement agreements'

492. '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.

493. 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.

494. 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.

495. 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.

496. 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.

497. 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 paragraph 427-431. 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 where the criteria are met - see paragraph 432-433.

18. Record Keeping

498. 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, 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.

499. 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.

500. 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.

501. 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.

19. References

502. Cases in which an allegation was proven 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 paragraphs 302-304 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.

20. Learning Lessons

503. Throughout the process in handling allegations and at the 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 or college's procedures or practice 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.

504. For all other cases, where the allegation concluded to be 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 improvements can be made.

21. Non recent allegations

505. 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 social care and the Police. Abuse can be reported no matter how long ago it happened.

22. Section Two: Concerns and or allegations that do not meet the harm threshold

506. Governing bodies and proprietors should have policies and processes to deal with any concerns or 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.

23. Low-level concerns

507. 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.

508. 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

- encourage an open and transparent culture;
- enable schools and colleges to identify concerning, problematic or inappropriate 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.

24. What is a low-level concern?

509. 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 harm 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 children.

510. 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.

511. 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.

512. It is crucial 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 potential false low-level concerns or misunderstandings.

25. Staff code of conduct and safeguarding policies

513. 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 constantly lived, monitored and reinforced by all staff.

514. 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.

515. 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;
- providing a responsive, sensitive and proportionate handling of such concerns when they are raised; and,
- helping identify any weakness in the school or colleges safeguarding system.

26. Sharing low-level concerns

516. 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/principal may wish to consult with the DSL and take a more collaborative decision making approach.

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

518. 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.

519. 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.

27. Recording low-level concerns

520. 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.

521. Schools and colleges can decide where these records are kept, but they must be kept confidential, held securely and comply with the Data Protection laws.

522. Records should be reviewed so that potential patterns of concerning, problematic or inappropriate 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 low level concern to meeting the harms threshold, in which case it should be referred to the LADO (as per Part four, Section one). 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.

523. 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.

28. References

524. Part three of this guidance 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.

29. Responding to low-level concerns

525. 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; and

- to the individual involved and any witnesses.

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

527. 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.