



Coastal Learning
PARTNERSHIP

PROCEDURAL POLICY FOR MANAGING ALLEGATIONS OF ABUSE (OF A CHILD) MADE AGAINST A STAFF MEMBER

This policy has undergone an Equalities Impact Assessment in line with the requirements of the Public Sector Equality Duty

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1. Introduction

- 1.1 All children and adults have a fundamental right to be protected from harm. Coastal Learning Partnership is committed to the health and safety of its staff and pupils and will take action to safeguard their well-being.
- 1.2 All staff have a positive role to play in safeguarding children and Coastal Learning Partnership recognises and actively promotes this duty. This policy should therefore be read in conjunction with the CLP Safeguarding and Child Protection Policy.
- 1.3 Coastal Learning Partnership recognises that any possibility that a member of staff may have harmed a pupil must be investigated thoroughly but in a way that does not prejudice either the pupil or the member of staff. Any allegations of abuse against staff should be dealt with under this policy and not the Coastal Learning Partnership general complaints procedure.
- 1.4 This policy and procedure aims to ensure that all allegations are dealt with fairly, consistently and quickly, in a way that provides protection for the child, whilst supporting the person who is the subject of the allegation.
- 1.5 The Trust Board and Local Governing Bodies of Coastal Learning Partnership will ensure that they comply with their duties under legislation and will have regard to the current version of [Keeping Children Safe in Education](#) (KCSiE) to ensure that the policies, procedures are effective and comply with the law at all times.
- 1.6 In the event that a member of staff does not wish to report an allegation directly, or they have a general concern about malpractice within the Partnership, reference should be made to the CLP Whistleblowing Policy.

2. Framework

- 2.1 The framework for managing cases of allegations of abuse against people who work with children is set out in the following Department for Education documents:
 - [Working Together to Safeguard Children](#) (updated 1 July 2022);
 - [Keeping Children Safe in Education](#) (updated annually); and
 - [What to Do if You're Worried a Child is Being Abused](#) (published 26 March 2015).
- 2.2 The detailed guidance for managing allegations is contained in KCSiE Part 4 which is divided into two sections:
 - Allegations that may meet the harms threshold.
 - Allegations/concerns that do not meet the harms threshold (referred to as 'low level concerns')

This policy has been written in close consideration of Part 4 of KCSiE and should be read in conjunction with this statutory guidance.

3. General Principles

- 3.1 The following procedure should be used in respect of all cases where it is alleged that anyone working in a school has acted in a way which raises a safeguarding concern.
- 3.2 Concerns which may meet the harms test include incidents where an individual has allegedly:
 - 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 they would pose a risk of harm if they work regularly or closely with children, and/or;
 - Behaved or may have behaved in a way that indicates they may not be suitable to work with children (this may be within or outside of work).

- 3.3 KCSiE also defines 'low level concerns' which are behaviours causing concern but which do not meet the harms test outlined above. These can be any concern, no matter how small, that an adult may have acted in a way that is inconsistent with the staff code of conduct, including inappropriate conduct outside of work. Examples may include, but are not limited to:
- Being over friendly with children;
 - Having favourites;
 - Taking photographs of children on their mobile phone;
 - Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
 - Using inappropriate sexualised, intimidating or offensive language.

Further guidance regarding the management of low level concerns can be found in Appendix B.

- 3.4 In addition, the procedure also applies if a concern arises about a member of staff in their private life which indicates that they would pose a risk of harm if they work regularly or closely with children (this is known as 'transferable risk').
- 3.5 It is imperative that everyone who deals with allegations of abuse maintains an open and enquiring mind. All allegations must be followed up and taken seriously, even those that appear less serious in nature.

4. Allegations against workers not directly employed by CLP

- 4.1 It may arise that an allegation is made against an adult who does not fall under the direct management of the Partnership, for example, an agency supply teacher or a contractor. In these circumstances the employer will be responsible for ensuring appropriate action and investigation is undertaken.
- 4.2 CLP will ensure that any such allegation is reported appropriately and measures are taken to ensure all children are safe. This may include liaising with the employer to seek an alternative person to cover the work or to redeploy the person to an area where they do not have unsupervised contact with children.
- 4.3 It is common for the school to take the lead in such an investigation as they are better placed to gather balanced evidence. This should only be undertaken following the advice of HR and the Local Authority Designated Officer (LADO) and agreement being reached with all relevant stakeholders.

5. Confidentiality

- 5.1 Coastal Learning Partnership will make every effort to maintain confidentiality and protect against unwanted publicity during the investigation of the allegation. Personal data and sensitive personal data relating to staff involved in abuse allegation cases will be managed with a constant awareness of data protection in a confidential and secure manner.
- 5.2 The Data Protection Officer will provide advice to ensure that high standards of data security and confidentiality are maintained at all times during the abuse allegation investigations and during evidence handling and sourcing.
- 5.3 [The Education Act 2011](#) introduced reporting restrictions (section 13) which prevents the **publication**¹ of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school or from any school within Coastal Learning Partnership.

¹ The term **publication** includes 'any speech, writing, relevant programme or other communication in whatever form, addressed to the public at large or any section of the public.' Relevant programme means a programme included in a programme service, within the meaning of the *Broadcasting Act 1990*.

- 5.4 Parents/Carers who publish details of the allegation on a social networking site for example, would be in breach of the reporting restrictions if the publication could lead to the identification of the member of staff by members of the public.
- 5.5 The restrictions apply up until the accused person is charged with an offence, or until the Secretary of State publishes information about an investigation or a decision is reached in a disciplinary case arising from the allegation.
- 5.6 The reporting restrictions will cease to apply if the accused person waives their right to anonymity by going public themselves or by giving written consent for another to do so. At no point should the name of the child/children be brought into the public arena by either the school/academy/parent or the accused unless ordered by the Court e.g. if a Judge lifts restrictions in response to a request to do so.
- 5.7 In accordance with the Association of Chief Police Officers' (ACPO) guidance 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. However, in exceptional circumstances, for example an appeal to trace a suspect, the Police can apply to the Magistrates Court to request that reporting restrictions are lifted.
- 5.8 The Case Manager (see paragraph 6) should take advice from the Local Authority Designated Officer (LADO), Police and Children's Social Care Services to determine:
- Who needs to know and what information can be shared;
 - If any information can be reasonably given to the wider community to reduce speculation; and
 - How to manage press interest, speculation, leaks and gossip.
- 5.9 Personal data relating to staff or former staff involved in abuse allegation cases will be managed with a constant awareness of data protection in a confidential and secure manner. Data will be viewed only by necessary and qualified persons and will not be copied, duplicated or transferred unless absolutely necessary. Concerns regarding how data is managed should be reported to the Data Protection Officer/Manager.

6. Procedure

6.1 Stage 1: Reporting allegations

- 6.1.1 Any allegation of abuse by a member of staff towards a pupil must be reported to the Headteacher or the Designated Safeguarding Lead (DSL).
- 6.1.2 If the allegation is against the DSL then this must be reported to the Headteacher unless the Headteacher is the DSL in which case the allegation must be reported to the CEO.
- 6.1.3 If the allegation is against the Headteacher or a member of the central team then the allegation must be reported to the CEO.
- 6.1.4 If the allegation is against the CEO, then the allegation must be reported to the Chair of the Trust Board.
- 6.1.5 A written, dated record of the allegation must be made as soon as practicable, but within 24 hours. The HR team should be notified at the earliest opportunity.
- 6.1.6 The term 'Case Manager' will be used throughout this policy and that will be the Headteacher, CEO or Trust Board Chair according to 6.1.1 – 6.1.5 above.

6.2 Stage 2: Informing relevant parties

6.2.1 The Case Manager must determine if the alleged behaviour indicates that the individual may have:

- 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 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.

If it is considered that the allegation does not meet this 'harms threshold', the Case Manager must consult with the HR team who will advise on next steps and a record must be kept detailing the nature of the concern and action taken.

Should it be considered that the allegation may meet this 'harms threshold', then the following procedure should apply.

6.2.2 The Case Manager must ensure that the allegation is reported to the Local Authority Designated Officer (LADO), and inform the CEO (if they are not the Case Manager). The LADO can then consult with Police and children's services as appropriate.

6.2.3 Some rare allegations will be so serious that they require immediate intervention by Children's Social Care Services and/or Police. If the person referred to in the allegation is deemed to be an immediate risk to children or there is evidence of a possible criminal offence, then the Police should be involved immediately.

6.2.4 The LADO should be informed of any allegations that are made directly to the Police or Children's Social Care Services.

6.2.5 The Case Manager will work closely with the HR team throughout and should not investigate the allegation at this stage. However, serious consideration will need to be given as to whether it is appropriate to suspend the individual concerned (see paragraphs 9 and 10).

6.2.6 The Case Manager should inform the accused person about the allegation as soon as possible after consulting the LADO and subject to 6.2.8 below. They should provide the accused person with as much information as possible, including details of the support available to them.

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

6.2.8 However, when a strategy discussion is needed, or the Police or Children's Social Care Services need to be involved (see 6.3.4 below), the Case Manager should not inform the relevant parties until those agencies have been consulted and agreed what information can be disclosed.

6.3 Stage 3: Initial Evaluation

6.3.1 There may be up to 3 strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Enquiries and assessment by Children's Services Social Care about whether a child is in need of protection or in need of services;
- Consideration by the school, with HR support, of disciplinary/capability action in respect of the individual.

- 6.3.2 The Case Manager should discuss the nature, content and context of the allegation with the LADO and agree a course of action. The LADO may request the Case Manager obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and the individual's current contact with children. Children are classed as vulnerable individuals under data protection law. Data disclosed and processed on any safeguarding topic will be handled with the utmost sensitivity and confidentiality and in accordance with the terms of the General Data Protection Regulation (GDPR).
- 6.3.3 Consideration should be given as to whether any other children may be likely to be at risk, in the light of the allegation and whether it may be necessary to review any previous allegations made.
- 6.3.4 If there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will contact Children's Services Social Care and ask for a strategy discussion to be convened straight away. The focus of this discussion will be on the needs of the child or children who may be at risk.
- 6.3.5 In a strategy discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim. The sharing of information may lead to a decision that no further action is to be taken. In this case the decision and the reason for it should be recorded by both the DSL and the LADO. They should agree what information should be put in writing to the individual and by whom. They should further agree what action should ensue with regards to the individual who made the initial allegation.
- 6.3.6 If the 'threshold for significant harm' has not been reached, but a police investigation might be needed, the LADO should conduct a similar discussion with the Police, school and other agencies to evaluate the allegation and discuss how best to deal with it.
- 6.3.7 If the allegation refers to physical contact, the strategy discussion or initial evaluation with the Police should take into account that teachers and other school/college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour (see the CLP Behaviour Principles, Reasonable Force and Exclusions Policy).
- 6.3.8 The Police must always be informed about any case in which a criminal offence may have been committed.

6.4 Stage 4: Action following the initial investigation

- 6.4.1 If the child or children appear to be at risk of significant harm and in need of protection, there should be an urgent referral to children's social care.
- 6.4.2 If as a result of the strategy discussion, there is reasonable belief to suggest that a criminal offence has been committed, the Police will carry out a full investigation as outlined in paragraph 13.
- 6.4.3 Where the initial consideration decides that the allegation does not involve a possible criminal offence or that there is no significant risk to the child, the LADO should discuss the next steps with the Case Manager and take action as appropriate, within 3 working days.
- 6.4.4 The LADO should continue to liaise with the school to monitor the progress of any case and provide advice, guidance and support as necessary. Reviews should be conducted at fortnightly or monthly intervals depending on the complexity of the case.
- 6.4.5 Coastal Learning Partnership will make every effort to reach a conclusion in all cases of allegations of abuse against staff including any in which the person accused refuses to cooperate with the process.

6.5 Stage 5: Referrals to the Disclosure and Barring Service and Teaching Regulation Agency

- 6.5.1 Coastal Learning Partnership recognise that there is a legal requirement for employers to make a referral to the DBS where an allegation has been substantiated, or where they think 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. Coastal Learning Partnership will also refer the matter to the Teaching Regulation Agency (TRA) if they have not already done so and if relevant to the role in question (ie. Teaching staff).
- 6.5.2 Coastal Learning Partnership have a legal duty to refer to the DBS anyone who has:
- Harmed, or poses a risk of harm, to a child or vulnerable adult;
 - Where the harm test is satisfied in respect of that individual;
 - Where the individual has received a caution or conviction for a relevant offence, or
 - There is reason to believe that the individual has committed a listed relevant offence*;
and
 - That individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

For a list of offences see * [Safeguarding Vulnerable Groups Act 2006 \(Controlled Activity and Prescribed Criteria\) Regulations 2012](#).

- 6.5.3 Making the referral to the DBS and TRA is the responsibility of the Headteacher (or CEO/Chair of Board) but the LADO and HR will be available for advice. The referrals should be made as soon as possible after resignation or removal of the individual. The DBS will decide whether to bar the individual.
- 6.5.4 For information regarding how to refer cases of teacher misconduct including who can make a referral and in what circumstances please see the link below:
- 6.5.5 <https://www.gov.uk/guidance/teacher-misconduct-referring-a-case>

6.6 Stage 6: Formal Review

- 6.6.1 At the conclusion of any case in which an allegation is substantiated, the LADO and the DSL and the Case Manager will review the case and will determine:
- Whether any improvements could be made to Coastal Learning Partnership policy and procedures to prevent similar occurrences in the future;
 - Can any lessons be learnt from this case?
- 6.6.2 If the case was found to be false, unsubstantiated or malicious, the DSL and the Case Manager will review the case and determine:
- If a member of staff was suspended and subsequently reinstated, was the suspension justified?
 - Does any other policy (including for example pupil discipline and safeguarding) need to be reviewed in light of this case?

7. Record Keeping

- 7.1 Coastal Learning Partnership will ensure that data is held for a specified period in a secure manner before being securely disposed of. Given the extreme sensitivity of the data pertaining to allegations, all relevant sources, both electronic and physical, will be held securely and in accordance with Coastal Learning Partnership's Data Protection Policy, the Data Protection Act 2018 and the General Data Protection Regulation. Only relevant individuals will be permitted to access the data. The importance of

diligent data security is stressed to staff and they will receive appropriate training to ensure the risk of breach is minimized.

- 7.2 Coastal Learning Partnership have every confidence in the integrity of the data protection measures in place, but acknowledge that the loss of sensitive child data could constitute a serious breach which could place the wellbeing of a pupil at risk. Should a breach occur this must be reported promptly to the Data Protection Officer, who will follow the CLP Data Protection Procedures including the undertaking of an assessment of the risks to the rights and freedoms of individuals and disclose to the subject and supervisory authority if required.
- 7.3 For allegations which are substantiated (for a definition of this, please refer to Appendix A), a clear and detailed summary will be kept which will include (as a minimum):
- Details of the allegation;
 - Details of how the allegation was investigated;
 - How decisions were reached; and
 - Any actions taken.
- 7.4 A copy will be kept on the confidential personnel file of the accused and a copy provided to the accused person.
- 7.5 The record will be retained by Coastal Learning Partnership as stipulated in Keeping Children Safe in Education, currently this period is until the accused has reached normal pension age or for a period of 10 years from the date of the allegation, whichever is longer. Paperwork should clearly note the date the case is closed and the relevant paragraph in KCSiE. Before destruction, records should be reviewed by the Data Protection Officer to identify if they need to be retained for a further period.

8. Supporting parties involved

8.1 Supporting the Employee

- 8.1.1 Coastal Learning Partnership's schools will provide effective support for anyone facing an allegation and provide the employee with a named contact should they be suspended.
- 8.1.2 Employers should act in such a way to minimise the stress caused by the allegation process. It is the duty of Coastal Learning Partnership to support the individual throughout this process. The individual should be advised to contact their Trade Union representative if they have one and/or a colleague for support. Access to welfare counselling or medical advice will be provided.
- 8.1.3 The DSL should appoint a named representative to keep the accused informed of the progress of the case. Where a member of staff is suspended it is imperative that not only is the accused person made aware of the progress of the case but also kept informed of current work-related issues. All such arrangements will be agreed with the employee.
- 8.1.4 Social contact with colleagues and friends should not be prevented unless there is significant evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

8.2 Supporting the Child

- 8.2.1 Coastal Learning Partnership will ensure the child's wishes and feelings are taken into account when determining what action to take and what services to provide to protect individual children. Where appropriate there should be systems in place for children to express their views and give feedback. Staff members must always act in the best interests of the child.

- 8.2.2 Coastal Learning Partnership acknowledges that in the course of their duty of care it may be necessary to refer or offer additional welfare support to pupils.
- 8.2.3 Under the UK General Data Protection Regulation, parental consent is required to process the data of children under the age of 16 online where the processing, in an information services context, is reliant on consent.
- 8.2.4 Consent is not required in the context of preventative or counselling services offered directly to a child. Coastal Learning Partnership will ensure that communications with a child on welfare topics are clear and easy to understand regarding consent to care and processing of information.

8.3 Supporting Parents/Carers

- 8.3.1 Coastal Learning Partnership recognise that parents/carers of a child (or children) involved should be told about the allegation as soon as possible (where they do not already know about it) and kept informed throughout the case. However, the DSL **should not** do this if a strategy decision is needed, or the Police or children's social services need to be involved. The DSL **must wait** until those agencies have agreed what information can be disclosed to the accused.
- 8.3.2 Parents/Carers should also be kept informed of any disciplinary process where a criminal prosecution is not sought or unlikely to proceed to prosecution. The deliberations and reasoning behind reaching a decision should not be disclosed but the parents/carers should be informed of the outcome of the disciplinary hearing in confidence.
- 8.3.3 Parents/Carers should be made aware of the requirement to maintain confidentiality about any allegations whilst investigations are ongoing as set out in section 141F of the Education Act 2002 (para 125).
- 8.3.4 Children's social care and other services should consider what support the child/children may need where a child may have suffered significant harm or where there may be a criminal prosecution.

9. Timescales

- 9.1 Coastal Learning Partnership will try to resolve cases as quickly as possible and will strive to instigate a fair and thorough investigation. The time taken to investigate and resolve individual cases will vary depending on the nature, seriousness and complexity of the allegation.
- 9.2 Where it is clear immediately that the allegation is unsubstantiated or malicious, these cases should be resolved within one week.
- 9.3 Where the allegation does not involve a possible criminal offence and the matter is to be dealt with internally by either the Trust Board or the Local Governing Body according to whom the allegation originally related to, then appropriate action should be taken within three working days if no formal disciplinary action is required. If a disciplinary hearing is required and no further investigation is needed, the hearing should be held within 15 working days.

10. Suspension

- 10.1 Suspension should not be an automatic response to an allegation of abuse and all other options should be considered. In some rare cases it may be determined that the possible risk of harm to children posed by the accused person may be such as to result in considering suspension until the case is resolved. Alternatively, it may be that the person remaining in the work place could impact the investigation. In such cases, this will be discussed with the Head of HR. The LADO will also be consulted.

- 10.2 If the Designated Safeguarding Lead (DSL) is concerned about the welfare of other children in the community or the staff member's family, those concerns should be reported to the LADO and/or the Police.
- 10.3 In cases where Coastal Learning Partnership is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at Coastal Learning Partnership then the accused person must be immediately suspended pending the findings of the Teaching Regulation Agency (TRA)'s investigation.
- 10.4 In cases where the accused person is to be suspended, written confirmation will be given within one working day, giving as much detail as possible for the reasons for the suspension. A named contact will also be given within the letter together with their contact details. The staff member will also be advised to contact their Trade Union.
- 10.5 The power to suspend a member of staff is vested in the Local Governing Body or Trust Board in the case of an allegation against a Headteacher or the Central Team (taking advice from the central HR team) who will heed the advice of the Police and Children's Social Care Services on whether they think the accused should be suspended. 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.

11. Alternatives to Suspension

- 11.1 There are many cases where an investigation can be resolved quickly which would not require the need for suspension and Coastal Learning Partnership and the DSL should do all that is possible to avoid suspension as long as the LADO, Police and Children's Social Care Services do not object to the accused working during the investigation.
- 11.2 Based on assessment of risk, the following alternatives should be considered by the DSL before suspending a member of staff:
- Redeployment within Coastal Learning Partnership 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 Coastal Learning Partnership 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, 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 work within the Partnership or from home.

12. Unsubstantiated, False and Malicious Allegations (refer to Appendix A for definitions)

- 12.1 If the allegation is considered to be false, the LADO should refer the matter to Children's Services Social Care to determine whether the child concerned is in need of services, or may have been abused by someone else.
- 12.2 If an allegation is shown to be deliberately untrue or malicious, the Headteacher and/or the Governing Body should consider whether any disciplinary action against the person who made it should be taken, or whether the police should be asked to consider if action might be appropriate against the person responsible, even if they were not a pupil.
- 12.3 The member of staff should be informed that the allegation is not substantiated verbally and in writing, and any suspension will be lifted immediately. The DSL will offer help and support to return to work after this stressful experience. This may necessitate a phased return to work and/or the provision of a mentor to provide assistance in the short term. The DSL will consider how contact with the child or children will be managed if they are still pupils at Coastal Learning Partnership.

- 12.4 The Case Manager should inform the parents of the child or children of the outcome and consider what counselling and support would be appropriate.
- 12.5 Any details relating to an allegation that is found to be malicious should be removed from the personnel record. Where an allegation is unfounded or false and a decision is made to take no further action, a written record should be made, including the reason for the decision. A copy of this should be provided to the employee. Where appropriate, the LADO should also be updated.
13. **Police investigation**
- 13.1 If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible, with a fair and thorough investigation and will keep the progress of the case under review.
- 13.2 A target date should be set for reviewing the progress of the investigation and this should take place no later than 4 weeks after the initial evaluation (Stage 3).
- 13.3 The Police should inform the Trust Board and the LADO immediately when;
- A criminal investigation and any subsequent trial is complete;
 - If it is decided to close an investigation without charge; or
 - Not to continue to prosecute the case after the accused has been charged.
- 13.4 The LADO should then discuss with the DSL using the information provided by the Police and/or Children's Social Care Services, whether any further action, including disciplinary action, is appropriate and, if so, how to proceed.
- 13.5 When a decision has been made not to charge the individual with an offence or administer a caution, the police should, wherever possible, aim to pass all the information they have to the school within 3 working days, as this may be relevant to a disciplinary case.
- 13.6 If the school is informed by the police that the person has been charged with an offence, the action the school might take will depend on the circumstances of the case and consideration will need to be given to the different standard of proof required in disciplinary and criminal proceedings. For example, it may be the case that whilst there is no criminal prosecution that the standard of proof required for employment law purposes deems that dismissal is appropriate.
14. **Disciplinary Action**
- 14.1 If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days in accordance with the Partnership Disciplinary Policy.
- 14.2 Notwithstanding 14.1 above, if a police investigation is being undertaken, consideration will need to be given as to whether disciplinary action can be taken in parallel with the criminal process, or whether the disciplinary process will need to await completion of the police enquiries and/or prosecution. In cases where a disciplinary investigation/action is undertaken in parallel with the criminal process it will have been agreed with the police that there is no requirement to await the completion of enquiries and/or prosecution.
- 14.3 Where further investigation is required to inform consideration of disciplinary action, the Head of School/CEO/Chair of Board should appoint an appropriate level Investigating Officer, in consultation with HR.
- 14.4 If further evidence comes to light during the course of the investigation, referral to child protection agencies may need to be considered.
- 14.5 The investigating officer should aim to provide a report to the school within 10 working days.

- 14.6 Within 2 working days of receipt of the report, the Head of School/Chair of Board should consult HR and decide whether a disciplinary hearing is needed. If this is the case, the hearing should be held within 15 working days.

15. Resignation and Settlement Agreements

- 15.1 Should the accused person resign or cease to provide their services to Coastal Learning Partnership this will not prevent an allegation being duly investigated and procedures followed in accordance with this policy.
- 15.2 If the accused person resigns or their services cease to be used and they are being investigated or have been found culpable then Coastal Learning Partnership will not enter into a settlement agreement.
- 15.3 Coastal Learning Partnership recognises that to enter into an agreement preventing them from making a referral to the DBS and TRA would be a breach of their legal duty and could result in a criminal offence being committed.

16. References

- 16.1 Where an allegation is proven to be false, unsubstantiated or malicious it should not be included in employer references. A history of allegations lodged against the individual which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.
- 16.2 Coastal Learning Partnership will ensure that all details of allegations, after an investigation has found them to have been malicious in nature will be removed from personnel records immediately.

Appendix A - Definitions

Types of Allegation

No further action after initial consideration

Initial consideration means the discussion about whether the alleged incident constitutes an allegation within the scope of the Local Safeguarding Children Board (LSCB) procedures, i.e. the initial discussion with the LADO, Social Care or Police, following which there may be no need for further action under the procedures. It does not mean following an initial assessment undertaken in accordance with the Framework for the Assessment of Children in Need and their Families.

Substantiated

There is sufficient evidence to prove the allegation.

Unsubstantiated

This is not the same as a false (malicious) allegation. It simply means that there is insufficient evidence to prove or disprove the allegation. The term does not imply guilt or innocence.

Malicious

This means there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.

False

This means that the allegation has been proved to be untrue.

Unfounded

This means that there is no evidence or proper basis which supports the allegation being made.

Low Level Concern

An allegation of behaviour which 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.

Chair of Trust Board

Responsible for liaising with the CEO/Headteacher/Designated Safeguarding Lead at the school over matters regarding child protection issues, or in the case of allegations against the CEO, liaising with the LA Designated Officer/HR over appropriate action to take.

Designated Safeguarding Lead (DSL)

The Designated Safeguarding Lead is a named person in each school who is responsible for ensuring the safeguarding and welfare of the children in the school. The DSL should liaise with the local authority and work with other agencies in line with Working Together to Safeguard Children. A detailed description of the role of the DSL can be found in Coastal Learning Partnership's Safeguarding and Child Protection Policy and Procedures.

Local Authority Designated Officer (LADO)

The LADO must be involved in the management and oversight of individual cases which meet the threshold set out at 3.2; provides advice and guidance to employers; liaises with the police and other agencies; and monitors the progress of cases to ensure they are dealt with as quickly as possible, consistent with a fair and thorough process.

Contact details for the Dorset LADO: Telephone: 01305 221122

Contact details for the BCP LADO: Telephone: 01202 456744

Appendix B – Managing Low Level Safety Concerns

1. Introduction

This guidance must be read in conjunction with the Managing Allegations of Abuse Policy and Keeping Children Safe in Education.

2. Definition of Low-Level Concerns

The term 'Low-Level' concern is any concern – no matter how small – that an adult working in or on behalf of CLP 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 designated officer at the local authority

Examples of such behaviour could include, but are not limited to:

- Being overly friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Using inappropriate sexualised, intimidating or offensive language

3. Allegations, Low Level Concerns and Appropriate Conduct

Allegation

Behaviour which indicates that an adult who works with children 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;
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

Low – Level Concern

Any concern – no matter how small, even if no more than a 'nagging doubt' – that an adult may have acted in a manner which:

- Is not consistent with an organisations Code of Conduct, and/or
- Relates to their conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult's suitability to work with children.

Appropriate Conduct

- Behaviour which is entirely consistent with the organisation's Code of Conduct, and the law.

4. Sharing Low Level Concerns

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to share low-level concerns so that they can be addressed appropriately.

We will create this culture by:

- Ensuring 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
- Have clear policies and procedures
- Empowering staff to share any low-level concerns
- Empowering staff to self-refer
- 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
- Helping to identify any weakness in the school's safeguarding system

5. Reporting a low-level concern

Low level concerns about a member of staff, supply staff, contractors, volunteers and visitors should be reported via 'Confide'.

There are two exceptions to this. If a low-level concern relates to the DSL or Deputy DSL, then it should be raised directly with the Headteacher (unless the Headteacher is also the DSL); low-level concerns about the Headteacher should be raised directly with the Chief Executive Officer.

6. Record Keeping

All low-level concerns will be reported securely via 'Confide'.

Records will be:

- Kept confidential, held securely and comply with the DPA 2018 and UK GDPR on Confide
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 2 of this appendix, we will refer it to the designated officer at the local authority
- Retained at least until the individual leaves Coastal Learning Partnership
- Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

7. Reviewing a low-level concern

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 Headteacher / CEO will decide on a course of action, which may include:

- Disciplinary investigation and/or proceedings
- Management Advice, including recommendations for training
- Referral to the LADO (where a pattern of behaviour moves from a concern to meeting the harm threshold).

If the concern relates volunteers, or any other concerns arise, the school should contact HR and the LADO for further advice.

8. Employment References

We will not include low level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance

9. Process to follow when a low-level concern is raised

