Managing Safeguarding Concerns/Allegations & Low-level Concerns

Policy and Procedure

TYNE &WEAR LEARNING TRUST

Last Reviewed: September 2026

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Policy Outline

Summary of Changes
The September 2025 version of this policy has been reviewed and there were no significant changes made to this model policy.

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1 Introduction

1.1 The school is committed to creating and embedding a culture of openness, trust and transparency to ensure **all** concerns about adults can be shared responsibly, with the right person, and recorded and dealt with appropriately. It is extremely important that any allegations made, or concerns raised in relation to teachers, any other member of staff, (including individuals not directly employed by the school, such as supply staff, volunteers, contractors or individuals using the premise for the purpose of running activities for children) is dealt with thoroughly and efficiently, maintaining the highest level of protection for the child whilst also giving support to the person who is the subject of the allegation.

1.2 This policy is in line with statutory guidance set-out within Keeping children safe in education 2026 and should be used in respect of all cases where an individual working in a school (including individuals not directly employed by the school, such as supply staff, volunteers, contractors and individuals using the premise for the purpose of running activities for children) is subject to an allegation or has a concern raised in relation to them.

1.3 It is designed to ensure that all staff, children and parents or carers are aware of the procedure for the investigation of either an allegation made, or concerns raised, in order that all complaints are dealt with consistently, and as efficiently as possible.

1.4 For the purposes of Keeping children safe in education 2026 and this policy, 'children' includes everyone under the age of 18, regardless of their location i.e., both inside and outside of the school.

2 Purpose

2.1 The procedure for dealing with concerns raised in relation to staff depends on the situation and circumstances surrounding the allegation/concern raised. This policy has two sections covering the two levels of concern:

Part 1. Allegation/concerns that may meet the harm threshold, and
Part 2. Allegation/concerns that do not initially meet the harm threshold – referred to for the purposes of this guidance as 'low-level concern'.

2.2 It is **not necessary** for staff to be able to determine in each case whether their concern is a low-level concern, if it is meets the threshold for a referral, or if meets the criteria for either. Where a member of staff has **any** concern, it should be shared in line with this policy and that determination should be made by the relevant person in the school as set out in paragraph 5.2 of this policy.

2.3 It is important to recognise that, in practice, the words ‘allegation’ and ‘concern’ can be and are used interchangeably by different people. The crucial point is that whatever language used, the behaviour referred to by the person making the disclosure may on one hand meet the harm threshold, in which case would be referrable and Part 1 of this policy should be followed or may not meet the threshold in which case it should be treated as a low-level concern and Part 2 of this policy followed.

2.4 An allegation against a member of staff may arise from a number of sources (e.g., a report from a child, a concern raised by another member of staff in the school, or a complaint by a parent). It may also arise in the context of the member of staff and their life outside work or at home.

2.5 Where a member of staff has **any** concern about an adult, they should act on them immediately and it is a fundamental principle of this policy that no employee shall be treated any less favourably or suffer any detriment in their employment as a result of sharing information or reporting a concern under this policy.

2.6 This policy must be followed when dealing with allegations made or concerns raised and will be used alongside other relevant policies adopted by the school such as (but not limited to) the complaints policy, code of conduct, safeguarding policy and disciplinary policy.

2.7 This policy should also be read alongside:

- statutory guidance Working together to safeguard children 2026
- statutory guidance Keeping children safe in education 2026
- departmental advice What to do if you are worried a child is being abused – Advice for practitioners and:
- Welcome to the North and South of Tyne Safeguarding... (trixonline.co.uk)

2.8 Employees can request a copy of any additional policies referred to within this policy from their line manager or school office.

3 Data Protection

3.1 When dealing with an allegation made or a concern raised against a member of staff or an individual not directly employed by the school, such as supply staff, a volunteer, contractors or an individual using the premise for the purpose of running activities for children (the data subject) the school will process personal data in accordance with its data protection policy and relevant data protection legislation. Data collected from the point at which the allegation is received is held securely and accessed by and disclosed to individuals only for the purposes of managing the case. However, the school will disclose information about the data subject to third parties if it is legally

obliged to do so or where it needs to comply with its statutory duties, for instance where it needs to refer certain information to the Designated Officer, Disclosure and Barring Service or Teaching Regulation Agency or other public body such as the police. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary policy.

4 Employee Health & Wellbeing

4.1 The school is committed to creating an environment that promotes good physical and mental health and wellbeing, where staff can thrive and feel supported.

4.2 Where employees are being supported and managed within this policy, this will be done sensitively with appropriate regard to their individual circumstances. In addition, the school will consider any necessary reasonable adjustments to support an employee to fully engage in the process set out in this policy. This may include, for example, allowing the employee to have an appropriate 'support' person accompanying them to a formal meeting as well as a Trade Union representative or work colleague.

4.3 The Trust Borad is expected to have an overriding regard for the wellbeing of all employees (including that of the Headteacher/CEO) and the board is expected to monitor the impact of strategies and initiatives that promote a positive and sustainable workplace culture. The CEO and Headteachers are expected to model a positive and sustainable workplace culture to all employees and seek to reduce unnecessary workload.

5 Staff Reporting a Concern

5.1 As this is a statutory duty, it is a requirement that all members of staff in school, where they have safeguarding concerns, no matter how small, will report them in accordance with this policy.

5.2 If staff have a safeguarding concern, or they receive an allegation about another person working in the school posing a risk of harm to children (including individuals not directly employed by the school, as identified in paragraph 1.2 of this policy), then it must be referred to:

- the Designated Safeguarding Lead and/or Headteacher (or the individual deputising in their absence); or
- where there are allegations/concerns about the Headteacher this must be referred to the Chair of Trustees.

5.3 Staff should understand that, when a safeguarding concern is shared, the person who is the subject of the concern will be asked to provide their account as part of any investigation. Appropriate records will be made and may need to be referred to in any subsequent disciplinary proceedings.

Staff who wish to remain anonymous

5.4 If the staff member who raises the concern does not wish to be named, then the school will respect that person's wishes as far as possible.

5.5 However, there may be circumstances where the staff member will need to be named (for example, where it is necessary in order to carry out a fair disciplinary process) and, for this reason, anonymity can never be promised to staff who share safeguarding concerns. In circumstances where it becomes necessary to identify an individual this should be discussed with the employee and explained to them as early as possible. Where possible, the school will try to encourage staff to consent to be named, as this will help to create a culture of openness and transparency.

Initial action by person receiving or identifying an allegation/concern

5.6 The person to whom an allegation is first reported should treat the matter seriously and keep an open mind.

They should not:

- Investigate or ask leading questions if seeking clarification.
- Make assumptions or offer alternative explanations.
- Promise confidentiality, but should instead give assurance that the information will only be shared on a 'need to know' basis.

They should:

- Make a written record of the information (where possible in the disclosing person's own words), including the time, date and place of incident/s, persons present and what was said.
- Sign and date the written record made.
- Immediately report the matter in line with this policy.

5.7 In some cases, staff may have concerns about someone closely associated with a member of staff (e.g., partner, member of the family or other household member) who may present a risk of harm to children for whom that individual is responsible. In these circumstances, such concerns should be reported in accordance with this policy.

5.8 There may be occasions where a member of staff feels it is necessary 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. In these circumstances, such concerns should be reported in accordance with this policy.

5.9 It is recognised that staff who are concerned about the conduct of a colleague towards a child are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation. All staff must remember that the welfare of children is paramount and must report their concerns immediately. Support to those who are anxious about sharing information will be considered where appropriate, including offering assurance that any detrimental behaviour because of information being disclosed will not be tolerated and will be dealt with appropriately.

Individuals not employed directly by the school

5.10 In some circumstances it may be necessary to consider an allegation against an individual not directly employed by the school, where the school's policies and procedures do not fully apply; for example, supply teachers, contracted staff provided by an employment agency/business or an individual using the school premises for the purposes of running activities for children (for example community groups, sports associations, or service providers that run extra-curricular activities).

5.11 However, in accordance with KCSIE, the school will ensure all allegations are dealt with properly and **under no circumstance** will a decision be made to cease using the contracted staff due to safeguarding concerns or to just stop an individual or organisation using the premises, without finding out the facts and liaising with the Designated Officer to determine a suitable outcome. Where an allegation is made against an individual not employed by the school, the Headteacher will immediately contact both the Designated Officer and the agency/business concerned. The school will continue to support any investigation that is required.

5.12 It is important that any concerns raised about individuals not directly employed by the school are shared with their employer so that any potential patterns of inappropriate behaviour can be identified.

5.13 For supply staff, it may be necessary to discuss with the supply agency (or agencies), whether it is appropriate for them to suspend the supply teacher, or for them to be redeployed to another part of the school, whilst an investigation is carried out.

5.14 Whilst agencies will need to be fully involved and co-operate with any enquiries from the Designated Officer, police and/or children's social care, the school may need to take the lead on an investigation. This is due to the fact that agencies won't have direct access to children or other school staff, therefore may find it difficult to collate evidence as part of an investigation. The school may also be required to liaise with the Designated Officer in relation to the referral process.

5.15 The school should inform the agency of the process for managing allegations but also need to take into account their policies and their duty to refer to the

DBS. It may therefore be appropriate to invite the agency's Human Resource Manager or equivalent, to meetings.

6 Timescales

6.1 It is important that allegations/concerns are shared in line with this policy as soon as reasonably possible, and within 24 hours of becoming aware of it (where the concern relates to a particular incident), although it is never too late to share a concern where these timescales have not been able to be met for any reason.

6.2 It is imperative that once shared, allegations are dealt with as quickly and efficiently as possible to:

- minimise the risk to the child;
- minimise the impact on the child's academic progress;
- minimise the impact on the individual who is the subject of the concern/allegation; and
- ensure a fair and thorough investigation for all parties.

6.3 Whilst KCSIE provides target timescales, the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation. The school will endeavour to follow the timescales set out in the guidance for such investigations, as long as it is consistent with a fair and thorough investigation. However, it is acknowledged that allegations of a serious and complex nature are unlikely to be resolved quickly.

6.4 If an allegation requires immediate attention, but is received outside normal school hours, the individual receiving the matter should consult the children's social care emergency duty team or local police and inform the Designated Officer as soon as possible.

7 Initial considerations

7.1 Once a concern has been raised with the Headteacher or Designated Safeguarding Lead, the procedures for dealing with concerns/allegations will be applied with common sense and judgement. Where the Headteacher determines that the allegation meets the harm threshold, the Headteacher should follow the procedure detailed within Part 1 of this policy. Those allegations which are determined not to meet the harm threshold initially, and do not meet the definition of harm for a Designated Officer allegation management referral, should be considered as a 'low level concern' and therefore Part 2 of this policy should be followed.

7.2 There may be circumstances where a concern is initially considered not to meet the harm threshold but after further investigation may then be considered to either meet the threshold or have the potential to. In these circumstances, or if in any doubt, advice from the Designated Officer and the school's HR provider should be taken and at any point during an investigation, the process followed can be moved from Part 2 to Part 1 of this policy (and vice versa), as deemed appropriate.

7.3 Where it is uncertain whether an allegation meets the criteria for a referral (i.e., meets the harm threshold), the matter will be discussed first with the Designated Officer. General threshold guidance can be obtained from the Designated Officer via telephone, however this is generic advice with no names discussed. If school requires advice relating to a specific individual/incident, a referral to the Designated Officer is required.

7.4 For the purposes of both KCSIE and Part 1 and Part 2 of this policy, the Headteacher and/or Safeguarding Lead, or Chair of Trustees (where the Headteacher is the subject of an allegation), are referred to as the 'Case Manager'. However, it must be noted that the Headteacher will in all circumstances deal with Part 1 of this policy and where an alternative nominated person is responsible for dealing with Part 2 of the policy, the Headteacher will be informed of the concern raised and will be the ultimate decision maker in relation to this policy.

7.5 **Learning lessons**
Throughout the process in handling safeguarding concerns and at conclusion of a case, regardless of the outcome, the Case Manager should review the circumstances of the case with the Designated Officer to determine whether any lessons can be learned and if any improvements can be made, including to the school's procedures, to help prevent similar events in the future. This should include where an employee has been suspended, and to consider how future investigations of a similar nature could possibly be carried out without suspending the individual.

PART 1 – Concerns or allegations that may meet the harm threshold

7.6 This section of the policy will be used in any case where it is suspected or alleged that a person at the school who works with children (whether employed by the school or not) 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.

Keeping Children Safe in Education (2026), Part four: Safeguarding concerns or allegations made about staff, including supply teachers, trainee teachers, volunteers and contractors

7.7 The last bullet point above includes behaviour that may have happened outside of school, that might make an individual unsuitable to work with children, this is known as transferable risk.

7.8 For the purposes of allegation management, harm is defined as: 'Any action or inaction, by commission or omission that has, may have, or has potential, if repeated, to cause any form of damage, injury, pain, hurt or suffering to any child. This may be of a physical, sexual or psychological/emotional nature or by negligence or other non-physical acts e.g., via social media and includes but is not limited to:

- harming or placing a child at risk of harm by the person's own behaviour(s)
- failure to take action to prevent harm by another person,
- failure to recognise or accept risk posed by another person e.g., by denial or minimisation,
- inciting harm by another person,
- failure to follow safeguarding guidance, policies and procedures, including safer working practice guidance,
- any behaviour that may suggest a future risk of harm e.g., viewing child abuse images; behaviour that could constitute grooming; violence; bullying or frightening children'.

Initial action by the Case Manager

7.9 When informed of an allegation, the Case Manager should not investigate the matter or interview the member of staff, child concerned or potential witnesses.

They should:

- Obtain written details of the allegation, signed and dated by the person receiving (not the child / adult making the allegation).

- Approve and date the written details.
- Record any information about times, dates and location of incident/s and names of any potential witnesses; and
- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.
- Not discuss with the person who is the subject of the allegation at this stage.

Initial sharing of information

7.10 Upon receipt of an allegation, and once the details have been obtained (where possible), the Case Manager should apply the above definition of harm to determine if a Designated Officer referral should be submitted. For situations where the harm threshold is unclear advice should be sought from the Designated Officer prior to submission of the consultation form. General threshold guidance can be obtained from the Designated Officer via telephone, however this is generic advice with no names discussed. If school requires advice relating to a specific individual/incident, a referral to the Designated Officer is required.

7.11 There may be some rare allegations that will be so serious, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence, that they require immediate intervention by children's social care services and/or police. In these situations, the school will liaise with the appropriate services to manage the matter.

7.12 Where the police are involved, wherever possible the school will ask the police to obtain consent from the employee to share their statements and evidence for use in the school's disciplinary process. Ideally this request will be made as the police investigation proceeds to enable the police to share relevant information without delaying the conclusion of their investigation or any court case.

7.13 The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation, in which case the Case Manager should record this decision and the justification for it. Consideration should be taken as to whether the allegation should be dealt with as a low-level concern, in line with Part 2 of this policy.

7.14 The Designated Officer will keep their own record. The Case Manger should agree with the Designated Officer what information should be put in writing to the individual concerned and by whom. The Case Manager should then consider with the Designated Officer what action should follow both in respect of the individual and those who made the initial allegation.

7.15 Historical allegations and allegations received about an individual who is no longer employed at the school will be referred to the Designated Officer in the first instance.

Informing the accused individual

7.16 The Case Manager will inform the accused individual about the allegation as soon as possible after consulting the Designated Officer. It is extremely important that the Case Manager provides them with as much information as possible at that time.

7.17 However, where a strategy discussion is needed, or police or children's social care services need to be involved, the Case Manager will not inform the accused until those agencies have been consulted and have agreed what information can be disclosed.

Action where police or children's social care services investigation is necessary

7.18 The relevant service i.e., police or children's social care services will liaise with the Designated Officer who in turn will update the Case Manager.

7.19 Where the police or children's social care services deem that an investigation is necessary, the school will consider carefully whether the circumstances of the case warrant a person being suspended from contact with children at the school or whether alternative arrangements can be put in place until the allegation is resolved. All options to avoid suspension will be considered prior to taking that step. Please refer to Section 10 of this policy and the school's Disciplinary Policy for more information in relation to suspension.

7.20 The police are expected to inform the school and Designated Officer immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after the person has been charged. In those circumstances, the Designated Officer will discuss with the Case Manager whether any further investigation by the school is required and, if so, how to proceed.

Action by the school

7.21 Where it is clear, following the initial telephone evaluation that an investigation or involvement by the police or children's social care services is unnecessary, or at a point that the relevant agencies deem it appropriate for the school to investigate the matter, the Designated Officer will discuss the next steps with the Case Manager. In those circumstances, the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to formal disciplinary investigation. Where a formal disciplinary investigation is necessary, this should be carried out in line with the school's Disciplinary Policy.

7.22 Where a formal disciplinary investigation is required it may not be the Case Manager who is appointed Investigating Officer. An appropriate Investigating Officer should be considered and appointed in line with the Disciplinary Policy. It is anticipated that in most cases, an investigation will normally be

undertaken by the Headteacher, who may delegate to a senior member of the school's leadership team, where deemed appropriate. However, in other circumstances, such as lack of appropriate resource within the school, or the nature or complexity of the allegation, the school may determine that the allegation requires investigation by a member of the school's Governing Board or an independent investigator. It remains the responsibility of the school to ensure that the actions agreed are completed with updates provided to the Designated Officer by the agreed timescales.

7.23 Where a decision is taken not to use the person's services in future (in the case of self-employed, volunteers, contractors or agency staff) or to stop an individual from using the school premises for the purpose of providing activities to children, the school must ensure they have acted in line with paragraphs 5.10 – 5.14 before doing so.

7.24 KCSIE requires the following definitions are to be used when recording the outcome of allegation investigations:

- **Substantiated**: there is sufficient evidence to prove the allegation;
- **Malicious**: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **False**: there is sufficient evidence to disprove the allegation;
- **Unsubstantiated**: there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;
- **Unfounded**: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

7.25 This is interpreted to apply once the school's internal processes have been fully completed i.e., at the conclusion of the investigation where it is determined that the matter will not proceed to a disciplinary hearing or after the conclusion of a disciplinary hearing, or if no further action is required from the outset.

8 Supporting those involved

8.1 The school acknowledges that as an employer it has a duty of care to its employees. The school will act to manage and minimise the stress inherent in these processes and understand that support for the individual is vital to fulfilling this duty. Individuals will be informed of allegations/concerns as soon as possible and given an explanation of the likely course of action, unless a strategy discussion is needed, or police or children's social care services need to be involved. In this situation the Case Manager will not disclose any information until those agencies have been consulted and have agreed what information can be disclosed to the individual. The individual will be advised to contact their trade union representative, if they have one, or a colleague for

support. They will also be given access to welfare counselling or medical advice, where this is provided by the school.

8.2 KCSIE requires that the Case Manager appoints a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual, which may include support via the school's occupational health provider. In order to meet this obligation, the school will appoint a named Contact Officer. It is recognised that social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

8.3 Parents or carers of the child or children involved will be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the Case Manager will not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers will also be kept informed about the progress of the case, subject to careful consideration being given to the provisions of the Data Protection Act 2018, GDPR, the law of confidence and, where relevant, the Human Rights Act 1998.

8.4 Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002. If parents or carers wish to have reporting restrictions removed, they will be advised to seek their own legal advice.

8.5 In situations where the school believes that the parents or carers have breached confidentiality then legal advice will be sought from the school's legal provider.

9 Confidentiality

9.1 The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

9.2 The Education Act 2011 (Education Act 2011) amended the Education Act 2002 introducing reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public."

9.3 Where necessary, the Case Manager will take advice from the Designated Officer, police and children's social care services to agree the following:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any, information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if, and when, it should arise.

10 Suspension

10.1 The possible risk of harm to children posed by an accused person will be evaluated and managed in respect of the child/ren involved in the allegations. In some cases, this will require the consideration of suspension until the case is resolved. Suspension will not be an automatic response when an allegation is reported and options to avoid suspension will be considered prior to taking that step. Children's social care services or the police cannot require the Case Manager to suspend a member of staff or a volunteer, although they should give appropriate weight to their advice.

10.2 The Case Manager will consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. Based on advice from the school's HR provider and/or a risk analysis drawn up with the Designated Officer (and relevant agencies where appropriate), the following alternatives should be considered by the Case Manager before suspending a member of staff;

- redeployment within the school so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, 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 within the trust.

10.3 Where a temporary alternative arrangement is achievable then this may allow more time for an informed decision regarding the need for suspension. This will, however, depend upon the nature of the allegation. It may be appropriate at this point to discuss with the employee a communication strategy, for example where they have been temporarily redeployed. The Case Manager should consider the potential permanent professional reputational damage to

employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

10.4 Where suspension is considered necessary, either immediately or at a later stage, the rationale and justification for such a course of action should be agreed and recorded by the Case Manager. This should also include what alternatives to suspension have been considered and why they were rejected. It will also be appropriate at this point to discuss with the employee a communication strategy around the reasons for their absence from work.

10.5 Where it has been deemed appropriate to suspend the person, written confirmation will be issued within one working day, giving as much detail as appropriate for the reasons for the suspension. The school recognises that it is not acceptable for an employer to leave a person who has been suspended without any support. The Case Manager will aim to inform the person at the point of their suspension who their named contact is within the organisation and provided with their contact details. Where this is not achievable then the person will be informed as soon as possible. The need for suspension should be kept under review, with the person being kept informed of progress, including the outcome of any subsequent reviews of the suspension and the likely timescale of the investigation.

10.6 Where the school is made aware that the Secretary of State has made an interim prohibition order, in respect of an employee, immediate action will be taken to ensure the individual does not carry out work in contravention of the order. Pending the findings of the TRA investigation, the individual will not be permitted to carry out any teaching work. Where necessary, suspension will be considered in line with this policy.

11 Managing exit arrangements

Resignations and 'settlement agreements'

11.1 Where a person under investigation tenders their resignation, or ceases to provide their services, the investigation into the allegation will still need to be completed in accordance with the guidance. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any which the person concerned refused to cooperate with the process.

11.2 A referral to the DBS **will** still be made, if the criteria are met. The school will also consider whether a referral to the Teaching Regulation Agency (TRA) is appropriate.

11.3 'Settlement agreements' by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should **not** be used, where there are allegations that indicate the person is a risk or poses a risk of harm to

children or deemed not suitable to work with children. Such an agreement will not prevent a thorough police and/or school investigation, or a referral, where that is deemed appropriate.

12 On conclusion of a case

12.1 Where it is determined that an individual who has either been suspended or was given an alternative role/duties as an alternative to suspension, may return to their duties, the Case Manager will consider how best to facilitate that, including how to manage contact with anyone who made an allegation. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate.

12.2 Where an allegation is substantiated and the employee is dismissed or the school ceases to use the person's services, or the employee resigns or otherwise ceases to provide his or her services, the school will make a decision regarding a referral to the Disclosure and Barring Service (DBS) and, in the case of a member of teaching staff, whether to refer the matter to the to the Teaching Regulation Agency.

12.3 KCSIE requires that the school must make a referral to the Disclosure and Barring Service (DBS) if a person in regulated activity has been dismissed or removed due to safeguarding allegations/concerns or would have been had they not resigned [*Section 35 of the Safeguarding Vulnerable Groups Act 2006*]. This is a legal duty and failure to refer when the criteria are met is a criminal offence [*Section 38 of the Safeguarding Vulnerable Groups Act 2006*].

12.4 The school has 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 [*the harm test is explained on the Making barring referrals to DBS - GOV.UK website*];
- the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence [*The list of offences is set out in the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009 (SI 2009 No. 37) (amended)*]; or
- the individual has been removed from working (paid or unpaid) in regulated activity or would have been removed had they not left.

12.5 Referrals will be made as soon as possible, and ordinarily on conclusion of an investigation. However, this may also include when an individual is removed from working in regulated activity, which could include being suspended, or is redeployed to work that is not regulated activity. Further guidance on when it

may be appropriate to make a barring referral to the DBS can be found on the Making barring referrals to DBS - GOV.UK website.

12.6 The school will not await the outcome of any appeal before making a referral, should an appeal be submitted.

In respect of malicious or unsubstantiated allegations

12.7 If, following an investigation, an allegation is shown to be deliberately invented or malicious, the Case Manager should consider whether any disciplinary action is appropriate against the person who made it, if they are part of the school community i.e., an employee of the school.

12.8 The police will be asked to consider whether any action might be appropriate against the person responsible if they are outside the school community.

Record keeping

12.9 Details of allegations that are found to have been malicious will be removed from an individual's personnel record and securely destroyed. However, for all other allegations, a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken, and decisions reached, will be kept on the confidential personnel file of the accused individual, and a copy provided to the person concerned. The record will be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer, at which point it will be securely destroyed. A template which could be used for the purpose or recording this information is attached as Appendix 1.

References

12.10 Cases in which an allegation was proven to be false, unsubstantiated or malicious will not be included in employer references. A history of repeated allegations/concerns which have all been found to be false, unsubstantiated or malicious will also not be included in any reference. Substantiated allegations should be included in references, provided that the information is factual and does not include opinions.

PART 2 - Allegation/concerns that do not meet the harm threshold 'low level concerns'

12.11 Where a concern is raised, or an allegation has been made which does not meet the threshold set out in Part 1 of this policy, it will be dealt with as a low-level concern, as set out in this section of the policy.

12.12 It is important to understand that a concern 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 school; or as a result of vetting checks undertaken.

12.13 Information sharing and the appropriate recording and handling of concerns raised is important to ensure potential patterns of concerning behaviour can be identified as soon as possible, and appropriate action taken swiftly in order to safeguard children.

13 What is a low-level concern?

13.1 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 in Part 1 of this policy and in KCSIE. This procedure enables staff to share any concerns – no matter how small – about their own or another member of staff behaviour with the appropriate safeguarding leads in school.

> 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.
>
> *Keeping Children Safe in Education (2026), Part Four, Section Two: Concerns or allegations that do not meet the harm threshold*

13.2 KCSIE provides examples of such behaviour which 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.

14 Sharing a low-level concern

14.1 It is **not necessary** for staff to be able to determine in each case whether their concern is a low-level concern, if it is meets the threshold for a referral or if it meets the criteria of either. All concerns, no matter how small, should be reported in line with Section 5 of this policy. The determination as to how the concern raised will be dealt with will be made by the Case Manager.

14.2 Where an allegation is received by a member of staff other than the person as set out in paragraph 5.2, they should immediately report the allegation in line with Section 5 of this policy.

15 Responding to a low-level concern

Initial action by the Case Manager

15.1 On first becoming aware of a concern being raised the Case Manager should:

- Obtain written details (signed and dated by the person receiving the concern)
- Record any information about times, dates and location of incident/s and names of any potential witnesses; and
- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

15.2 Once this information is available the Case Manager should consider if it is necessary to discuss the information with the Designated Officer. It may be the case, at this stage, that the matter is not serious enough to consider a referral to the Designated Officer but may merit consulting with and seeking advice from the Designated Officer in relation to appropriate next steps, and on a no-names basis if necessary. General threshold guidance can be obtained from the Designated Officer via telephone, however this is generic advice with no names discussed. If school requires advice relating to a specific individual/incident, a referral to the Designated Officer is required.

15.3 Following a discussion with the Designated Officer or where it has been deemed that a discussion with the Designated Officer is not necessary at this stage, the Case Manager will then, (so long as the Designated Officer/other relevant external agencies have not advised doing so);

- Speak to the person who raised the concern (unless it has been raised anonymously)
- Speak to any potential witnesses
- Speak to the individual about whom the low-level concern has been raised against

Action by the school

15.4 Following an investigation of the concern raised, the Case Manager should then review the information and determine whether the behaviour;

(i) is entirely consistent with their staff code of conduct and the law,
(ii) constitutes a low-level concern,
(iii) is not serious enough to consider a referral to the Designated Officer – but may merit consulting with and seeking generic advice from the Designated Office, and on a no-names basis, if necessary,

(iv) when considered with other low-level concerns that have previously been raised about the same individual, could now meet the threshold for a referral and should be referred to the Designated Officer / other relevant external agencies, or
(v) the additional information gathered as part of the investigation shows that the concern itself now meets the threshold for a referral and should be referred to the Designated Officer / other relevant external agencies;

15.5 Consideration should be given as to whether there are wider cultural issues within the school that have enabled the behaviour to occur and where appropriate policies could be revised, or extra training delivered to minimise the risk of it happening again.

15.6 It is important that the Case Manager makes appropriate records of;

- all internal conversations – including with the person who initially shared the low-level concern, and all those discussions held as part of the investigation into the matter,
- all external conversations – for example, with the DO/other external agencies;
- their determination;
- the rationale for their decision; and
- any action taken/recommendations made.

Behaviour that is determined to be entirely consistent with the school's policies

15.7 The Case Manger will update the individual in question and inform them of the action taken as above.

15.8 In addition, the Case Manager will speak to the person who shared the low-level concern in order to provide them with feedback about how and why the behaviour is consistent with the school's policies.

15.9 The investigation into the situation may highlight for example that the staff code of conduct is not clear, or that training has not been satisfactory, and/or that the low-level concern process is not clear enough. In which case the Case Manager may feel it necessary to make recommendations for a review of certain policies/training materials.

Behaviour which is determined to constitute a low-level concern

15.10 In most cases low-level concerns by their very nature are likely to be minor. Some will not require any further action. However, others may be most appropriately dealt with by means of issuing management guidance and/or training.

15.11 In most cases, a low-level concern will simply require a conversation with the individual about whom the concern has been raised. This conversation will be

an opportunity to address unprofessional behaviour and support the individual to correct it at an early stage.

15.12 It is important that such conversations should include being clear with the individual as to why their behaviour was deemed to be of a concern, problematic or inappropriate, what change is required in their behaviour, enquiring what, if any, support they might require in order to achieve and maintain that, and being clear about the consequences if they fail to reach the required standard or repeat the behaviour in question. A record of the discussion should be made (via a letter of management guidance/record of discussion), which the employee should be asked to sign and be provided with a copy. A copy of the record will be held on the employee's personal file.

15.13 Where a low-level concern raises issues of more serious misconduct or poor performance the Case Manager may need to refer to the school's disciplinary and/or capability procedure. If the Case Manager considers that the school's disciplinary and/or capability procedure may be triggered, they should should seek HR advice in line with that policy.

Behaviours which require further advice from the Designated Officer

15.14 Where it is deemed that behaviours are not serious enough to consider a referral to the Designated Officer but may merit consulting with and seeking advice from the Designated Officer then action should be taken in accordance with the Designated Officers advice.

15.15 Where behaviours considered alongside any low-level concerns that have previously been raised about the same individual, which could now meet the threshold of an allegation, or where following an investigation it is determined that the concern itself now meets the threshold of an allegation it should be referred to the Designated Officer / other relevant external agencies in line with Part 1 of this policy and HR advice should be sought.

16 Recording a low-level concern

16.1 All concerns deemed to be a 'low-level concerns' under the definition in this policy will be recorded in writing. The record will include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns will also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

16.2 Records relating to low level concerns will be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).

16.3 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 school will decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harm threshold, in which case it will be referred to the Designated Officer and further advice will be taken in line with Part 1 of this policy.

16.4 The record will be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation/concern if that is longer, at which point the record will be securely destroyed. A template form which could be used for the purpose or recording this information is attached as Appendix 2.

17 References

17.1 Paragraph 12.10 of this policy is clear that only substantiated safeguarding allegations will be provided in references. Low level concerns will not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. A low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference.

17.2 However, where a low-level concern (or number of concerns) has met the threshold for referral to the Designated Officer and found to be substantiated, it will be referred to in a reference, provided that the information is factual and does not include opinions.

18 Lessons Learnt

18.1 Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, in line with KCSIE the Case Manager should review the circumstances of the case with the Designated Officer to determine whether there are any improvements to be made to the school's procedures to help prevent similar events in the future. This should include issues arising from any decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The Case Manager, with advice from the Designated Officer, should consider how future investigations of a similar nature could be carried out without suspending the individual.

18.2 For all other cases, where the allegation is concluded to be either, unfounded, false, malicious or unsubstantiated the case manager (and if they have been involved the Designated Officer) should consider the facts and determine whether any lessons can be learned and if improvements can be made.

Appendix 1

Record of Safeguarding Allegation Management

Employee Name:	
Employee Job Title:	
Establishment:	
Date of incident/concern:	
Venue of alleged incident:	

Summary of Allegation(s):

Designated Officer Referral	
Referral made by:	
Supporting HR Rep:	
Outcome of Referral:	**Allegation Management Meeting YES** ☐ **NO** ☐ **Date of AM Meeting (if applicable)** _____ **Police Investigation** ☐ Date _____ **Internal Disciplinary Investigation** ☐ Date _____ **Notification to other agencies** ☐ Date _____ **Section 47 Investigation** ☐ Date _____

Action Points		
What	**Who**	**When**
1.		
2.		
3.		
4.		
Date of Suspension or alternatives to suspension (if applicable)		

Action Taken	
Date Internal Disciplinary Investigation concluded:	
Recommendation from Investigation:	**No further action** ☐ **Management Guidance (informal)** ☐ **Formal action to be Considered** ☐
Date of Disciplinary Hearing (if applicable)	
Date of Appeal Hearing (if applicable)	
Referral made to (if applicable)	**TRA** ☐ **DBS** ☐ **HCPC** ☐
Date of Referral (if applicable)	
Final Decision Reached	Substantiated ☐ Malicious ☐ False ☐ Unsubstantiated ☐ Unfounded ☐
Case Closure Date	

Additional Information

Important Information
This form should be completed in all cases where an allegation is made against a member of staff which has been deemed to have met the harm threshold. A copy of this form should then be kept of the employee's personal file and a copy provided to the employee. **Copy to be provided to the Designated Officer.** **Where allegations are found to have been malicious this form will be removed from personal records.**

Signed by Headteacher	
Employee Signature	
Date	

Appendix 2

Record of Low-Level Concern – Safeguarding

Employee Name:	
Employee Job Title:	
Establishment:	
Date of incident/concern:	
Person concern reported to:	

Summary of Concern(s):

- **Obtain written details, signed and dated by the person receiving and reporting the concern (attach to form)**
- **Record any information about times, dates and location of incident/s and names of any potential witnesses; and**
- **Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions. (use a separate sheet if necessary)**

Designated Officer Discussion (if applicable)

Contact made by:		**Date:**	
Outcome of discussion:			

Action Points from DO Call (if applicable)

What	Who	When
1.		
2.		
3.		

Action Taken

Date Internal Investigation concluded:	
Recommendation from Investigation:	**Behaviours consistent with policy - NFA** ☐ **Recorded as LLC - Informal Action** ☐ **- Formal Action Considered** ☐ **Discussion with DO required;** **- Due to outcome of investigation** ☐ **- Due to frequency of L-L-C's** ☐
Date of Informal Action	
Date of Disciplinary Hearing (if applicable)	
Date of Appeal Hearing (if applicable)	

Additional Information

Important Information

This form should be completed in all cases where a low-level concern has been raised against a member of staff. A copy of this form should then be kept in the Schools Low Level Concern Folder/ on the employee's personal file and a copy provided to the employee.

Copy to be provided to the Designated Officer, if involved.

Where allegations are found to have been malicious this form will be removed from personal records.

Signed by Headteacher	
Employee Signature	

Date	