

SUCCESSFULLY MANAGING ALLEGATIONS AGAINST PEOPLE IN A POSITION OF TRUST. AN EMPLOYERS GUIDE

Organisations and agencies working with children and families should have clear policies for dealing with allegations against people who work with children. Such policies should make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint.

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Gloucestershire Safeguarding Children Partnership



Successfully Managing Allegations Against People In A Position Of Trust An Employers Guide

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Introduction

It is important to note early on that: The responsibility for the management, investigation, oversight and follow up actions of an allegation reside with the employer who retains all legal duties with regards to the employee under UK Employment law.

Under Working Together to Safeguard Children current guidance, the Employer is obliged to contact the Allegations Management Service with regards to an allegation that meets a 'Harms' threshold and to follow the local allegations management process as set out by the Local Authority.

When contacting the Allegations Management Service, the employer is seeking to engage the local authorities allegations management arrangements and the Local Authority Designated Officer (LADO), a process that offers support, advice and guidance, facilitating engagement with the Police and Social Care whilst offering oversight in terms of timeliness and fairness. In contacting the LADO, the Employer is in no way referring or delegating the legal responsibility for the allegations process or any follow up actions resulting from an allegations process.

Statutory Guidance

Working Together to Safeguard Children

The GSCP expect that all employers with a function and duty relating to children are aware of and compliant with the Gloucestershire Allegations Management Processes and Procedures. These procedures highlight Working Together to Safeguard Children and Keeping Children Safe in Education current statutory Guidance as the key pieces of legislation that all employers should have due regard of through their own Allegations Management Policies and Procedures.

Any "Organisations and agencies working with children and families should have clear policies for dealing with allegations against people who work with children. Such policies should make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint. An allegation may relate to a person who works with children who has:

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

Local authorities should put in place arrangements to provide advice and guidance to employers and voluntary organisations and agencies on how to deal with allegations against people who work with children. Local authorities should also ensure that there are appropriate arrangements in place to liaise effectively with the police and other organisations and agencies to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process".

KCSiE pt4

"Schools and colleges should have their own procedures for dealing with concerns and/or allegations against those working in or on behalf of schools and colleges in a paid or unpaid capacity, this includes, members of staff, supply teachers, volunteers and contractors.

This part of the guidance has two sections covering the two levels of allegation/concern:

1. *Allegations that may meet the harms threshold.*
2. *Allegation/concerns that do not meet the harms threshold – referred to for the purposes of this guidance as “low level concerns”. These procedures should be consistent with local safeguarding procedures and practice guidance. “*

Clear instruction has been communicated from a senior policy lead within the Department for Education (DfE) that the wording in KCSiE is indeed authoritative on this matter and can be extended to all employers and not just schools and colleges. This has been confirmed through legal advice procured on the matter. Therefore the GSCP requires all agencies and organisations, including education settings refer to [GSCP CP Procedures](#), Working Together and [KCSiE](#) in setting out their policies on managing and investigation of allegations whilst utilising the [Safer Recruitment Consortium website](#) and the [“Guidance for safer working practice for those working with children and young people in education settings”](#) non-statutory guidance as a tool when developing their staff behaviour / code of conduct policy.

Responsibility

Throughout the allegations process the responsibility to investigate and respond to allegations against a professional in a position of trust remains with the employer who holds the legal responsibility under UK Employment Law to process and respond to any issue that may influence someone’s employment status, including anyone volunteering.

Where agency or bank staff are involved, the employer placing the worker remains the lead agency, with the organisation the worker is placed within also required to remain involved in the allegation process. Again, all legal responsibility to follow up on the outcome of an allegation must remain with the employee’s legal employer, however the organisation in which the agency worker is placed may be asked to undertake initial investigations.

When such allegations meet a safeguarding threshold of immediate harm, then partners will step in to ensure the safety of the child/ren and if appropriate proceed with criminal process or immediate actions to safeguard a child at risk of immediate harm. In these circumstances the employers management of the professional will be guided by partners undertaking parallel statutory processes and any legal implications of these parallel processes.

The responsibility for communication, support and completion of allegations and HR processes remains with the employee’s employer at all times.

The role of the LADO is not to investigate the allegation, but to ensure that an appropriate investigation is carried out, whether this be by the police, local authority children’s social care, the employer or a combination of these. In straightforward cases, the investigation should normally be undertaken by a senior member of the employer’s staff.

The Allegation

At any time, an allegation against a person in a position of trust over a child or family can be made by the employer, partner agency, any professional or indeed anyone.

Communication and contact between the employer and the LADO must be undertaken within one working day of the allegation being received.

All allegations will be considered against the four criteria set out in Statutory Guidance, essentially the 'Harms Threshold':

A person in a position of trust over a child has:

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

The employer may be contacted by the LADO or may need to contact the LADO once an allegation comes to light. Contact to the LADO will be determined by the Local Arrangements and/or if the allegation is believed to have met a 'Harms Threshold' or falls into the category of a 'Low-Level Concern'.

Where an employer is uncertain as to the threshold of an allegation, local arrangements offer the opportunity to seek advice from the LADO.

What to Consider

It can be helpful for the employer to consider the behaviours or concerns within the context of the four main categories of abuse (i.e., physical, sexual, emotional and neglect). For example:

- Having a sexual relationship with a child under 18 years if in a position of trust, even if the child believes it to be consensual
- "Grooming" type behaviours which might include meeting children with intent/inappropriate text messages / emails or images, along with gifts and socialising
- Physical chastisement of children in organisational settings
- Possession of indecent photos of children
- Sexual misconduct complaints or allegations, even when the alleged misconduct is in relation to another adult, may call into question the professional's suitability to work with children under a transferable risk criteria.
- Ill treatment include physical and sexual abuse and forms of ill treatment which are not physical.

Practice reminders:

- Allegations can and should be made by any person, organisation or agency who is aware of an incident likely to meet the Harms Threshold. Failure to do so contravenes Working Together to Safeguard Children Statutory Guidance and the GSCP's Published arrangements.
- Allegations of historical abuse should be responded to in the same way as contemporary concerns
- If concerns arise about the person's behaviour to their own children, police and Children's Social Care must consider informing the employer/organisation and LADO to assess whether there may be implications for where they work if it involves children
- If the employer (this would include Chair of Governors, Trustees, Management Committees or funders as necessary) themselves become aware of concerning behaviour of an employee towards their own or other children they should consider informing the LADO when there may be implications for where they work if it involves children.

- This applies to all paid and unpaid staff (volunteers & visitors), including foster carers and approved adopters as well as commissioned or contracted staff
- Any misconduct levelled against any professional, including, but not limited to, police officers, social workers, health professionals and educationalists, even if the misconduct is in relation to an adult, should be considered under the suitability and transferrable risk criteria and where threshold met contact made to the LADO.
- Refer to GSCP procedure manual, Working Together and KCSiE

Employers Responsibilities

There are five key responsibilities an employer must be aware and compliant with when dealing with allegations:

1. Employers have a duty to ensure that children are protected and supported following an allegation that they may have been abused by an adult working for, or on behalf of, the employer
2. Employers should ensure that there is a fair, consistent and robust response to any safeguarding allegation made, so that any risk posed to other children by an abusive individual is managed effectively
3. Employers should ensure that an appropriate level of investigation into concerns or allegations takes place when the allegation is recent, or at any time the person in question was employed or volunteered with them (non-recent abuse allegations or historical abuse allegation).
4. Employers should ensure that they continue to fulfil their legal responsibilities towards members of staff, or volunteers who may be subject to such investigations; this would include a duty of care for the individual/s. (this might include allocating a colleague to support the individual/s under investigation)
5. Employers should act in accordance with legislation and guidance including this guidance document, which forms part of the [GSCP Published Arrangements](#), as well as any requirements of a governing authority, accountable body or for voluntary organisations the Charities Commission.

The responsibility for the conduct, management, training, support and where needed the disciplinary outcomes for an employee remain those of the employer under UK Employment Law.

Employment law is a vast area of the legal system and covers a whole host of topics that are involved in the employment relationship, largely governing processes and policies that employers are legally obliged to put in place.

Some of the most common areas that employers must pay regard to are employment contracts, equal pay, holiday entitlement and pay, working hours, grievance procedures, disciplinary procedures, maternity and paternity leave, different types of discrimination, equality and diversity in the workplace, reasonable adjustments for employees with disabilities, the redundancy process and much more.

Allegations processes need to work alongside some of these parallel legal duties such as grievance & disciplinary procedures, employment contracts, code of conduct procedures and others, with the safety of the child as paramount the allegations process also needs to be fair, timely and proportionate.

Where safeguarding arrangements are concerned Working Together to Safeguard Children, Section 11 of the Children Act 2004, KCSiE, [Protection of Freedoms Act 2012](#)¹, and the GSCP Published arrangements sets out a duty on employers to ensure employees are safely recruited, vetted, inducted, supported, trained and competent to carry out safeguarding duties that are intrinsically linked to the specific role of the employee.

As part of the Employers duty to manage their legal duties under safeguarding children and common UK employment law, employers must:

- Appoint a designated senior manager to whom allegations or concerns should be reported
- Appoint a Deputy to whom reports should be made in the absence of the designated senior manager or where that person is the subject of the allegation or concern
- Ensure all staff and volunteers receive training and on-going guidance to understand the allegations management process
- Create a safeguarding culture and safe organisation in which to work
- Where the determination is a threshold has been met the organisation must contact the office of the LADO within **one working day** when an allegation is made and prior to any further investigation taking place
- It may be determined that the allegation does not meet the 'Harms@ threshold of an allegation at all, in which case it should be considered a 'Low Level Concern'. In the case of 'Low Level Concerns' each organisation must have a suitable policy and must therefore follow that policy
- In the case of an Educational Setting the allegation must be reported to the most senior person not implicated in the allegation, so Headteacher/Principal. If the allegations is about the Headteacher/Principal the allegation must be reported to the Chair of Governors (Multi Academy Trusts must specify their own arrangements and publish them appropriately)

Throughout the allegations process the duty to support and communicate with the employee remains the responsibility of the employer. The LADO with statutory partners will support and advise the employer throughout as part of the local Allegations Management process, without undertaking the investigation themselves.

Whistleblowing

Make sure all staff know about your organisations whistle-blowing policy and that the safeguarding culture set is one where all feel able and confident to voice their concerns about the attitude or actions of colleagues. This should be reflected in your organisations induction, ongoing training, and relevant policies.

Thresholds

Low Level Concerns?

'The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet a 'harms' threshold. 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 position of trust over a child or family may have acted in a way that:

¹ The Protection of Freedoms Act 2012 introduced changes to the vetting requirements for people undertaking Regulated Activity

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work.
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a contact to the LADO.

Examples of low-level concerns

- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- humiliating children

This means that employers should set out their 'low-level concerns policy' within their staff code of conduct and safeguarding policies. This must include the requirement to keep records of Low-Level Concerns and identify a named individual to receive all Low Level Concerns. The policy must include arrangements to share information with the LADO when seeking advice or guidance and in particular when 'Low Level Concerns' reach a point where a 'Harms Threshold' may be met.

Harms Threshold

A Harms Threshold refers to any incident that meets one or more of the four criteria as set out in Working Together to Safeguard Children. [See above](#) under statutory Guidance Pg9.

Examples of a 'Harms' Threshold

- Professional or volunteer arranging to meet young person outside the work environment and asking them not to tell anyone; or making inappropriate contact through social media with sexual overtones
- Child has clearly been injured or could have been injured as a direct result of the actions of a professional or volunteer
- An incident witnessed, where there is a physical exchange between staff and child or young person. It is unclear whether self-defence or retaliation was involved. The matter needs full investigation
- Early recourse to the use of restraint, where judgement might indicate alternative methods of diffusing a situation and that restraint has caused an injury to the person being restrained
- A credible disclosure by a child or young person that uses the word 'hit' or 'hurt'; yet there is no injury seen and no corroborating evidence of child's account
- A very young child still requiring personal care/ nappy changing, indicates that a nursery worker touched him/her in the genital area
- Where a member of staff repeatedly treats a child in their care in a negative manner by making derogatory comments
- A professional or volunteer has been sending inappropriate but not necessarily sexual, texts to young people he/she works with
- A foster carer where there have been several complaints about poor practice and standards of care; children in their care who are not always clean or appropriately dressed, or seen to be treated in a way that causes concern to observing professionals
- Failing to meet expectations of levels of care consistently
- Incident within the professional/ volunteers home life that is of high risk and high level of concern
- Making racist or derogatory remarks to a child or young person in the presence of witnesses

This list offers examples and is not definitive and should not replace professional judgement.

Further threshold advice can be sought via the [National LADO Network](#)

Understanding and Applying Thresholds

Clarity around Allegations, Low-Level Concerns and Appropriate Conduct is needed to ensure that employees are treated fairly whilst balancing the need to protect children. A number of low-level concerns within a defined period may be considered to be significant in itself and therefore meet a higher 'Harms' threshold. The LADO will be able to assist and advise the employer through the local Allegations Management arrangements as set out by the Local Authority. Direct advice in some cases will help in determining as an employer when a low-level concern needs to become a 'contact' to the LADO.

Low level concerns must be recorded by the employer and retained on the employee's employment record and may in some circumstances be considered when offering references. Retention of information under the GDPR arrangements must be considered and set out transparently in the employers Allegations Management Procedures.

Information Sharing & Confidentiality

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered, but you should still ensure that you are prepared for the potential of publicity. Apart from keeping the child, parents and person involved (where this would not place the child at further risk) up to date with progress of the situation, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related processes that may or may not result in disciplinary or suitability outcomes.

Management of Allegations

Where an allegation meets the criteria (above), the Employers Investigating Manager (case manager in KCSiE) and allocated LADO should discuss and agree the next steps, including informing parents/carers of the child concerned (if applicable) about the allegation if they are not already aware of it.

The allocated LADO will:

- Discuss with the Investigating Manager the allegation and obtain further details of the allegation and the circumstances in which it was made
- Discuss whether there is evidence/information that establishes the likelihood that the allegation is false or unfounded
- Discuss with the Investigating Manager if the allegation warrants the suspension of the member of staff
- Convene an Allegation Management Meeting within procedural timelines in order to plan any actions such as a police investigation and/or protective action in respect of the child or children. If there is reason to suspect a child is suffering or likely to suffer significant harm, and/or a criminal offence may have been committed

The following areas will be considered through the Allegations Management Meeting. (this list is not exhaustive)

- Consider whether there should be a S47 enquiry and/or police investigation

- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information
- Consider the current allegation in the context of any previous allegations or concerns
- Where appropriate, take account of any entitlements by staff to use reasonable force to control and restrain children (e.g. Use of reasonable force in schools (July 2013))
- Consider whether a complex abuse investigation is applicable
- Plan enquires if needed, allocate tasks and timescales
- Decide what information can be shared, with whom and when
- Ensure that arrangements are made to protect the child/ren involved and any other child/ren including taking emergency action where needed
- Ensure that the investigations are sufficiently independent
- Make recommendations where appropriate regarding suspension, or alternatives to suspension
- Identify a lead contact within each agency
- Agree protocols for reviewing investigations and monitoring progress by the LADO, having regard for target timescales
- Consider issues for the attention of senior management e.g. media interest, resource implications
- Consider reports for consideration of barring
- Consider risk assessments to inform the employer's safeguarding arrangements
- Agree dates for future meetings/discussions

The member of staff/volunteer subject to the allegation should be informed by the employer that an allegation has been made. Where an allegations management meeting is required with the authorities, or where the police or children's social care may need to be involved, information about the allegation should not be shared until those agencies have agreed what information can be disclosed to the person who is the subject of the allegation.

When to inform the individual of the allegations should be considered carefully on a case-by-case basis, with guidance as required from the LADO, and if appropriate local authority children's social care and the police.

In some cases, the employer may decide to suspend the employee who is the subject of the allegation or cease to use the services of a volunteer on a temporary basis.

The act of suspension does not indicate a person's guilt; it is a neutral act. An individual must not be suspended automatically when there has been an allegation or without careful thought. Suspension should be considered in any case where:

- There is reason to suspect a child is at risk of significant harm and the allegation warrants investigation by the police
- The allegation is so serious that if substantiated might be grounds for dismissal
- There are concerns that the person about whom the allegations are made may put pressure on or interfere with potential witnesses
- The person by carrying out their normal duties may pose a risk to others and where this risk cannot be reasonably mitigated against through increased supervision or a temporary change of duties

The power to suspend a member of staff or dispense/suspend the services of a volunteer because of an allegation, is vested in the employer alone and must be compliant with the employer's legal duties under UK Employment Law. In making this decision the employer will need to take into consideration

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the views of the police and the allocated LADO. The employer should not sign post the employee to the Allegations Management Service to discuss the allegation, circumstances of suspension or for updates on progress. It is the sole responsibility of the employer to manage their member of staff utilising their own policies and procedures. Where there is drift or delay that could be seen as unreasonable the employer should discuss with the Allegations Management Service, whose role it is to ensure a timely process. The Allegations Management Service can make representation to any agency or partner who they deem to be not progressing any aspect in a timely and fair manner.

HR advice should be sought, and care applied when applying the need to safeguard children against the rights under law of the employee. Employers cannot delegate or defer their responsibilities to any other agency in this respect and all communication to the employee should detail decisions made, following advice, are those of the employer and in line with the employer's policies and procedures under both safeguarding and employment law.

At the conclusion of any Allegations Management Meeting the Employer and the allocated LADO should formally review the outcome and determine further action required. The Employer should now be in a position to conclude any internal investigation. The employer should complete a report detailing the relevant information, their actions and any recommendations which may include.

- Reintegration of the staff member or volunteer
- Performance management or capability processes invoked
- Disciplinary process invoked, following the Disciplinary policy
- Referral to the Disclosure and Barring Service (DBS) (equivalents in the other nations) for consideration to be barred from working with children
- Referral to a professional registration/regulatory body on the grounds of misconduct

The following definitions will be used by the employer when recording the outcome:

- Substantiated: there is sufficient identifiable evidence to prove the allegation
- False: there is sufficient evidence to disprove the allegation
- Malicious: there is clear evidence to prove that there has been a deliberate act to deceive, and the allegation is entirely false
- Unfounded: there is no evidence or proper basis that supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances
- Unsubstantiated: here is insufficient evidence to either prove or disprove this allegation. The term, therefore, does not imply guilt or innocence

Every effort should be made to reach a conclusion in all cases even if:

- The individual refuses to cooperate, although they should be given a full opportunity to answer the allegation and make representations
- It is difficult to reach a conclusion
- The staff member is no longer employed, or the volunteer has withdrawn his/her services

The employer must determine who needs feedback following the conclusion of any investigations and the nature of that feedback in accordance with the principles of data protection and confidentiality. This might include feedback to the child, his/her parents/carers, and/or the person who raised the concern initially, and the line manager of the staff member or volunteer.

The employer should also provide, in writing, feedback to the person who has been subject to the investigation, clarifying the outcome and any implications for their employment/volunteering. This should normally be provided within a timely manner following the conclusion of any investigation and should be set out in the employer's allegations management processes.

The LADO

The Allegations Management Service is responsible for allocating a suitably qualified and or experienced LADO who will coordinate allegations against adults who work with children. This involves working with police, children's social care, employers, and other involved professionals. The allocated LADO does not conduct investigations directly, but rather oversees and advises on them to ensure thoroughness, timeliness and fairness. Ordinarily, to ensure impartiality, the allocated LADO should not have direct contact with the adult against who the allegation has been made, or the family of the child/children involved but will, as part of their role ensure that information regarding outcomes is available to be shared.

Appendix

The attached Coffee Break Briefings are for employers to use in ensuring all employees are aware of the allegations management process and where responsibilities rest. Please feel free to use across your workforce.

The Allegations Management Flowchart is an easy reference chart to assist employers to understand and manage allegations effectively.

Gloucestershire Safeguarding Children Partnership



Coffee Break Briefing - A Guide to Managing Allegations in Education Settings

Summary –

Part 4 of Keeping Children Safe in Education, details schools' and any education setting's responsibilities and role to ensure that all allegations or low-level concerns are managed appropriately. Central to this is the understanding, including for volunteers, contractors, agency staff and visitors, should they see, hear or know of behaviour that constitutes a concern, that those allegations or concerns must be reported. Such a concern should be made to the Headteacher or equivalent school leader in writing. Should the allegation or concern be about the Headteacher, then the Chair of Governors, or equivalent named person within the setting's safeguarding policy must be contacted, again in writing.

It is for the Headteacher to act upon the information they receive using part 4 of KCSiE to inform and support their decision-making process. Adults must therefore be confident in their understanding of what such concerns might be, including if about visiting agency staff such as supply teachers. Such a concern or allegation must be shared in writing to the appropriate adult. This understanding should be confirmed through staff training, the setting's safeguarding policy and from clarity about adult's behaviour, including when using technology within the code of conduct.

Allegations that may meet the 'harm threshold'

On receipt of an allegation, the Headteacher must consider if the following criteria has been met, referred to as the 'harm threshold'. Has the adult, for whom the allegation has been shared:

- 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 list could include behaviour that has taken place outside of the school or through a digital means including sexual misconduct complaints or allegations, even when the alleged misconduct is in relation to another adult, for example domestic abuse, may call into question the professional's suitability to work with children under transferable risk criteria.

Where this is, or likely to be the case, the Headteacher must contact the Allegations Management Service authority designated officer (LADO). Allegations Management Service will allocate a suitably qualified and or experienced LADO to work with the Headteacher (or Chair of governors should the allegation be about the Headteacher) to support any investigation, immediate actions required to safeguard children and consider, depending on nature of the allegation, if the Police or other relevant agency(ies) are required to be involved. In contacting the Allegations Management Service the Headteacher on behalf of the

educational setting as the employer is not referring the case to the Allegations Management Service and at all times retains responsibility for managing the allegation, any investigation into the allegation, in addition be the ultimate decision maker with regards to the outcome of any allegations management meeting undertaken.

In managing any such allegation, the Headteacher will, at all times take into account the welfare of all concerned in a timely manner.

Concerns that do not meet the harm threshold

Concerns of any nature may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent, or other adult within or outside of the organisation; or as a result of vetting checks undertaken. It is important that schools and colleges have appropriate policies and processes in place to manage and record any such concerns and take appropriate action to safeguard children. Creating a culture in which all concerns about adults are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. Each school and college must have in place a low level concerns policy which identifies who will receive the low level concerns and how they will be stored.

The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the 'harm threshold'. A low-level concern is therefore 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, which should be reported in the same way as allegations to the Headteacher. Where a concern is about the Headteacher, this should be shared with the Chair of Governors or named adult in a similar role who will either manage the process or appoint someone to manage the process.

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

- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- humiliating children

Adults who have any such concerns must therefore be confident in their role to share these with the appropriate adult. Such concerns will be managed within the school's local policies and procedures.

Summary:

- The school retains responsibility for the management of all allegations relating to all adults in a position of trust in their setting. The allocated LADO is there to assist and ensure timeliness of process not lead on the process.
- All adults working in a setting must understand their role in sharing any concerns whether low level, or a more significant allegation that may meet the harm threshold
- Adults need to recognise that such concerns could arise in school, out of school or through the use of technology
- Each setting must confirm through its policies and code of conduct who and how to report concerns including if such concerns/allegations are about the Headteacher

- Leaders need to ensure that all staff understand, within the context of their setting, examples that would need reporting and to whom, including should these be about the Headteacher
- All adults must understand the above points equally refer to concerns or allegations about volunteers, agency staff including supply teachers and contractors
- Governors must ensure that the settings policies and procedures reflect these points through staff induction and ongoing training

Links to further information:

[Keeping Children Safe In Education –](#) : Specifically part 4

[NSPCC - Managing allegations of abuse](#) – guidance and links for school leaders and staff

[Guidance for safer working practice](#) – Safer Recruitment consortium, updated 2022

[Gloucestershire LADO information page, including contact details](#) –

[Gloucestershire Child Protection Procedures](#)

Gloucestershire Safeguarding Children Partnership



Coffee Break Briefing - A Guide for Employers in Managing Allegations and Concerns

Summary –

Working Together to Safeguard Children places a duty on employers to ensure that all allegations or low-level concerns relating to an adult in a position of trust are managed appropriately. Central to this is the understanding, including for volunteers, contractors, agency staff and visitors, should they see, hear or know of behaviour that constitutes a concern, that those allegations or concerns must be reported. Such a concern should be made to the designated safeguarding lead, or a senior staff member not implicated in the allegation or concern, in writing.

It is for the employers to nominate a lead to act upon the information received using Working Together to Safeguard Children, the GSCP Child Protection Procedures and the Allegations Management Local Arrangements to inform and support their decision-making process. Adults must therefore be confident in their understanding of what such concerns might be. Such a concern or allegation must be shared in writing to the appropriate lead. This understanding should be confirmed through staff training, the employers safeguarding policy and from conduct or behaviour expectations, including when using technology, within the employer's code of conduct.

Allegations that may meet the 'harm threshold'

On receipt of an allegation, the employer must consider if the following criteria has been met, referred to as the 'harm threshold'. Has the adult, for whom the allegation has been shared:

- 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 list could include behaviour that has taken place outside of the activity of the organisation or through a digital means including sexual misconduct complaints or allegations, even when the alleged misconduct is in relation to another adult, may call into question the professional's suitability to work with children under transferable risk criteria.

Where this is, or likely to be the case, the employer must contact the office of the local authority designated officer (LADO). The Allegations Management Service will appoint a suitably qualified and or experienced LADO to work with the employer to support any investigation, immediate actions required to safeguard children and consider, depending on nature of the allegation, if the Police or other relevant agency(ies) are required to be involved. In contacting the Allegations Management Service the employer is not referring the case to the Allegations Management Service and at all times retains responsibility for managing the allegation, any investigation into an allegation and be the ultimate decision maker with regards to the outcome of any allegations management meeting undertaken.

In managing any such allegation, the employer will, at all times take into account the welfare of all concerned in a timely manner.

Concerns that do not meet the harm threshold

Concerns of any nature may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken. It is important that employers have appropriate policies and processes in place to manage and record any such concerns and take appropriate action to safeguard children. Creating a culture in which all concerns about adults are shared responsibly and with the right person, recorded and dealt with appropriately, is critical.

The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the 'harm threshold'. A low-level concern is therefore 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 employer may have acted in a way that is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, which should be reported in the same way as allegations to the employer. Where a concern is about a senior staff member this should be shared with a named adult in a similar role who will either manage the process or appoint someone to manage the process.

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

- being over friendly with children
- having favourites
- taking photographs of children on their mobile phone
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- operating outside of the remit / practice standards of the organisation or in a way that limits organisational oversight
- humiliating children

Adults who have any such concerns must therefore be confident in their role to share these with the appropriate manager. Such concerns will be managed within the employer's policies and procedures. Each organisation must have in place a low level concerns policy which identifies who will receive the low level concerns and how they will be stored.

Summary:

- The employer retains responsibility for the management of all allegations relating to all adults in a position of trust in their organisation. The allocated LADO is there to assist and ensure timeliness of process not lead the process.
- All adults working in any setting must understand their role in sharing any concerns whether low level, or a more significant allegation
- Adults need to recognise that such concerns could arise in or out of a work setting or through the use of technology
- Each employer must confirm through its policies and code of conduct who and how to report including if such concerns/allegations are about a senior member of staff
- Leaders need to ensure that all staff understand, within the context of their setting, examples that would need reporting and to whom
- All adults must understand the above points equally refer to concerns or allegations about volunteers, agency or supply staff including contractors

- Senior leaders must ensure that the employers' policies and procedures reflect these points through staff induction and ongoing training

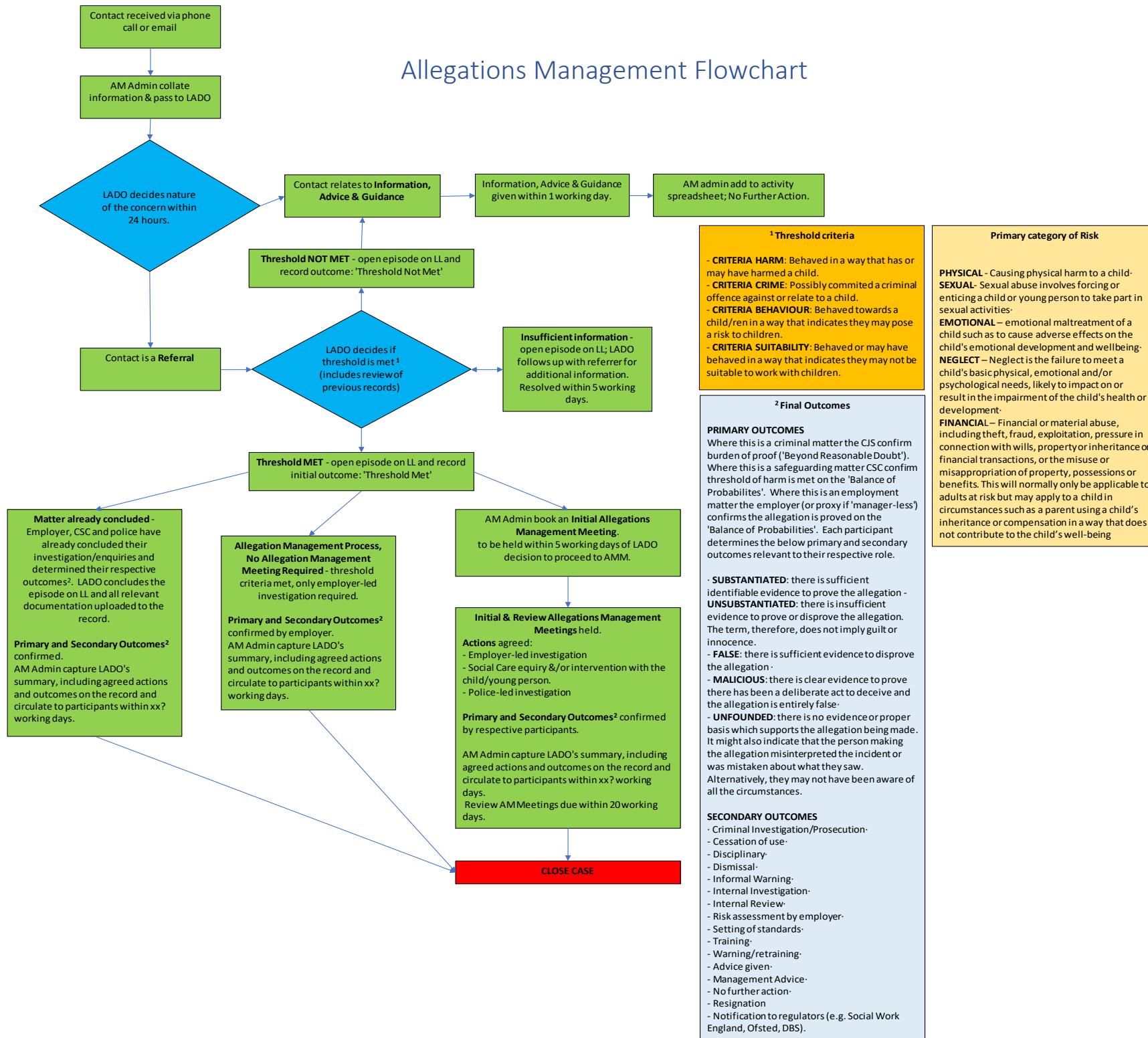
Links to further information:

[Guidance for safer working practice](#) – Safer Recruitment consortium, updated 2022

[Gloucestershire LADO information page, including contact details](#) –

[Gloucestershire Child Protection Procedures](#)

Allegations Management Flowchart



¹ Threshold criteria

- **CRITERIA HARM:** Behaved in a way that has or may have harmed a child.
- **CRITERIA CRIME:** Possibly committed a criminal offence against or relate to a child.
- **CRITERIA BEHAVIOUR:** Behaved towards a child/ren in a way that indicates they may pose a risk to children.
- **CRITERIA SUITABILITY:** Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Primary category of Risk

PHYSICAL - Causing physical harm to a child-
SEXUAL - Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities-
EMOTIONAL – emotional maltreatment of a child such as to cause adverse effects on the child’s emotional development and wellbeing-
NEGLECT – Neglect is the failure to meet a child’s basic physical, emotional and/or psychological needs, likely to impact on or result in the impairment of the child’s health or development-
FINANCIAL – Financial or material abuse, including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits. This will normally only be applicable to adults at risk but may apply to a child in circumstances such as a parent using a child’s inheritance or compensation in a way that does not contribute to the child’s well-being

² Final Outcomes

PRIMARY OUTCOMES
 Where this is a criminal matter the CIS confirm burden of proof ('Beyond Reasonable Doubt'). Where this is a safeguarding matter CSC confirm threshold of harm is met on the 'Balance of Probabilities'. Where this is an employment matter the employer (or proxy if 'manager-less') confirms the allegation is proved on the 'Balance of Probabilities'. Each participant determines the below primary and secondary outcomes relevant to their respective role.

- **SUBSTANTIATED:** there is sufficient identifiable evidence to prove the allegation
- **UNSUBSTANTIATED:** there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **FALSE:** there is sufficient evidence to disprove the allegation
- **MALICIOUS:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false-
- **UNFOUNDED:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

SECONDARY OUTCOMES

- Criminal Investigation/Prosecution-
- Cessation of use-
- Disciplinary-
- Dismissal-
- Informal Warning-
- Internal Investigation-
- Internal Review-
- Risk assessment by employer-
- Setting of standards-
- Training-
- Warning/retraining-
- Advice given-
- Management Advice-
- No further action-
- Resignation
- Notification to regulators (e.g. Social Work England, Ofsted, DBS).