Quality Management System

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Policy Title

Policy on Safeguarding concerns and allegations made about staff, including supply teachers, trainee teachers, volunteers and contractors.
This policy includes low-level concerns

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Contents

Section and Title		Page Number
Alternative Format Statement		2
1.0	Introduction	4
2.0	Policy statement	4
3.0	Designated Safeguarding Team	5
4.0	Concerns or allegations that may meet the harms threshold	5
5.0	Supply Teachers, Trainee Teachers and all contracted staff	10
6.0	Related Documents	26
Contact Information		27

Policy on Safeguarding concerns and allegations made about staff, including supply teachers, trainee teachers, volunteers and contractors

1.0 Introduction

Bishop Auckland College Group comprises of Bishop Auckland College, South West Durham Training, Durham Gateway and The McIntyre's Centre (thereafter to be termed 'the Group'). The policy on safeguarding concerns and allegations made about staff, including supply teachers, trainee teachers, volunteers and contractors has been developed in line with the Group's Child Protection/Safeguarding Policy and Safer Recruitment Policy to protect, safeguard and promote the welfare of its learners and staff.

As this policy can involve processing of personal data, data protection regulations will be adhered to. Please refer to the Data Protection Policy (ref: POL-DP-01) for further information.

2.0 Policy statement

This policy is to give guidance on dealing with concerns and/or allegations against those working on or on behalf of the Group in a paid or unpaid capacity, this includes members of staff, supply teachers, trainee teachers, volunteers and contractors. The policy also includes information on dealing with low-level concerns.

The Group recognises that it has a statutory and moral duty to promote and safeguard the welfare of its learners and ensure that appropriate action is taken to prevent any learner against the risk of suffering significant harm.

All learners, regardless of gender, ability, culture, race, language, religion, sexual identity or socio- economic factors have equal rights to protection.

All staff have equal responsibility to act on any suspicion or disclosure that may suggest a learner is at risk of harm (this includes learners/staff who may be at risk of being radicalised/extremist behaviour).

Learners and staff involved in protection issues will receive appropriate support. The policy has two sections covering the two levels of allegation/concern:

1. Concerns/ allegations that may meet the harms threshold
2. Concerns/allegations that do not meet the harms threshold (referred to as 'low level concerns')

Any concern/allegation should be considered in line with local safeguarding procedures and practice guidance.

The policy aims to:

- Ensure that all members of the Group understand how to raise an alert if there is an allegation/concern
- Ensure that where concerns/allegations indicate a person would pose a risk of harm if they continue to work in regular or close contact with children/learners in their present position or in any capacity, the situation is dealt with effectively, efficiently and in line with relevant guidance
- Ensure that where necessary, information is shared with relevant agencies as quickly as possible
- Deal with concerns/allegations whether, or not they took place within the Group premises

3.0 Designated Safeguarding Team

For the Designated safeguarding team, please refer to the Group's Safeguarding/Child Protection Policy (ref: POL-CP-01)

4.0 Concerns or allegations that may meet the harms threshold

This guidance will be used in conjunction with the Group's Safeguarding/Child Protection Policy (ref: POL-CP-01) and the DSCP (Durham Safeguarding Children Partnership) procedures.

This section of the policy outlines how the Group will manage 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 policy will be used where it is alleged that anyone working in the Group 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;
- 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.

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.

Where appropriate an assessment of transferable risk to children with whom the person works will be undertaken. If necessary, advice will be sought from the LADO (Local Authority Designated Officer).

A 'case manager' will lead on any investigation, this will either be the Principal/Chief Executive or suitable designate or, where the Principal/Chief Executive is the subject of an allegation, the Chair of Governors or suitable designate.

This policy relates to members of staff, supply teachers, trainee teachers, volunteers and contractors who are currently working in any school or college regardless of whether the school or college is where the alleged abuse took place. Allegations against a teacher who is no longer teaching will be referred to the police. Historical allegations of abuse should also be referred to the police.

What to do if you become aware of a concern/ allegation against a staff member

The member of staff alerted to the concern/allegation must report the allegation/incident to the Executive Director of People (Designated Safeguarding Lead) without any delay and in any event within 24 hours of the initial concern arising. If the

Executive Director of People is unavailable, the concern should be reported to the Principal/Chief Executive.

If the Executive Director of People (Designated Safeguarding Lead) and Principal/Chief Executive or are not available, the staff member must inform the Duty Manager/Duty Safeguarding Officer. The Duty Manager/Duty Safeguarding Officer will deal with the concern initially but will inform the Executive Director of People/Principal/Chief Executive as soon as reasonably possible.

The staff member reporting the concern must record in full, the nature of the concern/allegation and any other relevant information, and they must do this as soon as possible using the Group's Referral form – Reporting a concern/allegation against a member of staff'/Low-level concern (ref: HR-SG-01). This can be found on the staff portal or can be obtained from the Quality Office or Human Resources Office.

The Executive Director of People (Designated Safeguarding Lead)/The Principal/Chief Executive will collate the details and make some initial considerations. A "case manager" will lead on any allegations and this will normally either be the Executive Director of People (Designated Safeguarding Lead) or The Principal/Chief Executive. Where the Executive Director of People is the subject of an allegation, the Principal/Chief Executive will take the role of Case Manager. When the Principal/Chief Executive is the subject of an allegation, the Chair or Vice Chair of the Board of Governors will be the Case Manager.' In the exceptional circumstance that the Executive Director of People and the Principal/Chief Executive and are unavailable this will be delegated to the Vice Principal/suitable named designate.

4.1 Initial response to an allegation

Where it is identified that a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency, children's social care should be contacted and as appropriate the police immediately as per the Safeguarding/Child Protection Policy (POL-CP-01).

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

- **Look after the welfare of the learner** – the designated safeguarding lead/designate is responsible for ensuring that the learner is not at risk and referring cases of suspected abuse to the local authority children's social care as described in the Safeguarding/Child Protection Policy.
- **Investigating and supporting the person subject to the allegation** – the case manager will discuss with the LADO, the nature, content and context of the allegation, and agree a course of action.

When dealing with allegations, the Group will:

- apply common sense and judgement:
- deal with allegations quickly, fairly and consistently; and
- provide effective protection for the learner and support the person subject to the allegation.

The Group should and will 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, the Group will conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation.
For example:

- Was the individual on site at the time of the allegation?
- Did the individual, or could they have, come into contact with the learner?
- Are there any witnesses?
- Was there any CCTV footage?

These are just a sample of example questions. The Group will be familiar with the initial information that the LADO will require.

When to inform the individual of the allegation will 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.

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 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 or initial evaluation with the LADO will 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 in Keeping Children Safe in Education and GOV.UK.

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

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

No further action

Where the initial discussion leads to no further action, the case manager and the LADO will:

- 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

Where further enquiries are required to enable a decision about how to proceed, the LADO and case manager will discuss how and by whom the investigation will be undertaken. In straightforward cases, the investigation will normally be undertaken by a senior member of the Group.

Where there is a lack of appropriate resource within the Group, or the nature or complexity of the allegation requires it, the allegation may require an independent investigator.

The case manager will 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.

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

The LADO will provide advice and guidance to the Group 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, children's social care, the Group, or a combination ofthese.

5.0 Supply Teachers, Trainee Teachers and all contracted staff

In some circumstances the Group will have to consider an allegation against an individual not directly employed by us, where the Group's disciplinary procedures do not full apply because agencies will have their own policies and procedures, for example supply teachers, trainee teachers or contracted staff provided by an agency or business. Where this applies, the Group share safeguarding responsibilities with the employment agency or business. The Group 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.

Whilst the Group is not the employer of supply teachers or trainee teachers, it is essential that the Group ensures that allegations are dealt with properly.
In no circumstances should a decision be made to cease to use a supply teacher or trainee teacher due to safeguarding concerns, without finding out the facts and liaising with the local authority designated officer (LADO) to determine a suitable outcome. The Governing body/designate should discuss with the agency or agencies where the supply teacher is working across a number of schools/colleges, whether it is appropriate to suspend the supply teacher or trainee teacher, or redeploy them to another part of the Group, whilst the investigation is carried out.

Agencies and training providers/employers should be fully involved and co-operate in any enquiries from the LADO, police and/or children's services. The Group will usually take the lead because agencies do not have direct access to the learners and other 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 and trainee teachers, whilst not employed by the Group, are under the supervision, direction and control of the governing body when working for the Group. They can be advised to contact their 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 are taken into account by the Group during the investigation.

When using an agency or training provider/employer, the Group should inform the agency of its process for managing allegations but also take account of their policies and their duty to refer to DBS as personnel suppliers. This should include inviting the agency's human resources manager or equivalent to meetings and keeping them up to date with information about its policies.

Organisations or individuals using Group premises

The Group may receive an allegation relating to an incident that happened when an individual or organisation was using the Group premises for the purpose of running activities for children (for example community groups, sports associations, or service providers that run extra-curricular activities). As with any safeguarding allegation, staff should follow the Group's safeguarding policies and refer this under the policy on safeguarding concerns and allegations made about staff, including supply teachers, trainee teachers, volunteers and contractors.

Governors

If an allegation is made against a governor, the Group will follow their own local procedures. Where an allegation is substantiated, they will follow the procedures to consider removing them from office.

Suspension

Suspension is not an automatic response when an allegation is reported. All options to

avoid suspension will be considered prior to taking that step. The case manager **must** consider carefully whether the circumstances of a case warrant suspension from contact with children/learners at the Organisation or until the allegation is resolved. It should be considered only in cases where there is cause to suspect a learner or learners 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 will seek views from the Executive Director of People (Designated Safeguarding Lead) and the LADO, as well as the police and children's social care where they have been involved.

Where the Group is made aware that the Secretary of State has made an interim prohibition order, in respect of an individual who works within the organisation, they will 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. The Group has clear policies on pay arrangements whilst the person is suspended or where there is an interim prohibition order in place.

In many cases, an inquiry can be resolved quickly and without the need for suspension. The case manager will decide on whether the individual should continue to work within the Group, 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.

Based on advice from the Executive Director of People (Designated Safeguarding Lead) 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 Group so that the individual does not have direct contact with the learner or learners concerned;
- providing an assistant to be present when the individual has contact with learners;
- redeploying to alternative work in the Group so the individual does not have unsupervised access to learners;
- moving the learner or learners 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 learner or learners 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.

These alternatives allow time for an informed decision regarding the suspension, this will, however, depend upon the nature of the allegation. The case manager will 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.

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.

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 to leave a person who has been suspended without any support. The person will be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

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 will give appropriate weight to their views. The power to suspend is vested in the governing body who are the employers.

However, where a strategy discussion, or initial assessment, concludes that there should be enquiries by the 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.

5.0 Supporting those involved

Duty of care

The welfare of a learner is paramount (how learners should be protected and supported is set out throughout this policy) 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 the Group offers appropriate welfare support at such a time and recognises the sensitivity of the situation. Information is confidential and will not ordinarily be shared with other staff or with learners or parents who are not directly involved in the investigation.

The Group also has a duty of care to staff. We will:

- 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, 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.

Parents or carers of the learner or learners involved should be:

- formally told about the allegation as soon as possible. The case manager will consult the LADO and where involved 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 will 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

In an allegations management meeting or during the initial assessment of the case, the agencies involved will share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Where the police are involved, wherever possible the Group will ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the disciplinary process. This will be done as the investigation proceeds and will enable the police to share relevant information without delaying the conclusion of their investigation or any court case.

Children's social care will normally 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 Group without delay.

The Group **MUST AND WILL** 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).

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.

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.

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 the Group need to make parents aware about an allegation, they should make parents and others aware that there are restrictions on publishing information.

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 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.

The case manager will take advice from the LADO, police and 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

The definitions that will be used when determining the outcome of the allegation:

- **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.),
- **Unfounded** (to reflect cases where there is no evidence or proper basis which supports the allegation being made)

Where the allegation is regarding radicalisation or extremism, consideration should be given as to whether there is a duty to refer this under the Prevent duty. If this is the case, the designated officer(s) should still be contacted. However, the Group should also make a referral to the Prevent team within the police.

Executive Director of People (Designated Safeguarding Lead)/Principal/Chief Executive will also be responsible for reporting any such incidents to the Safeguarding lead for the Group's Corporate Board where this is required.

Ultimately the options open to the Group 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

If the allegation is substantiated and:

- the person is dismissed; resigns, or otherwise ceases to provide their 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.

In the case of a member of teaching staff at a school or sixth form college, the case manager must consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching. The Group may need to consider this.

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.

Following a criminal investigation or a prosecution

The police should inform the LADO and the employer immediately when:

- a criminal investigation and any subsequent trial are 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.

In those circumstances, during the joint assessment meeting the LADO will 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 children's social care should also inform that decision. The options will depend on the circumstances of the case and the consideration will 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

If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager will consider whether the learner 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 children's social care may be appropriate.

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

Returning to work

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager will consider how best to facilitate that. Guidance and advice are usually provided via Human Resources 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 will also consider how the person's contact with the learner or learners who made the allegation can best be managed if they are still attending the Group.

Resignations and 'settlement agreements'

'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 college investigation where that is appropriate.

The Group will 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 learners, including any in which the person concerned refuses to cooperate.

Wherever possible, the accused will 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, will 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 will be notified of the conclusion of the allegations and sanctions that might be posed.

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

employers. This will be particularly important where the person moves into another position involving working with children.

It will not be 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 the Group 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.

Where a settlement/compromise agreement is used, the Group will not let this prevent us from:

- fulfilling the legal duty to refer cases to the DBS where the referral criteria are met
- 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.

Record keeping

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, 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, rationale, decisions reached and the outcome as categorised above;
- a copy provided to the person concerned, where agreed by children's social care or the police; and,
- a declaration on whether the information will be referred to in any future reference.

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.
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.

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

References

Cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious will not be included in employer references. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious will also not be included in any reference. See Safer Recruitment Policy for further information on references. Substantiated allegations will be included in references, provided that the information is factual and does not include opinions.

Learning lessons

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 Group'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 may 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.

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 lessons can be learned and if improvements can be made.

Non-recent allegations

Where an adult makes an allegation to the Group 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 children 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 – Low-level concern policy

The Governing Body ensures that the policies and processes are adequate to deal with concerns (including allegations) which do not meet the harm threshold set out above (also referred to as low-level concerns). Concerns may arise in several ways and from a number of sources, for example: suspicion; complaint; or disclosure made by a learner, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken. The Group has appropriate policies and processes in place to manage and record any such concerns and take appropriate action to safeguard learners.

Creating a culture in which **all** concerns about adults (including allegations that do not meet the harms threshold) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should:

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

Low level concerns

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

What is a low-level concern?

The term 'low-level' concern does not mean that it is insignificant, it means that the

behaviour towards a learner does not meet the 'threshold.' A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the 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 any College policies
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- humiliating children.

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.

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

It is crucial that any such concerns, including those which do not meet the harm threshold, are shared responsibly and with the right person, and recorded and dealt with appropriately. Repeated low-level concerns can indicate a pattern of behaviour requiring escalation. If you become aware of any such concerns you should report this to the Executive Director of People (Designated Safeguarding Lead)/Principal/Chief Executive immediately. The Executive Director of People (Designated Safeguarding Lead)/ Principal/Chief Executive will record the information and decide whether any further action is required. This will ensure that the concerns are dealt with effectively and should also protect those working in or on

behalf of the Group from potential false allegations or misunderstandings.

Staff code of conduct and policy on sharing low-level concerns

Information about low-level concerns is set out within the staff code of conduct. It is important that staff share any low-level concerns with the Executive Director of People (Designated Safeguarding Lead) or Principal/Chief Executive.

The purpose of sharing low-level concerns is to create and embed a culture of openness, trust and transparency in which the Group's values and expected behaviour which are set out in the staff code of conduct are constantly lived, monitored and reinforced by all staff.

Staff members who share low-level concerns, are advised to complete the paperwork HR-SG-01 (Referral Form – Report a concern or allegation against a member of staff, including supply teachers, trainee teachers, volunteers and contractors.

As set out in Keeping Children Safe in Education, the governing body will ensure the 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 Group approach to dealing with any concerns.

The Group should work together to achieve the purpose of the low-level concerns policy by, for example:

- all staff ensuring that they have read the staff code of conduct and 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;
- all staff ensuring that they share any low-level safeguarding concerns.
- The Group will address unprofessional behaviour and support the individual to correct it at an early stage;
- The Group will provide a responsive, sensitive and proportionate approach to handling such concerns when they are raised; and,
- helping identify any weakness in the Group's safeguarding system.

Sharing low-level concerns

Low-level concerns about a member of staff, supply teachers, trainee teachers, volunteer or contractor should be reported to the Executive Director of People (Designated Safeguarding Lead) or Principal/Chief Executive.

The Principal/Chief Executive will be informed of low-level concerns in, a timely fashion depending upon the nature of each particular low-level concern.

The Executive Director of People (Designated Safeguarding Lead) or Principal/Chief Executive will be the ultimate decision maker in respect of low-level concerns.

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

If the Group is 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 will consult with the LADO.

The Group creates 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

All low-level concerns will 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.

These records will be held in Human Resources and will be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).

Records will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the Group will decide on a course of action, either through its disciplinary

procedures or where a pattern of behaviour moves from a concern to meeting the harm threshold, in which case it should be referred to the LADO. Consideration will be given as to whether there are wider cultural issues within the Group 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.

This information will be retained at least until the individual leaves employment.

References

The Group will only provide substantiated safeguarding allegations in references. Low level concerns will 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) will not be referred to in a reference. However, where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it will be referred to in a reference.

Responding to low-level concerns from a third-party

If the concern has been raised via a third party, the Executive Director of People (Designated Safeguarding Lead)/Principal/Chief Executive will collect as much evidence as possible by speaking:

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

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

6.0 Related Documents

Equality, Diversity and Inclusion Policy- POL-ED-01

Anti-Bullying and Harassment Policy- POL-SS-01

Student Disciplinary Procedure- BAC-SS-01

Student Handbook

Student Code of Conduct

Off Site Visit Procedure- BAC-SS-03

Staff Code of Conduct- HR-DP-01

Inappropriate Behaviour Policy- POL-HR-01

Inappropriate Behaviour Procedure- BAC-HR-1-05

Public Interest Disclosure Policy- POL-HR-11

Recruitment and Selection of Staff Procedure- BAC-HR-3-01

Safer Recruitment Policy- POL-HR-05

Safeguarding/Child Protection Policy- POL-CP-01

Sexual harassment and Sexual Misconduct – single central source of information

Contact Information

For questions or feedback regarding this policy, please contact:

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