Statutory Policy	
Approved by	Head Teacher
Website	Y
Email	Y

Allegations against staff (including low-level concerns) policy

Date Approved	Autumn 2026
Approved by and Position	Lisa Mathie – Head Teacher
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Policy Updates

Date	Update
December 2025	Policy taken from Judicium (HR Consultants)
October 2026	Rob Dadley removed from Designated Safeguarding Lead (s) – Anna Halkett and Kim Lees added 3. Consultation and referral – contact number removed and changed to 'via the online contact'

Designated Safeguarding Lead(s):

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Introduction

All employers are under an absolute duty to promote and safeguard the welfare of children at their school, and to have regard to guidance issued by the Secretary of State in so doing. Battling Brook takes this responsibility seriously and will ensure that any allegation of abuse or safeguarding concern made against a teacher or other member of staff, or contractor, or volunteer is dealt with fairly, quickly and consistently, in accordance with the DfE guidance on Keeping Children Safe in Education (KCSIE).

This policy has two parts to it in line with the DfE KCSIE guidance. Section one deals with allegations that may meet the harm threshold (set out below). Section two deals with allegations or concerns that do not meet the harm threshold-referred to as "low level concerns".

All members of staff in the school will be made aware of this policy during induction.

Section 1: Allegations that may meet the harm threshold

The procedure documented within this section must be used in any case where it is alleged that a teacher or other member of staff, supply teacher, volunteer, or contractor engaged directly by the school lhas:

- behaved in a way that has harmed 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 the member of staff may pose a risk of harm to children, and/or
- behaved or may have behaved in a way that indicates the member of staff may not be suitable to work with children.

For the avoidance of doubt, this procedure also applies where an allegation is received concerning an incident that happened when an individual or organisation was using the school premises for providing activities for children.

We refer to these criteria in this policy as the "harm threshold".

The procedure below may be varied where the individual concerned is not an employee, to the extent it is appropriate in light of their working status. In addition, in the case of supply staff, volunteers and contractors engaged via third parties, an alternative process may apply after a concern has been raised. Please see the final section of this policy for more details.

1. How concerns arise

Concerns about the possible abuse of children by staff will usually arise in one of two ways, either:

- a direct allegation by a pupil or a third party, for example a parent; or
- an observation by a member of staff that the behaviour of a colleague is inappropriate or potentially or actually abusive.

The behaviour could take place at school, outside of school or online.

In either case the concern must be recorded and reported to the Head Teacher immediately, unless the allegations are about the Head Teacher in which case, it must be reported to the Chair of Trustees this person is known as the "Case Manager". If the Head Teacher is absent, the allegation should be reported to the teacher in charge.

As this is a statutory duty, we expect all members of staff in the school where they have concerns, to report them in accordance with this policy.

2. Initial action

Where it is identified that a child has been harmed, there may be an immediate risk of harm to a child or if the situation is an emergency, they should contact the local authority children's social care and as appropriate, the police immediately in line with Part one of KCSIE.

The Case Manager will ensure that they have a full understanding of what is being alleged from the member of staff or third party, only speaking to the child if it is unavoidable or it is the child making the allegation.

The Case Manager will simply establish that:

- an allegation has been made;
- the general nature of the allegation;
- when and where the incident is alleged to have occurred;
- whether the individual did or could have come into contact with the child;
- who was involved;
- any other persons present/witnesses; and
- whether there is CCTV footage.

The matter will not be discussed with the person who is the subject of the allegation at this stage.

3. Consultation and referral

It is important to ensure that even allegations that appear to be less serious are followed up and taken seriously and that they are examined objectively by someone independent of the school concerned.

If the allegation meets any of the harm threshold set out above, the Case Manager must report it to the Local Authority Designated Officer (LADO) on the same day, via the online contact.

4. Initial consideration of the allegation

The LADO's first step will be to discuss the allegation with the Case Manager to confirm details of the allegation and establish that it is not demonstrably false or unfounded.

If the parents/carers of the child concerned are not already aware of the allegation, the LADO will also discuss how and by whom they should be informed.

In some circumstances, we may advise parents of an incident involving their child straight away, for example, if the child has been injured while at school or in a school related activity and requires medical treatment.

The Case Manager will usually inform the accused person about the allegations as soon as possible after consulting the LADO. However, where a strategy discussion is needed, this will be deferred until after consultation with the police and any children's social care and other agencies has taken place, and there is agreement about what information can be disclosed to the person.

If the person is a member of a union or professional association, they will be advised to contact that organisation at the outset.

Where the Case Manager is concerned about the welfare of any child, they should discuss this with the Designated Safeguard Lead and make a risk assessment of the situation. The Designated Safeguard Lead may need to make a referral to children's social care.

5. Strategy Meeting / Evaluation with Police

If the allegation is not demonstrably false or unfounded, a formal referral will be made to LADO and a strategy meeting may be planned. A strategy discussion will be convened in accordance with "Working Together to Safeguard Children".

There may be up to three strands in the consideration of an allegation:

- a police investigation of a possible criminal offence;
- enquiries and assessment under section 47 of the Children Act 1989 if a child is in need of protection or under section 17 of the Children Act 1989 if the child appears to be in need of services; and
- consideration by the employer of disciplinary action in respect of the individual.

A senior representative from school, usually the Head Teacher will attend any strategy meeting, unless there are good reasons not to do so, and provide details about the circumstances and context of the allegation and the pupil and member of staff concerned.

6. Suspension

The possible risk of harm to children posed by an accused person needs to be assessed and managed – in respect of the child or children involved in the allegation, and any other children in the accused individual's home, work or community life.

Suspension will be considered in any case where:

- there is cause to suspect a child or children are at risk of harm;
- the allegation warrants formal investigation by the police;
- there is a likelihood that evidence may be tampered with, or witnesses intimidated; or
- the allegation is so serious that it might be grounds for dismissal.

We will consider carefully whether the circumstances of a case warrant a person being suspended from contact with the children until the allegation is resolved. In deciding whether to suspend a member of staff, we will consider advice given at a strategy meeting and any risk assessment. We will also take into account the potential permanent professional reputational damage to employees that can result from suspension where the allegation is later found

not to be substantiated. All options to avoid suspension will be considered prior to suspending an employee.

The following alternatives will be considered by the case manager before suspending a member of staff:

- redeployment within the school 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 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, only where this is in the best interests of the child/ren and taking their view into account. In such cases, it will be made 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.

If immediate suspension is considered necessary, the rationale and justification for such a course of action will be agreed and recorded including what alternatives to suspension have been considered and why they were rejected.

If an employee is suspended, they will be informed of this in writing usually within one working day and provided with a named contact at the school

7. Action where police or local authority children's social care investigation is not necessary

If the complaint or allegation is such that:

- it is clear that criminal and/or child protection enquiries are not necessary, or
- the strategy discussion or initial evaluation decides that is the case, the Case Manger will discuss the next steps with the LADO.

In those circumstances, the options open to us depend on the nature and circumstances of the allegation and the evidence and information available and will range from taking no further action or giving professional advice as part of an informal warning to conducting formal disciplinary action that could lead to dismissal or lesser formal warning.

Where **no further action** will be taken, the Case Manager and 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.

If the nature of the allegation does **not require formal disciplinary action/investigation**, the Head Teacher will institute appropriate action within three working days. This would normally be professional advice or an informal warning - although a record will be kept of this.

Where **further enquiries will be needed** to enable a decision about how to proceed, the Case Manager will agree with the LADO how and by whom the investigation will be undertaken.

In straightforward cases such investigation should normally be undertaken by a senior member of staff of the school, however, if there is a lack of appropriate resources within the school or if the nature or complexity of the allegation so requires, an independent investigator will be appointed.

The following definitions will be used when determining the outcome of any investigation:

- **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.

On receipt of the report of the disciplinary investigation, the Case Manager should consult the LADO, and decide whether a disciplinary hearing is needed within two working days. If a hearing is needed it should be held within 15 working days.

8. Action where police or local authority investigation is necessary

The Police or the Crown Prosecution Service (CPS) should inform the school and LADO straight away:

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

In those circumstances, 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 services will inform that decision.

9. Supporting those involved

The Head Teacher or Case Manager will notify the parents or carers of the child or children involved as soon as possible if they are not already aware of it, having consulted the LADO, Children's social care and/or the police on the information that can be disclosed. Parents and carers should be reminded of the requirement to maintain confidentiality and made aware of that there are restrictions on publishing information under the Education Act 2002. They will be kept informed of the progress of the case only to the extent it relates to their child (not information concerning the staff member).

We also recognise that this is likely to be a very stressful time for the member of staff concerned. We will keep the individual who is the subject of the allegations informed of the progress of the case as soon as possible and explain

the likely course of action, provided there is no objection from Children's social care services or the police and guided by them. We will also consider what other support is appropriate for the individual.

Access to counselling services or medical advice should be provided and if the person is suspended, we will also keep the individual informed about developments at the school The person will also be provided with a named contact at the school If the person is a member of a union or professional association, they should be advised to contact that body at the outset.

The school offers access to:

- Access to the School Therapist.
- School can also provide access to Leicestershire County Council Wellbeing Team.

10. Confidentiality

Any investigation will be done in confidence. Every effort will be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

No-one in the school may provide any information to the press or media that might identify an individual under investigation, while an allegation is being investigated or considered. In addition, it is an offence to publish (including by speech or in writing) any material that could lead to the identification of a person against whom there is an allegation, including on social media.

No-one in the school may disclose any information to anyone about the details of an investigation, as this may prejudice the right of the person under investigation to a fair hearing.

The Case Manager should take advice from the LADO, police and children's social care services to agree the following:

- who needs to know and, importantly, 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.

11. Timescales

We will endeavour to follow the timescales set out in the guidance for such investigations, as long as this is consistent with a fair and thorough investigation. However, it is acknowledged that serious and complex allegations are unlikely to be resolved quickly, particularly where specialist evidence is needed, or the matter comes to a contested trial.

12. Oversight and monitoring

We will work closely with the LADO who has overall responsibility for oversight of the procedures for dealing with allegations.

The Case Manager will usually review the progress of the case within four weeks of the initial assessment. Subsequent reviews will usually take place at fortnightly or monthly intervals, depending on the complexity of the case.

13. Outcomes and action on conclusion of a case

a. **Unsubstantiated, unfounded, false or malicious allegations**

If an allegation is found to be unsubstantiated, unfounded, false or malicious, the LADO and Case Manager should consider if the child or person who made the allegation needs help or may have been abused by someone else, in which case a referral to children's social care may be appropriate.

In the rare event that an allegation is shown to have been deliberately invented or malicious, the Head Teacher will consider whether any disciplinary action is appropriate against the individual who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if they are not a pupil.

b. Substantiated allegations

Where an allegation is substantiated and the person is dismissed or their services cease to be used, or the person resigns or ceases to provide their services, the LADO should discuss the case with the Case Manager and their HR advisor to discuss whether a DBS referral is required and in the case of an individual engaged in teaching work, whether a referral to the TRA is required.

c. TRA/DBS Referral

There is a legal requirement for employers to make a referral to the DBS where they consider that 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.

In the case of a member of staff engaged in teaching work (which may include support staff such as TAs, HLTAs, Instructors and unqualified teachers as well as teachers), we will need to consider whether to refer the matter to the TRA to consider prohibiting them from teaching.

14. Returning to Work

In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work, we will consider how best to facilitate that, with advice from the LADO or HR as appropriate. Consideration will also be given to how best to manage the individuals' contact with the child or children who made the allegation if they are still in attendance at the school.

15. Resignations and settlement agreements

Where a person under investigation leaves, tenders their resignation, or ceases to provide their services, the investigation into the allegation will still need to be completed in accordance with guidance and every effort made to reach a conclusion.

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 with the process.

Where possible, the individual will be given an opportunity to answer the allegation and make representations about it. Even if the individual does not cooperate, we will continue to record the allegation, evidence and judgment on the basis of the information available wherever possible. The individual will be notified accordingly of the outcome and any sanctions that might be posed, where possible.

We will not enter into "settlement agreements" by which if a person agrees to resign, we agree not to pursue disciplinary action and both parties agree a form of words to be used in any future reference, in circumstances where the allegations indicate the individual is a risk or poses a risk of harm to children or is deemed not suitable to work with children. It is also not appropriate to use a settlement agreement if the individual resigns or their services cease to be used.

Where a settlement agreement is entered into, it will not prevent us from referring the matter to the DBS, providing a reference to potential employers when requested or making a referral to the TRA.

16. Record keeping

Where the outcome of the allegation is that it is substantiated, unfounded or unsubstantiated, the following information will be kept on the individual's personnel file:

- a clear and comprehensive summary of any allegations is made;
- details of how the allegation was followed up and resolved is made;
- a note of any action taken, and decisions reached including the outcome
  (e.g., substantiated, unfounded or unsubstantiated);
- 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.

If allegations are found to be false or malicious, they will be removed from the employee's personnel file.

At the conclusion of the investigation, if the person under investigation is exonerated, we will write to the person confirming this, and send a copy to the LADO and place a copy on the person's personnel file.

We have an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA) for the term of the inquiry. All other records will be retained at least until the employee reaches normal pension age or for 10 years from the date of the allegation if that is longer. The purpose of the record is to enable accurate information to be given in response to any future reference request, where appropriate and to provide clarification in future DBS checks and help prevent unnecessary re-investigation if an allegation resurfaces after a period of time.

17. References

Cases in which an allegation was proven to be false, unsubstantiated, unfounded, or malicious will not be included in employer references. Any repeated concerns or allegations which have all been found to be false, unsubstantiated, unfounded, or malicious will not be included in any reference.

In substantiated concerns or allegations that meet the harm threshold, the outcome will be made clear when we provide references to a prospective employer of the individual.

18. Learning lessons

Throughout the process of handling allegations and at the conclusion of a case in which an allegation is substantiated, the Case Manager will review the case with the LADO to determine whether there are any improvements to be made to our procedures or practice to help prevent similar events in the future. This includes issues arising from a decision to suspend a member of staff, its duration, whether the suspension was justified, using suspension where an

individual is later reinstated and how future investigations of a similar nature could be carried out without suspension.

For all other cases where the allegation was found to be unfounded, false, malicious, or unsubstantiated, the Case Manager and the LADO (where they are involved) should consider the facts and decide if any lessons could be learned or improvements made.

19. Allegations concerning staff not directly employed by the school

In some cases, we will need to consider an investigation case in which normal disciplinary procedures do not apply and may need to act jointly with another organisation.

That will be necessary when, for example, an allegation is made against a supply teacher provided by an employment agency or business, or against a person employed by a contractor, or an individual or organisation using the school premises for the purposes of running activities for children, or a volunteer provided by a voluntary organisation. In such cases normal disciplinary procedures would not be appropriate because the person is a volunteer or self-employed or otherwise not directly employed by the school.

Although in those cases, we will not have a direct employment relationship with the individual, we will cooperate and be involved in the investigation, any referral to the LADO and in reaching a decision about whether to continue to use the person's services, or to provide the person for work with children in future, and whether to report the person to DBS/TRA. In no circumstances will we cease using a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome.

20.Low-level Concerns Policy

Purpose

a. This policy sets out a framework whereby staff are expected to report concerns, no matter how small, about their own behaviour or that of another member of staff, volunteer, supply teacher, contractor or other person working in school. Its purpose is to help create and embed a culture of openness, trust and transparency in which the clear values and expected behaviour set out in the "Guidance for safer working practice for those working with children and young people in education settings" (Feb 2022) (sometimes called the safeguarding code of conduct) are lived, monitored, and reinforced.

b. The policy should be read in conjunction with the current statutory guidance – "Keeping Children Safe in Education" Part 4, Section 2.

Who does the policy apply to?

This policy applies to all staff and other individuals who work or volunteer in school.

Definition of a low-level concern

A low-level concern is any concern, no matter how small, even if no more than causing a sense of unease or a 'nagging doubt', that a person working in or on behalf of the school may have acted in a way that:

- is inconsistent with the "Guidance for safer working practice" (Feb 2022), including inappropriate conduct outside of work, and
- does not meet the allegations threshold or is otherwise not considered serious enough to make a referral to the LADO

Reporting low-level concerns

a. Where a low-level concern has been identified this will be reported as soon as possible to the Head Teacher. However, it is never too late to share a low-level concern if this has not already happened.

b. Where the Head Teacher is not available, the information will be reported to the Designated Safeguarding Lead or Deputy (i.e. the most senior member of SLT acting in this role).

c. Low-level concerns about the Designated Safeguarding Lead will be reported to the Head Teacher and those about the Head Teacher will be reported to the Chair of Trustees. Concerns about DDSLs must be reported to the Head Teacher or Chair of Trustees. A low-level concern about a supply teacher or contractor will be reported to their employer.

d. Where the low-level concern has been reported to a Deputy Designated Safeguarding Lead, they will inform the Head Teacher of the details as soon as possible.

Recording concerns

a. A summary of the low-level concern should be written down, signed, timed, dated and shared by the person bringing the information forward.

b. Where concerns are reported verbally to the Head teacher a record of the conversation will be made by the Head Teacher which will be signed, timed, and dated.

Responding to low-level concerns

Where a low-level concern has been raised this will be taken seriously and dealt with promptly. The Head Teacher will:

- Speak to the person reporting the concern to gather all the relevant information
- Speak to the individual about the concern raised to ascertain their response, unless advised not to do so by the LADO or Police (HR advice may also need to be taken).
- Where necessary further investigation will be carried out to gather all relevant information. This may involve speaking to any potential witnesses.

- The information reported and gathered will then be reviewed to determine whether the behaviour,

  i) is consistent with the "Guidance for safer working practice for those working with children and young people in education settings" (Feb 2022): no further action will be required,

  ii) constitutes a low-level concern: no further action is required, or additional training/guidance/support may be required to rectify the behaviour via normal day to day management processes. The employee should understand that failure to improve or a repeat of the behaviour may lead to further action being taken, e.g. either via the Performance Management Policy or Disciplinary Policy.

  iii) is serious enough to consult with or refer to the LADO: a referral should be made to the LADO and advice taken from HR. In this case the school's Managing Allegations procedure within the Safeguarding Policy and Disciplinary Policy will be followed.

  iv) when considered with any other low-level concerns that have previously been raised about the same individual, should be reclassified as an allegation and referred to the LADO or Police: a referral should be made to the LADO and advice taken from HR. In this case the school's Managing Allegations procedure within the Safeguarding Policy and Disciplinary Policy will be followed.

- Records will be made of, i) all internal conversations including any relevant witnesses, ii) all external conversations e.g. with the LADO iii) the decision and the rationale for it, iv) any action taken

Can the reporting person remain anonymous?

The person bringing forward the concern will be named in the written record. Where they request to remain anonymous this will be respected as far as

possible. However, there may be circumstances where this is not possible e.g. where a fair disciplinary investigation is needed or where a later criminal investigation is required.

Should staff report concerns about themselves (i.e. self-report)?

It may be the case that a person finds themselves in a situation which could be misinterpreted or might appear compromising to others; or they may have behaved in a manner which on reflection they consider falls below the standard set out in the "Guidance for safer working practice". In these circumstances they should self-report. This will enable a potentially difficult situation to be addressed at an early opportunity if necessary.

Where behaviour is consistent with the "Guidance for safer working practice" (Feb 2022)

Feedback will be given to both parties to explain why the behaviour was consistent with the "Guidance for safer working practice".

Should the low-level concerns file be reviewed?

The records will be reviewed periodically, and whenever a new low-level concern is added, so that potential patterns of concerning, problematic or inappropriate behaviour can be identified and referred to the LADO if required. A record of these reviews will be retained.

References

Low-level concerns will not be included in references unless a low-level concern, or group of concerns, has met the threshold for referral to the LADO and found to be substantiated.

What is the role of the Trust Board?

The Head Teacher will regularly inform the Trust Board about the implementation of the low-level concerns policy including any evidence of its effectiveness e.g. with relevant data. The Safeguarding Trustee may also review an anonymised sample to ensure that these concerns have been handled appropriately.