

Procedures for dealing with allegations of abuse against staff

Authorised by:	The Board of Governors of CFBL
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1. Purpose and scope of this policy

Schools have a duty to safeguard pupils and create a safe learning environment by ensuring that only staff who are suitable to work with children are employed, so it is crucial that there is a robust process in place for dealing with any allegations of harm or abuse by a staff member or volunteer against a pupil in addition to safer recruitment procedures followed at CFBL.

This policy sets out the procedures to be followed by CFBL's Headteacher and proprietors when dealing with allegations that a member of staff or volunteer 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 – this includes behaviour taking place both inside and outside of school, for example behaviour in their private life that raises concerns or a close association with someone in their personal lives who may present a risk of harm to children for whom the member of staff is responsible in their employment/volunteering (a '**transferrable risk**').

Allegations involving inappropriate relationships with pupils, grooming (i.e. meeting a child under 16 with intent to commit a relevant offence) and other 'grooming behaviour' (e.g. inappropriate text / e-mail messages or images, gifts, socialising etc), possession of indecent photographs or images of children and other offences under the Sexual Offences Act 2003, and including activities and behaviour taking place outside school that involve a transferable risk, will also be dealt with under this policy.

This policy applies to the School governors, the head teacher and all staff members within the School, including permanent and temporary staff, supply teachers and volunteers who are currently working at the School, even if the allegation involves an incident that happened at another school. Allegations against staff that have since left the School are not dealt with under this policy and will be referred to the police.

If allegations about a staff member's treatment of their own child are raised, the police or local children's social care department where the staff member lives should notify the Camden LADO who will contact the School and the CAIT to explore whether the information raises questions about the person's suitability to work with children.

Any incidents and allegations arising in a Camden school will be dealt with by the Camden LADO under these procedures even if the pupil lives in another borough. However, if there are concerns about the safety and welfare of other children with whom the staff member is in contact within other boroughs, the designated safeguarding leads should consider making a referral to children's social care in that borough.

2. Legal framework

This policy is based on part 4 of [Keeping Children Safe in Education](#) (Section 1: Allegations that may meet the harms threshold'), [Working together to safeguard children](#) and on [Camden Safeguarding Children Partnership guidance for schools on dealing with allegations against staff members 2021](#). Camden follows the [London Safeguarding Children Board child protection procedures for dealing with allegations against staff \(section 7\)](#).

Schools are expected to have a two-tier system for dealing with concerns and allegations in relation to the behaviour of staff:

- **Low level concerns** that do not involve harm to a child but raise concerns about the staff member's professional behaviour will be dealt with via internal procedures based on the School's staff disciplinary procedures. Please see Annex A below.
- **Concerns and allegations that involve possible harm to a child** will be dealt with under this policy. This includes any concerns relating to transferrable risks even where the named child has not been harmed on this occasion.

3. Principles

- The welfare of pupils is paramount; all staff members and volunteers have a duty to take any necessary action to safeguard and promote the pupil's welfare.
- The pupil's welfare must be taken into account throughout the duration of any investigation and appropriate services provided where needed.
- Allegations should be dealt with fairly and quickly and generally resolved within 1-3 months. Only in exceptional circumstances, for example where criminal proceedings are taking place, should allegations take more than 12 months to resolve.
- Allegations should be dealt with by the most efficient method and at an appropriate level, involving agencies such as the police and CSSW only where there is a clear need.
- Parents, pupils and staff are made aware of this policy which is available on CFBL website and on the staff shared drive, so that everyone is clear about how concerns can be raised and what actions are likely to happen when an allegation is made. Pupils are taught how to protect themselves and who they should approach for help.
- Information should be shared in a timely way but only for the purposes of safeguarding and promoting the welfare of children.
- Those staff members wishing to raise concerns anonymously will be supported through Camden's whistle-blowing procedures.

- All responses should be fair, transparent and balanced and should ensure the safety of children whilst supporting those adults who are the subject of allegations.

4. Roles

The Head teacher is responsible for the management of allegations against staff and to whom allegations and concerns should be reported in the first instance.

In the event of the Head Teacher’s absence, this will be Cécile Denais, Deputy Head for Secondary or Marjorie Lacassagne, Deputy Head for Primary, Designated Safeguarding Leads. Allegations against the Head Teacher should be referred to the Chair of governors.

Camden has a named Local Authority Designated Officer (LADO) and deputy LADO whose role is to oversee the management of all cases involving allegations against staff. The LADO will provide advice to schools on individual cases, liaise with Children’s Safeguarding and Social Work (CSSW) and the Police Child Abuse Investigation Team (CAIT) where required and monitor and review the progress of cases.

Camden’s LADO is: Sophie Kershaw
 Deputy LADO: John Lawrence-Jones
 Children’s Quality Assurance Unit
 Children’s Safeguarding and Social Work
 5 Pancras Square
 London N1(C) 4AG
 Tel: 020 7974 4556

Camden Borough Police CAIT has appointed a responsible officer to oversee police responses for managing allegations, liaising with the LADO on individual cases and ensuring police attendance at meetings and monitoring and reviewing the progress of cases.

Camden Borough Police senior officer is: DCI Ralph Coates
 Police Child Abuse Investigation Team (CAIT)
 Holborn Police Station
 10 Lambs Conduit Street
 London WC1N 3NR
 Tel: 0208 345 0124
 Mobile: 07920 710321
 Email: Ralph.Coates@met.police.uk

5. Procedures

5.1 Notification

Allegations may arise following a complaint from a parent or pupil or through concerns raised by other staff members. All allegations must be reported to the responsible person within the School immediately.

A written note of the details of the allegation, including times, dates, locations and the nature of the concern must be agreed with the responsible person. Pupils should not be promised confidentiality.

The responsible person will carry out preliminary enquiries to establish the facts and whether there is any evidential basis to the allegation before making a referral to the LADO. This will help the responsible person decide whether the incident meets the threshold for referral as set out in section 1 above or if the matter should be dealt with as a low-level incident under the School's staff conduct policies. (See Annex B for further guidance). Where the responsible person is unclear as to which process to follow, the LADO can be contacted for a "no names" discussion so that advice can be given. The responsible person should not speak to the staff member at this stage but should only do so once they have established that a LADO referral will not be needed or after taking initial advice from the LADO.

The responsible person must notify the Camden LADO **within 1 working day** of all allegations made against members of staff. The responsible officer will complete the [LADO Agency reporting form](#) and email this to the LADO mailbox at LADO@camden.gov.uk or, in some emergency situations where immediate action is needed to protect pupils, will contact the LADO by telephone to discuss the matter to agree urgent action.

The responsible person may, on occasion, consider it necessary to involve the police *before* consulting Camden LADO – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police.

5.2 Initial action

Following notification, the School responsible person and the LADO will look at all the available information about the incident or allegation, the staff member and the child involved (including details of any previous allegations made by the child and their family); they will decide if the allegation is serious enough to be dealt with under this policy.

Consideration will be given to the safety and welfare of other children at the school and the staff member's own children and a decision made about taking any action to safeguard them.

The School responsible person and the LADO should agree what action to take, which may be:

- referral to the police for a criminal investigation,
- referral to CSSW for assessment and possible child protection investigation,
- initiation of disciplinary proceedings against the member of staff,
- no further action to be taken.

Some cases may not involve harm to pupils and will not require an immediate response from the police or CSSW; in these cases, agreement will be made for the School to deal with the matter under disciplinary policy as a professional standards matter. If following the School's own investigations there are concerns, the School should refer the matter back to the LADO for action to be taken under this policy.

If the case raises serious concerns, immediate action will be taken under this policy.

Where action will be taken, the LADO will liaise with the police and CSSW to ensure appropriate referrals are made and that all relevant information is passed on. The LADO and responsible person should also consider:

- if any further information is needed to assist the investigation,
- whether any immediate action needs to be taken to protect pupils,

- whether parents should be notified of the allegations (although in some cases this will be unavoidable, for example if the child requires medical treatment),
- how the child and their parents will be supported during the process,
- whether any regulatory body such as Ofsted needs to be informed of the allegation.

Careful consideration will be given to whether the seriousness of the allegations warrants the member of staff being suspended or whether they should continue to have contact with the child involved or any other pupil. See section 6.2 below. The School responsible person will make a written note of discussions with the LADO and decisions should be agreed and the reasons for taking any particular course of action noted.

The School will inform the member of staff of the allegation and likely course of action as soon as possible after speaking to the LADO (and the police or children's social care services, where necessary). The member of staff will be given as much information as possible unless there are good reasons for not doing so. See section 6.7 below.

Early Years:

The School will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.

5.3 Allegation against staff and volunteers (ASV) meeting

If the LADO believes that the pupil has suffered or is at risk of suffering significant harm, a referral will be made to CSSW and an ASV meeting convened to share information and agree on further action. The meeting will be chaired by the LADO and will be attended by the responsible person from the School, a representative from the police CAIT and any other relevant person or agency, for example a representative from the employment agency supplying a temporary staff member.

The ASV meeting will:

- decide whether or not the pupil has or is likely to suffer significant harm and whether to instigate a child protection and/or criminal investigation which may be jointly conducted between the police and CSSW;
- look at what disciplinary processes should be put in place;
- consider the allegation in the light of any previous allegations or concerns and whether the staff member was acting reasonably in line with the School's *Règlement Intérieur* and Behaviour and Discipline Policy (see section 6.1 below);
- make a recommendation about suspending the staff member where this is a proportionate response (see section 6.2 below);
- consider what action should be taken to ensure the safety of the pupil involved and all other pupils;
- agree the plan for investigating the allegation and providing support to the staff member and the child whilst the investigation is on-going;
- agree what information should be shared between agencies and how issues relating to media reporting or containing speculation will be dealt with. See section 6.7 below.

5.4 Review ASV meeting

A review ASV meeting should be held within a reasonable timescale in order to review the actions agreed at the initial strategy meeting and agree what further action should be taken. The review should consider the outcome of any investigations carried out by the police and CSSW and whether there is enough evidence to pursue the allegation further or take action under child protection procedures.

If no further action will be taken by CSSW or the police, the meeting should agree what further steps the School should take to ensure the safety of pupils, for example what further investigation should be carried out by the School or what action to take with regard to the member of staff involved.

5.5 Final outcome of investigations

Following the (review) ASV meeting once investigations are completed and final actions decided the possible outcomes are:

- The allegation is **substantiated** as there is sufficient evidence to prove the allegation.
- The allegation is **malicious**: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
- The allegation is **false**: there is sufficient evidence to disprove the allegation.
- The allegation is **unsubstantiated**: there is insufficient evidence to **either prove or disprove** the allegation.
- The allegation is **unfounded**: these will be cases where there is no evidence or proper basis which supports the allegation being made.

5.6 Police action and criminal proceedings

The police CAIT should keep the School and the LADO informed of all progress in investigations and proceedings, including any decision to charge or the outcome of trials.

The responsible person will discuss with the LADO whether any further action, including disciplinary action or decisions on continued employment, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

5.7 Disciplinary proceedings

Decisions to follow disciplinary proceedings lie with the School but must be considered in all cases where a criminal or child protection investigation has not been considered necessary or on completion of any criminal proceedings.

The School representative will discuss any disciplinary proceedings with the LADO and look at what options are available to deal with the matter, taking into account any information raised by child protection enquiries, criminal proceedings or the outcome of any trial. This discussion should also look at whether a referral should be made to the Disclosure and Barring Service.

If the staff member concerned is an agency worker or volunteer where disciplinary proceedings are not possible, the school and the LADO should work jointly with the employer or individual to resolve the matter.

If formal disciplinary action will not be required, the Head Teacher should take any appropriate action within 3 working days. Full disciplinary hearings should be held within 15 working days if no further investigation is needed.

If a disciplinary investigation uncovers evidence of significant harm to a child, a referral must be made to CSSW and the disciplinary proceedings suspended until the outcome of any child protection investigation.

5.8 Referral to the Disclosure and Barring Service (DBS) and the Teaching Regulation Agency (TRA)

There is a legal duty on employers to refer any individual to the DBS if it is thought that they pose a risk to children or have harmed a child. The DBS will then make a decision as to whether or not to bar the person from working with children in a regulated activity such as teaching.

As cases move towards conclusion and all information is available, the School and the LADO should discuss whether a referral needs to be made to the DBS. A referral must be made if the allegation is proved and the person has been removed from their post or has resigned prior to being removed.

Where the member of staff is a teacher, the ASV meeting should consider whether a referral should be made to the TRA in order to consider a prohibition from teaching. However the final decision on whether or not to make the referral rests with the School.

5.9 Monitoring and oversight of cases

The LADO reviews all cases involving allegations against staff members on a fortnightly basis where the case is complex or on a monthly basis for more straightforward cases.

The responsible police officer in CAIT reviews all cases in criminal proceedings that involve allegations against staff members and will pass on information to the school and the LADO regarding progress of investigations and prosecutions. Cases must be reviewed within 4 weeks of any decision to refer the matter to the police and then at fortnightly intervals.

Once cases have been resolved, the responsible person will review the events in order to identify any issues and decide whether school procedures or practices need to be updated or improved so that similar incidents can be prevented or responses improved in the future.

6. Practice issues

6.1 Allegations involving physical contact

Head teachers and governors are aware that for some teachers, for example music and PE teachers, physical contact with a pupil is unavoidable and necessary in order to teach the subject.

Further, teachers can use reasonable force in order to control or restrain a pupil in specific circumstances. Staff should follow our Behaviour and Discipline Policy with regard to the use of reasonable force.

These factors must be taken into account at all stages of the process, from initial consideration and strategy discussion. In particular, it must be demonstrated that any contact that has taken place is within the boundaries set out by local safe working practices and agreed procedures for the use of physical restraint.

It is important that staff are provided with and follow School guidance on acceptable behaviour and safe working practice in order to protect them from misplaced or malicious allegations.

6.2 Suspension

It is a School decision as to whether or not to suspend the staff member and this will be based on a clear risk assessment and be in accordance with the School's own policies on staff conduct. Suspension should not be an automatic outcome of any allegation but used only where there is no alternative following a risk assessment and having considered other alternative ways of reducing harm.

The School will consider the effect of suspension on the member of staff and be mindful that suspension will normally only be justified where there is a risk of significant harm to pupils, a police investigation is likely to be carried out or the allegation is so serious it would normally warrant immediate dismissal if proved true. Even in these cases, the School will first consider other ways of managing risk, such as arranging for the member of staff to have limited contact with pupils or ensuring they are constantly supervised.

Decisions on suspension will be based on a robust risk assessment and discussed with the LADO in the first instance. CSSW and the police will be able to advise schools on possible courses of action to safeguard pupils and may make a recommendation on suspension but the final decision will rest with the School. However, in cases where there are serious allegations and clear evidence of abuse, the police and CSSW may take alternative action if the School does not follow a recommendation to suspend a staff member.

Based on an assessment of risk, the School will consider alternatives such as:

- 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 the individual to alternative work in the School so that they do not have unsupervised access to children
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents/carers have been consulted.

All decisions on suspension should continue to be reviewed as new information becomes available during investigation.

If suspension is to be used, the member of staff must be given written confirmation of the decision within 1 working day detailing the reasons and giving the name of the person at the School whom the member of staff can contact for support and information.

Any decision to suspend a member of staff will be recorded by the School and the LADO with reasons given and details of what alternative ways of managing risk other than suspension were considered and why they were rejected.

Where an interim prohibition order is in place for teaching staff following an allegation and the TRA are carrying out an investigation, the member of staff must not carry out any teaching duties until the matter is resolved.

6.3 Resignations

Full investigations into allegations must proceed even if the person involved resigns as it is important that the matter is properly dealt with and that a resolution or conclusion is reached and appropriate action taken. It is important to decide whether allegations are substantiated and what further action may have to be taken to safeguard children through referral to the Disclosure and Barring Service and the Teaching Regulations Agency even if the staff member involved has left the School.

The School will not use compromise or settlement agreements that allow a person to resign with a reference in return for not initiating disciplinary proceedings in cases where allegations of abuse of children are involved. As stated above, it is crucial that all allegations are fully investigated and failure to refer to the DBS or TRA when the criteria for doing so are met would be a criminal offence on the part of the School.

6.4 Unfounded or malicious allegations

If an allegation is proved to be unfounded or malicious, the LADO may decide to refer the child to CSSW for assessment as a child in need. Malicious allegations made by pupils may also be dealt with under the School's *Règlement Intérieur* and Behaviour and Discipline Policy if this is more appropriate.

6.5 Return to work

When a member of staff returns to work following suspension, the School responsible person will consider how best to facilitate this and take advice from the LADO. The staff member will be offered support to help them with their return, as should parents and children. Consideration will be given to how to manage contact between the pupil and staff member in the light of the allegation.

6.6 Records and references

All allegations made must be recorded on the individual's personnel file, giving details of the nature of the allegation, actions taken and decisions reached. This is the case even where the allegation is unfounded. However, any allegation that is proved to be malicious or false will be deleted from the individual's personnel file (unless the individual consents to the record remaining).

For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was investigated and resolved
- Notes of any actions taken, decisions reached and the outcome
- A statement as to whether the information will be included in any reference.

In these cases, the school will provide a copy to the individual, in agreement with children's social care or the police as appropriate.

Where records contain information about allegations of sexual abuse, the School will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other information until the person reaches retirement age or for 10 years from the date of the allegation if that is longer.

Future employer references:

Allegations that have been found to be false, unfounded, unsubstantiated, or malicious should not be included in a reference, including any repeated concerns that have been found to be false, unfounded, unsubstantiated or malicious.

Substantiated allegations will be included in references provided that the information is factual and does not include opinions.

6.7 Confidentiality and information sharing

It is essential that confidentiality is maintained whilst any investigation is on-going and the Police will not make public any details of criminal investigations unless and until the person involved is charged. All those involved, including parents and pupils, should be aware of the statutory reporting restrictions in place to ensure the identity of the staff member and the victim is not made public. This includes restrictions on posting information about the allegation on social networking sites.

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

The School responsible person will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises.

6.8 Non-recent allegations

Abuse can be reported, no matter how long ago it happened. CFBL will report any non-recent allegations made by a child to the LADO in line with Camden's procedures for dealing with non-recent allegations.

Where an adult makes an allegation to the School that they were abused as a child, we will advise the individual to report the allegation to the police.

7. Support for those involved

7.1 Staff

The School must ensure that all staff against whom an allegation has been made are treated fairly; the School has a duty to support staff members who are being investigated following an allegation in order to minimise stress.

Staff will be informed as soon as possible about any allegation made against them. Subject to advice from the police and CSSW, they will be given all information available and kept informed of the progress of any investigation or disciplinary process.

Staff will have a named person available to provide support and information, particularly if they have been suspended, and will be given advice on obtaining legal representation and counselling if needed. A copy of the CSCP information leaflet “Allegations against staff – what happens next?” should be provided to the member of staff. The leaflet is available at <https://cscp.org.uk/wp-content/uploads/2019/06/Allegations-against-staff-what-happens-next.pdf>.

The member of staff has a right to support from a trade union or colleague during the investigation process.

The School should not insist that suspended staff members have no contact with other staff unless there is good reason to believe such contact may interfere with investigations. This is a matter that the School will discuss with the LADO and the Police CAIT if need be.

7.2 Children and parents

The parents of the child will be notified of allegations and given all information available as soon as possible subject to advice from the police and CSSW if there will be an on-going investigation or further action. They will also be kept informed of progress and outcomes of investigations.

Consideration should be given to the impact of the allegation on the child and support put in place. If the child has suffered significant harm or is in need, a referral will be made to CSSW who will assess the child and provide appropriate services and support.

Parents will be informed of any referral to CSSW and their consent sought and will be reminded of the need to maintain confidentiality about the allegation while the matter is under investigation.

7.3 Supply teachers

Supply teachers and others who are not directly employed by the School will still be subject to these procedures and any allegations made against these staff will be investigated in the same way; employment agencies and others will be invited to the strategy discussion to ensure their role is clarified.

Last review by management: October 2021

Annex A - Concerns that do not meet the harm threshold

This Annex is based on 'Section 2: Concerns that do not meet the harm threshold' in part 4 of Keeping Children Safe in Education. This section applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers and contractors, which do not meet the harm threshold.

Concerns may arise through, for example:

- Suspicion
- Complaint
- Disclosure made by a child, parent or other adult within or outside the School
- Pre-employment vetting checks

CFBL recognises the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

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 the School may have acted in a way that:

- - Is inconsistent with the staff behaviour policy, 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

Sharing low-level concerns

CFBL recognises 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
- 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

Low level concerns should be shared with the Head Teacher. Concerns relating to the Head Teacher should be referred to the Chair of governors, via the Clerk (Valérie Baudin).

Responding to low-level concerns

If the concern is raised via a third party, the Head Teacher will collect evidence where necessary by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously,
- To the individual involved and any witnesses.

The headteacher will use the information collected to categorise the type of behaviour and determine any further action, in line with the school's staff handbook.

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.

Record keeping

All low-level concerns will be recorded in writing. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

Records will be:

- Kept confidential, held securely and comply with the DPA 2018 and UK GDPR
- 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 1 of this appendix, we will refer it to the designated officer at the local authority
- Retained at least until the individual leaves employment at the school

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

The difference between an allegation and a concern¹

7.2.8 It might not be clear whether an incident constitutes an 'allegation'. It is important to remember that to be an allegation the alleged incident has to be sufficiently serious as to suggest that harm has or may have been caused harm to a child/ren or that the alleged behaviour indicates the individual may pose a risk of harm to children (or otherwise meet the criteria above). Issues that do not meet this threshold may constitute conduct or disciplinary issues and should be addressed by employers using the appropriate organisational procedures.

7.2.9 If it is difficult to determine the level of risk associated with an incident the following should be considered:

- Was the incident a disproportionate or inappropriate response in the context of a challenging situation?
- Where the incident involved an inappropriate response to challenging behaviour, had the member of staff had training in managing this?
- Does the member of staff understand that their behaviour was inappropriate and express a wish to behave differently in the future? For example, are they willing to undergo training?
- Does the child or family want to report the incident to the police or would they prefer the matter to be dealt with by the employer?
- Have similar allegations been made against the employee – is there a pattern developing?

¹ Extract from the [London Safeguarding Children Board child protection procedures for dealing with allegations against staff \(section 7\)](#).

7.2.10 Incidents which fall short of the threshold could include an accusation that is made second or third hand and the facts are not clear, or the member of staff alleged to have done this was not there at the time; or there is confusion about the account.

7.2.11 Whether an incident constitutes an allegation and hence needs to be dealt with through these procedures, may need to be discussed by the LADO and the employer's safeguarding lead. If it falls short of this threshold there may still be a role for the LADO to provide advice and support to the employer. Where the matter constitutes a conduct or performance issue, the employer should follow the appropriate disciplinary procedures and let the LADO know of the outcome.