St Peter's Brafferton
C of E (VA) Primary School

Let your light shine!

At St Peter's Brafferton, we are a nurturing community where every person can **flourish.** We aspire to be the best in all we do, promoting **lifelong learners** who are curious, compassionate, and courageous. We **value** every person and every opportunity to **'let our light shine'**.

> *"Let your light shine before others, that they may see your good deeds and glorify your Father in heaven."*
> — Matthew 5:16

Managing Allegations and Low-level Concerns Policy

St Peter's Brafferton CE VA Primary School

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Introduction

This policy details how St Peter's Brafferton CE VA Primary School will respond to concerns about adults working in the school regarding their behaviour in relation to children and young people under 18 years old.

Part 4 of Keeping Children Safe in Education (KCSIE) provides definitions for the terms '**low-level concern'** and '**allegation'** which are also given in sections 3 and 4 below. Where the term '**allegation'** is used this denotes a serious issue that potentially meets the harm threshold (see para 4.1.1 below) and which **must** be reported to the Local Authority Designated Officer (the LADO) and the statutory process invoked.

The policy is set out in five sections as follows:

Section 1 – Scope and principles: details the purpose and scope of the policy and includes principles and practice guidance which apply to the management of all concerns

Section 2 – Process for reporting concerns: details how concerns may arise or be reported, and the initial determination and actions which will be taken

Section 3 – Recognising and managing low-level concerns: provides the processes which will apply when a concern is classed as low-level

Section 4 – Process for managing allegations which meet the threshold: details the process which will be followed when a concern has been classed as an allegation to be dealt with under statutory procedures

Section 5 – Allegations against people who are not employees: sets out the processes which will apply where concerns are raised around adults working in the school who are not employees of the school

Section 1 – Scope and principles

1.1 Policy statement

1.1.1 This school is committed to safeguarding the welfare of all children by seeking to protect them from all forms of neglect and abuse. The school recognises that a key aspect of safeguarding is ensuring that those who work with children behave appropriately and that any concerns about an adult's behaviour are identified early and managed promptly and appropriately.

1.1.2 The school has adopted and applies robust recruitment and selection procedures to ensure that all employees, contractors, agency workers and volunteers have been appropriately screened prior to appointment. The school provides appropriate guidance about safe working practice, boundaries and propriety and ensures staff training is updated regularly.

1.1.3 The school aims to promote an open and transparent culture in which all those in the school community feel able to share any concerns they may have about adults working in or on behalf of the school (including supply staff, volunteers, contractors and governors), and that any such concerns will be dealt with effectively. This includes the option for individuals to self-refer.

1.1.4 Through application of this policy, the school will respond to concerns quickly and deal with them consistently, fairly and in line with statutory procedures. In addition, it aims to provide effective protection for the child or children and appropriate support to the person about whom a concern has been raised. The school will progress matters under its employment processes as swiftly as possible when it is given leave to proceed.

1.1.5 Due regard has been paid to the following statutory guidance in the development of this policy:

- Working Together to Safeguard Children – Department for Education
- Keeping Children Safe in Education (KCSIE) – Department for Education
- Managing Allegations Against Those Who Work or Volunteer with Children – LADO Process - North Yorkshire Safeguarding Children Partnership (NYSCP)
- Non-Recent, Organised/Complex Abuse Procedures – NYSCP

1.1.6 The school recognises that the role of the Local Designated Officer (LADO) is to co-ordinate the statutory process and not to investigate allegations. The statutory process, including roles and responsibilities, is detailed on the NYSCP website. This policy ensures that the school is compliant with the statutory process and also details the internal school employment process which will run in parallel with this.

1.1.7 This policy should also be read in conjunction with other school policies, including safeguarding and child protection, whistleblowing, disciplinary and the Code of Conduct.

1.2 Scope

1.2.1 This policy applies in full to all employees of the school. Some elements of this policy will also apply to others working in the school community who are not directly employed including volunteers, governors and those who are employed by another organisation or are self-employed e.g., supply staff, third-party employees, etc.

1.2.2 All adults associated with the school, whether they are working, volunteering, visiting or are a parent/carer, have an obligation to report any concerns they may have regarding the conduct of other adults in relation to children. All concerns will be taken seriously and the process for reporting concerns will be shared with all those in the school community.

1.2.3 Only concerns about adults relating to safeguarding or their behaviour in relation to children will be considered under this policy and it should not be used where there is a complaint about a general action taken or decision made by the school. Further

detail regarding the relevant behaviour which meets the KCSIE definitions is given in Section 3 – low-level concerns and Section 4 - allegations. Other, non-safeguarding conduct issues will be dealt with under the school's Disciplinary Policy.

1.2.4 Some concerns may arise through complaints made to the school. In such cases, the complaint will be dealt with under the Complaints Policy, but it may be appropriate to also consider the issue under this policy if the employee's behaviour or actions raises a safeguarding concern.

1.3 General principles

1.3.1 The following principles and practice issues apply to all safeguarding concerns raised regarding adults working in the school:

Confidentiality

1.3.2 Once a concern has been reported, and whilst it is being investigated and considered, every effort will be made to respect the confidentiality of the individuals involved and guard against publicity. The sharing of information regarding a case will be restricted to those who have a need to know to protect children, facilitate external statutory processes and manage internal processes. Employees who are the subject of allegations will be directed to maintain confidentiality regarding the process and individuals involved as appropriate.

Anonymity

1.3.3 Where the individual who raises the concern does not wish to be named, this request will be respected as far as possible. However, there may be circumstances where they will need to be named, for example, to support a statutory procedure or to enable a fair disciplinary process, and, for this reason, anonymity will not be promised. Employees will be encouraged to consent to being named, as this promotes a culture of openness and transparency and ensures they can be thoroughly explored.

Self-reporting

1.3.4 Occasionally an individual may find themselves in a situation which could be misinterpreted, or they may have acted in a way which, on reflection, they feel falls below the standards expected by the school. The school will encourage self-reporting in these circumstances as a positive action, as it:

- is self-protective as it allows a potentially difficult issue to be addressed at the earliest opportunity
- demonstrates the individual's awareness of the expected behavioural standards and self-awareness of their actions and how they could be perceived
- is an important way to maintain a culture where everyone aspires to the highest standards of conduct and behaviour.

Supporting and communicating with the employees

1.3.5 The school recognises its responsibility for ensuring any employee against whom a concern has been raised is treated with dignity, is supported and are kept appropriately informed regarding ongoing processes. However, when information can be shared will depend on the nature of the case and the process which is being followed.

1.3.6 For low-level concerns, the Headteacher will ensure the employee is told how the matter will be dealt with and kept informed of progress.

1.3.7 Where the concern has been classed as an allegation, and the statutory procedures have been invoked, the Headteacher will take direction from the LADO regarding what information can be shared as the requirements of the police and/or social care investigations will take precedence. Subject to this, the Headteacher will inform the referred person about the nature of the allegation, how enquiries will be conducted and the possible outcome.

1.3.8 In all cases the employee will be treated fairly and honestly and helped to understand the concerns expressed, processes involved and possible outcomes of those processes. The employee will be informed of any support arrangements which will be put in place or is available to them, including through the school's Employee Assistance Programme and advised to contact their union for advice and support if they are member.

1.3.9 The school will maintain records of the information they share and their discussions with employees throughout all processes, usually in the form of file and meeting notes.

Precautionary Action / Suspension

1.3.10 As part of their initial consideration, the Headteacher will consider whether it is necessary to take precautionary action, for example alterative duties or suspension in relation to the employee. Appropriate actions will depend on the facts of each individual case and the employee's existing awareness of the situation. Actions may include removing an employee from their normal duties or sending them home whilst advice can be sought, and initial fact-finding undertaken.

1.3.11 It is the school's decision, as the employer, whether to take precautionary action or suspend the employee. For cases which have been reported to the LADO, consideration will be given to the views of partner agencies involved in the allegations meeting/discussion.

1.3.12 When determining any precautionary action, the Headteacher will consider the alternatives to suspension, based on an assessment of risk, including redeployment to another role in school, additional supervision or working from an alternative location. The arrangements detailed in the disciplinary policy will apply though

precautionary action may need to be taken prior to any decision to invoke the disciplinary procedure.

1.3.13 Suspension will only be considered in serious cases where there is cause to suspect a child or other children are at risk of harm or there are significant concerns that the employee will impede the workplace investigation which cannot be mitigated through other means.

1.3.14 If the Headteacher decides to suspend then the arrangements will be in line with the school's disciplinary policy and be on full pay and without prejudice. The Headteacher will notify the Chair of Governors and the Local Authority of any suspension decision.

1.3.15 The employee will be provided with a named contact within school during any periods of suspension. The suspension will be kept under review and regular contact maintained with the employee to inform them of progress.

1.3.16 In all cases, the Headteacher will make a written record detailing the considerations and rationale around their decision whether or not to implement precautionary action.

1.3.17 Where an allegation or concern has been made regarding an adult not directly employed by the school, the Headteacher will speak to that individual's employer regarding initial actions and precautionary action.

Record keeping

1.3.18 The Headteacher will ensure that comprehensive written records are kept for each case. This will include details regarding the concern, how the case was investigated, what the outcome was, any actions which were taken and a record of the school's case-related communication with the employee.

1.3.19 Where the concern constituted an allegation the final categorisation will determine what information will be held on the employee's personal file. Unless the individual gives their consent, allegations found to be false or malicious will be removed from the employee's personal file, though appropriate information may be held in other records held by the school. In all other cases, an appropriate summary of the case will be retained on their personal file and the employee will be provided with copies of relevant documents they have not already received. Where the disciplinary policy has been invoked, documentation regarding the investigation and any hearing and appeal will constitute the bulk of this case summary. This record will be retained until the employee has reached normal pension age or for a period of 10 years from the date of the allegation, if that is longer.

1.3.20 The school will hold records of low-level concerns centrally and these records will be regularly reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where such a pattern of repeated low-

level concerns by an individual is apparent, the Headteacher will consult with the LADO to determine if the harm threshold has been met.

1.3.21 Where a pattern emerges relating to a number of employees, the Headteacher will consider if there is a wider or systemic issue in the school and how this can be addressed, including through further training around safeguarding or the school's Code of Conduct.

1.3.22 Relevant information regarding low-level concerns may also be held on the employee's personal file and will be in all cases where informal or formal action has been taken under the school's disciplinary or capability policies. These records will be kept in line with the retention period for the personal file.

Employment References

1.3.23 Where an allegation has been categorised as substantiated then this will be included in any employment references provided by the school. All other categories of allegations, including where there is a history of repeated concerns or allegations with these outcomes, will not be included in employment references.

1.3.24 Information in relation to low-level concerns will not be included in employment references unless it relates to issues which would normally be included for example, live disciplinary sanctions or formal capability actions.

1.3.25 In every case where possible, the employee will be notified of the information which will be included in employment references relating to actions taken under this policy.

Whistleblowing / Confidential Reporting Policy

1.3.26 The school has a Whistleblowing Policy and employees can voice concerns regarding the actions or attitude of colleagues under this where it is in the public interest. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by the school, they may report the matter to the LADO.

Resignations

1.3.27 Where an individual resigns or ceases to provide their services before a case has been completed, the Headteacher will determine, in line with the following principles, whether the school will seek to reach a conclusion. For low-level concerns this will be considered on a case-by-case basis depending on the circumstances of the situation. Where an allegation has met the threshold, in line with KCSIE the school will make every effort to reach a conclusion in relation to the concern. This may include finishing a reasonable investigation and determining what the outcome would likely have been had the employee not resigned. In all cases, the employee will be given a right to respond to the allegation before the school makes its determination and the allegation is categorised.

1.3.28 For allegations which meet the threshold and are being considered under the NYSCP procedures a categorisation decision will be made. Referral to the

Disclosure and Barring Service (DBS) and Teaching Regulation Agency (TRA) will still be made where the relevant criteria have been met, even if the employee has left the school.

Settlement Agreements

1.3.29 The school will not enter into any settlement agreement which restricts its ability to:

- refer relevant cases to the DBS or the TRA; or
- provide an employment reference which includes details regarding a substantiated allegation and actions taken or live disciplinary sanctions

Section 2 – Process for reporting concerns

2.1 Concerns reported to the Headteacher

2.1.1 All safeguarding concerns relating to adults working with children must be reported in confidence to the Headteacher, who is the Case Manager, unless the concerns relate to the Headteacher then the Chair of Governors should be informed (see 2.2.2 below). The report may be made verbally or in writing. All reports must be made as soon as the individual becomes aware of it. This is to ensure that timescales can be met for reporting serious issues to the Local Authority Designated Officer (LADO), and so early actions can be taken to protect a child or children if necessary.

2.1.2 Where the allegation involves an immediate risk to a child or a safeguarding concern that requires an urgent response, the Headteacher will immediately notify relevant statutory agencies and inform the LADO as soon as possible.

2.1.3 The Headteacher will make a record of the report they receive including the following:

- a summary of the concern including the time, date and place of the incident, and what was said (where possible in the child/adult's own words)
- the names of any witnesses to the incident
- the name of the person against whom the concern has been raised
- the name of the person making the report and their contact details if necessary

2.1.4 A Staff Safeguarding Concern Reporting Form is available to support the reporting of allegations and concerns and recording the response to the initial report.

2.2 Other reported concerns

2.2.1 If the Headteacher is not available concerns may be reported to the Designated Safeguarding Lead (DSL). Concerns may also be reported to other staff or senior leaders, for example if a child makes a disclosure or as part of a parental complaint. In all cases, other leaders will take any immediate actions necessary to safeguard the child, but the concern regarding the behaviour of the adult will be relayed to the

Headteacher as soon as possible. The Headteacher will be the decision maker in relation to next steps for all allegations relating to employees of the school.

2.2.2 If any concern relates to the Headteacher it should be reported to the Chair of Governors. For the remainder of this policy, reference to the Headteacher should be read as the Chair of Governors when the concern relates to the Headteacher.

2.2.3 Employees are encouraged to still make late reports, for example, where they have witnessed something which they thought was minor, but on reflection believed should have been reported. Whilst prompt reporting is important, a delay should not be seen as a barrier to sharing a concern.

2.3 Initial consideration by the Headteacher

2.3.1 Once a concern has been raised the Headteacher will determine how the concern will be progressed and the appropriate next steps. To inform their determination, where appropriate, the Headteacher will speak to the individual raising the concern and it may be necessary for some initial fact-finding to take place.

2.3.2 To determine whether the threshold has been met, the LADO may require some fact-finding to be undertaken by the school. The Headteacher may undertake these preliminary enquiries or direct another senior leader/the DSL to do this. This fact-finding is distinct from a formal investigation, which may later be required.

2.3.3 Where the concern has potential to be an allegation, the Headteacher will take advice from the LADO regarding the extent of any communication with the employee against whom a concern has been raised during the initial fact-finding.

2.3.4 Where the Headteacher is not sure whether the harm threshold has been met they will take advice from the LADO. When considering the reported behaviour, any previous low-level concerns that are held on file about the individual will be taken into account. This may result in the reclassification of the new concern to an allegation and will therefore be referred to the LADO.

2.3.5 The Headteacher will determine whether the behaviour or action is:

Determination	**Action**
A low-level concern – see **Section 3** below	Consideration by the Headteacher for further investigation or action. No requirement to complete referral to LADO.
An allegation which potentially meets the harm threshold – see **Section 4** below	Referral to the LADO and consideration under the NYSCP procedures. This may subsequently require action under the school's disciplinary, developing performance or capability policies.

A conduct or performance issue **not** related to safeguarding	Considered for action under the school's disciplinary, developing performance or capability policies. No requirement to complete referral to LADO.
Behaviour consistent with the Code of Conduct / no concerns over individual	No further action but the Headteacher may speak to both parties to explain the decision. No requirement to complete referral to LADO.

2.3.6 The Headteacher will produce and retain a written record documenting the rationale for their classification of the concern.

Section 3 – Recognising and managing low-level concerns

3.1 Defining a low-level concern

3.1.1 A low-level concern is any concern about an adult's behaviour towards a child or young person which is in appropriate or inconsistent with professional standards or the school's Code of Conduct, but which does not meet the threshold for referral to the LADO. Low-level concerns are not considered to be insignificant and sometimes will arise from someone experiencing unease or a 'nagging' doubt.

3.1.2 Examples of such behaviour include but are not limited to:

- being over friendly with pupils
- having favourites
- taking photographs of pupils on their personal mobile phone
- humiliating children
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- using inappropriate, intimidating or offensive language

3.1.3 Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, to behaviour that may look to be inappropriate but might not be in specific circumstances, to that which is ultimately intended to enable abuse. The school will encourage employees to share any such low-level concerns responsibly, so they are recorded and dealt with appropriately.

3.2 Procedure for dealing with low-level concerns

3.2.1 Where a concern has been classified as a low-level concern, the Headteacher will determine an appropriate course of action. The Headteacher may require some further enquiries to be undertaken depending on the facts of the case which may involve discussion with the individual raising the concern and other witnesses. In all cases, the individual against whom the concern has been raised will be notified and given the opportunity to respond to the concern.

3.2.2 The type of action taken will depend on the nature and severity of the behaviour. It may be sufficient to speak to the individual about whom the concerns have been raised and for them to reflect on their behaviour moving forward. Such a conversation will be clear about:

- why the behaviour is concerning, problematic or inappropriate
- the change required in the employee's behaviour
- establishing what support or training the employee may need in order to achieve and maintain the required behaviour
- the consequences should the employee fail to reach the required standard, or if further concerns are raised and proven

3.2.3 A written record of the conversation will be made and retained on the employee's personal file.

3.2.4 The Headteacher will also give appropriate feedback to the individual who raised the concern around how the issue has been resolved. Confidential information relating to the employee against whom the concern was reported will not be shared.

3.2.5 Where an action plan or risk assessment has been agreed with the employee as an informal action, the Headteacher will regularly review these with the employee. Ongoing and transparent monitoring of the individual's behaviour may also be appropriate.

3.2.6 In some cases, the Headteacher may determine that the concern is sufficiently serious to be dealt with under the school's developing performance, capability or disciplinary policies. Actions on the conclusion of these processes may range from monitoring, additional supervision or informal management advice through to a support plan or formal disciplinary sanction.

Section 4 –Process for managing allegations which meet the threshold

4.1 Defining an allegation

4.1.1 A concern will be classed as an allegation where the harm threshold has been met, that is, it is alleged that the person has:

- 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 they 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.

4.1.2 An allegation may involve behaviour outside of work or an employee's personal relationships. Such cases will be assessed to determine if they could indicate

transferable risk which may impact an individual's suitability to work with children. Examples include being subject to Child Protection Procedures, involvement in serious criminal behaviour or a close personal association with someone who may pose a risk to children.

4.2 Initial Action by the Headteacher

4.2.1 Where there is reason to believe the harm threshold is met, the Headteacher will make a referral to the LADO within one working day and the NYSCP procedures will be invoked. The Headteacher will take advice from the LADO regarding what information can be shared at this stage with the employee, the child and their parent or carer.

4.2.2 The Headteacher will ensure that any initial actions by the school will not prejudice any police or social care investigations, taking advice from the LADO as necessary.

4.3 Allegations Meeting/Discussion

4.3.1 Where the LADO agrees that the threshold has potentially been met, they will arrange an initial discussion or meeting with statutory partners, which the school will be invited to attend. Where the allegation concerns a directly employed member of staff, the school will invite their HR advisor to attend.

4.3.2 The Headteacher will share general employee information at the allegations meeting/discussion which may include:

- references, employment history, outcome of pre-employment vetting checks including details of the DBS, etc.
- previous allegations or concerns about the individual – including low level concerns
- any information about other roles working with children which the employee holds outside of school, either paid or voluntary
- whether the employee has any children or lives with any children if this information is already known to the school.

4.3.3 The information and direction received by the Headteacher at the meeting/ discussion may include some or all the following:

- Whether police or social services investigations are necessary
- What impact these investigations will have on the school's internal processes and investigations
- How information regarding progress of the case will be shared and named contacts from other agencies from whom updates can be sought
- What information can be shared with the employee
- The views of partner agencies around appropriate precautionary action
- What information can be shared with the child/parents/carers and third parties

- What are the parameters of any school investigation i.e. where there are multiple allegations which of these meet the LADO threshold and for them to be defined and recorded in the minutes
- Whether a referral should be made in terms of interim prohibition to a regulatory body and the school's responsibilities for doing this
- Whether there are any relevant media restrictions
- Dates of future meetings

4.3.4 In cases where a number of allegations are made against an employee it may be that not all meet the threshold under the NYSCP procedures. The school will determine how it will address these other concerns and whether they will be investigated through a single process. The employee will be informed how each allegation is being considered and which ones meet the threshold.

4.3.5 The outcome of the LADO process is categorisation of the allegation. An allegation may be categorised at this stage, however, in most cases further investigation or actions will be required.

4.3.6 The school will not commence formal investigation of an allegation under its policies until confirmation has been received from the LADO that it may do this, to ensure it does not prejudice any investigations by statutory partners.

4.4 Formal action under school policies

4.4.1 When the school has been notified that it may take action under its own policies, the Headteacher will determine appropriate next steps based on the facts of the case. Usually, this will be further investigation and/or action under the school's disciplinary or capability policies. However, in some cases, the Headteacher may determine that other informal actions are appropriate.

4.4.2 All disciplinary investigations and hearings will be conducted in line with the school's disciplinary policy. If, at any stage of the investigation, new safeguarding concerns arise, the process will pause whilst advice is sought from the LADO. Where any new allegations arise, the Headteacher will review any precautionary action in place to ensure arrangements remain appropriate.

4.5 Allegation categorisation

4.5.1 Where further investigations, hearings and appeals have been required, the LADO will arrange a final review meeting/discussion with all relevant parties previously involved to categorise the allegation(s). At the meeting, the Headteacher will share information regarding the actions taken under the school's policies and the outcome of these processes.

4.5.2 The possible outcomes are below:

- **No further action** – the allegation, after consideration, does not meet the criteria for the NYSCP procedures. In such circumstances it will usually be

appropriate for the concern to be considered under the low-level concerns process in Section 3

- **Substantiated** – there is sufficient evidence to prove the allegation
- **False** – there is sufficient evidence to disprove 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
- **Unfounded** – to reflect cases where there is no evidence or proper basis, which supports the allegation being made
- **Unsubstantiated** – there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence

4.5.3 It is important that the employee's response to the allegation is considered during the categorisation process. The Headteacher will ensure that the employee's response is shared at the final review meeting prior to a categorisation decision being made.

4.5.4 The final categorisation of the allegation will be a multi-agency decision based on views of the parties involved in the final review meeting/discussion. The employee will have no right of appeal regarding the categorisation decision as it is a safeguarding judgement. However, if new information comes to light which was not available when the allegation outcome was agreed, the employee can request that the allegation determination be reviewed. This may not change the recorded allegation outcome.

4.5.5 The Headteacher will inform the employee, in writing, of the outcome and categorisation of the allegation on the conclusion of the case. The notification will include:

- A comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- The outcome into which the allegation has been categorised
- Relevant actions and decisions taken by the school
- Whether the allegation will be referred to in future references from the school
- How long any records will be retained by the school
- If there will be a referral to DBS and / or any regulatory body by the school

4.5.6 The Headteacher will ensure an appropriate return to work plan is in place to support the employee following a period of suspension or absence from work.

4.6 Referral to the Disclosure and Barring Service

4.6.1 To ensure compliance with its legal duty, the school will make a referral to the DBS where both the following two conditions are met:

1. the individual has been permanently removed from regulated activity (e.g. been dismissed), or would have been removed had they not resigned, retired, or been made redundant; and

2. the school believes the individual has:
    - engaged in relevant conduct (e.g. behaviour that harmed or could harm a child)
    - satisfied the harm test (i.e. there is a risk of harm even if no actual harm occurred) or
    - been cautioned or convicted of a relevant offence (such as certain violent or sexual crimes).

4.6.2 The school will make a referral to the DBS as soon as possible, following a decision to permanently remove an employee from regulated activity, usually upon the individual's employment being terminated. Where the employee has resigned during the process, any referral will be made when the school has concluded the process and judged that the employee would have been removed from their role (see paragraph 1.3.27).

4.6.3 In cases where there has been a particularly serious allegation and there is a risk that the individual may be working or be otherwise in a position of trust with children elsewhere, the school may refer to the DBS before a decision to dismiss is made. This decision will usually be made in conjunction with the LADO.

4.7 Referral to the Teaching Regulation Agency

4.7.1 The school will discharge its statutory duty to consider the referral of cases involving serious professional misconduct to the Teaching Regulation Agency (TRA). This will usually be considered where a teacher has been dismissed or would have been dismissed had they not resigned first.

4.7.2 Cases will usually be referred to the TRA when they have been concluded, however, in cases where there has been a particularly serious allegation and there is a risk that the individual may be teaching elsewhere, the school may apply for an interim prohibition order. This decision is usually made in conjunction with the LADO.

4.8 Historic allegations

4.8.1 Historic concerns may be raised regarding incidents which happened a number of years previously which relate to an employee who has left the school. If the allegation may meet the threshold, the Headteacher will report it to the LADO in the same way.

4.8.2 The NYSCP 'Non-Recent, Organised/Complex Abuse Procedures' will apply when there are historic allegations (where the reported abuse occurred over one year before it was disclosed) or there are signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions.

4.8.3 Where a historic allegation is made against an employee who continues to work in the school, the arrangements in this policy will apply.

Section 5 - Allegations against people who are not employees

5.1 Policy scope

5.1.1 The principles of this policy will continue to apply to concerns and allegations which are raised against those working in the school but who are not directly employed. In these cases, the school will ensure that allegations are dealt with promptly and in line with the statutory process.

5.1.2 In all cases, the Headteacher will compile appropriate records relating to all concerns and allegations and ensure these are retained in line with data protection arrangements and statutory guidance in KCSIE. A copy of the relevant records will be provided to the individual who is the subject of the concern.

5.2 Volunteers including governors

5.2.1 Where a concern or allegation is reported regarding a volunteer the Headteacher will follow an amended process. For concerns relating to a member of the Governing Body, the Chair of Governors will be kept informed of the actions taken.

5.2.2 Where concerns are considered low-level, the Headteacher will discuss these with the individual concerned and determine if further action is required. In some cases, the issue may be addressed through informal means or training, but in more serious cases, the role of the individual in school may be reviewed.

5.2.3 Where an allegation meets the threshold, the case will be referred to the LADO and the NYSCP procedures will apply. In such cases, the Headteacher will ensure that the necessary investigations and considerations are undertaken to:

- enable the allegation to be categorised
- consider whether the individual's role in school should cease
- allow a determination to be made regarding whether the criteria have been met for referral to the DBS
- allow for the provision of accurate references to be provided if relevant

5.3 Agency workers and third-party staff

5.3.1 Where a concern or allegation is reported regarding an agency worker or employee of a third-party, the Headteacher will ensure these are dealt with promptly and in conjunction with the individual's employer.

5.3.2 The low-level concerns process detailed in Section 3 will not apply to agency workers or third-party staff. However, where concerns which do not meet the threshold are reported, the Headteacher will discuss these with the agency or third-party employer so that they may be appropriately addressed with the individual or reported to the LADO by the agency or employer if they form a pattern of behaviour which may meet the threshold.

5.3.3 Where an allegation meets the threshold, the Headteacher will refer the case to the LADO and the NYSCP procedures will apply. The Headteacher will also notify the agency or third-party employer of the referral.

5.3.4 The Headteacher will consider whether any precautionary action is required in relation to the individual against whom the allegation has been made. The Headteacher will ensure any actions do not impact on statutory processes and will take advice from the LADO as required. The Headteacher will also discuss options for precautionary action with the individual's employer. Examples could include increased supervision, redeployment, amending duties or the individual being asked to leave the school site whilst investigation and consideration of the allegation are ongoing.

5.3.5 The school may take the lead in investigating incidents involving agency workers and third-party staff which have taken place in the school. The Headteacher or DSL will also attend LADO meetings as required, sharing information as necessary.

5.4 Providers of out-of-school settings

5.4.1 The school's safeguarding arrangements and this policy will apply where out-of-school activities are provided under the direct supervision/management of school employees.

5.4.2 Where other providers run activities for children on the school site, the school will ensure that such organisations have appropriate and robust arrangements in place around safeguarding and managing allegations.

5.4.3 Where an allegation is reported to the school relating to the provision of an out-of-school activity the school will report this to the LADO within 24 hours. This will be for all allegations, including those against the provider's staff and involving children who may not attend the school. The school will also inform the provider of the reported allegation and require them to contact the LADO.

5.4.4 The school will participate in any investigation where appropriate, including, for example, where school staff may have witnessed something or where CCTV footage may be available. Following conclusion of any processes, the school may review arrangements with external providers to ensure they are appropriate and drawing from any lessons learned.

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