



PLUME

Maldon's Community Academy

Dealing with Allegations of Abuse against Teachers and other Staff - concerns that do not meet the harm threshold

This policy has been approved by the Board of Trustees with reference to the academy's Equality Policy. The aims of the Equality Policy are to ensure that Plume Academy meets the needs of all, taking account of gender identity, ethnicity, culture, religion, language, sexual orientation, age, ability, disability and social circumstances. It is important that in this academy we meet the diverse needs of students to ensure inclusion for all and that all students are prepared for full participation in a multi-ethnic society.

Reviewed: November 2022

Next full review due: November 2023

There is statutory guidance on handling allegations of abuse against teachers and other staff set out within "Keeping Children Safe in Education - Statutory guidance for schools and colleges" (September 2022)

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

Part 4 of the guidance provides an overview of how allegations should be handled.

1. Concerns that do not meet the harm threshold

- 1.1 Governing bodies and proprietors should have policies and processes to deal with concerns (including allegations) which do not meet the harm threshold.

The harm threshold is:

Where it is alleged that anyone working in the school or a college that provides education for children under 18 years of age, including supply teachers, volunteers and contractors has:

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

- 1.2 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. 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.

2. Low level concerns

- 2.1 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 are managed and dealt with as deemed appropriate and in consultation with the latest statutory guidance.

- 2.2 This will be in relation to all adults working in or on behalf of the school or college (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

- 2.3 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 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.

3. What is a low level concern?

- 3.1 The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold set out above. 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.

3.2 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.

3.3 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.

3.4 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.

3.5 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. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from potential false allegations or misunderstandings.

4. Staff code of conduct and safeguarding policies

4.1 As good practice governing bodies and proprietors should set out their low-level concerns policy within their staff code of conduct and safeguarding policies. 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.

4.2 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.

4.3 Schools and colleges can achieve the purpose of their low-level concerns policy by, for example:

- 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.
- 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.

5. Sharing low-level concerns

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.

6. Recording low-level concerns

- 6.1 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.
- 6.2 Schools and colleges can decide where these records are kept, but they must be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).
- 6.3 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 concern to meeting the harms threshold, in which case it should be referred to the LADO.

- 6.4 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.
- 6.5 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.

7. References

- 7.1 Schools and colleges should only provide substantiated safeguarding allegations 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. 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 should be referred to in a reference.

8. Responding to low-level concerns

- 8.1 The school or college 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 should collect as much evidence as possible by speaking:
- directly to the person who raised the concern, unless it has been raised anonymously;
 - to the individual involved and any witnesses.
- 8.2 The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. All of this needs to be recorded along with the rationale for their decisions and action taken.
- 8.3 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.