



Last Policy Review: August 2025

Next Policy Review: August 2026

Allegation of Abuse Against Staff and Low-Level Concerns Policy

Introduction

Oaks Rise takes its responsibility of care for its learners seriously and fully endorses the principles and practice of "Every Child Matters".

We recognise that any possibility that a member of staff may have hurt a learner must be investigated thoroughly, but in a way that does not prejudice either the learner or the member of staff.

Part A of this policy applies to all cases in which it is alleged that a current member of staff, including a cover person or volunteer has:

- Behaved in a way that has harmed a child, or may have harmed a child, or
- Possibly committed a criminal offence against or related to a child, or
- Behaved towards a child or children in a way that indicates he or she would 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

It applies regardless of whether the alleged abuse took place at Oaks Rise. Allegations against a Learning Facilitator who is no longer teaching and historical allegations of abuse will be referred to the police.

We will deal with any allegation of abuse against a member of staff or volunteer very quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation. Our procedures for dealing with allegations will be applied with common sense and judgement. Any investigation of an allegation of abuse against a member of staff must follow the objective, professional standards and routines described here. Allegations of abuse against staff must not be dealt with under Oaks Rise's general complaints procedure.

Part B of this policy also applies to cases of low-level concerns raised regarding Oaks rise staff, directors, volunteers or contractors.

Part A: Allegations of Abuse Against Staff

1. Legislation, guidance and Role of the LADO

The allegations of abuse by staff procedures are based on the following: Keeping Children Safe in Education, 2025. The framework for managing cases of allegations of abuse against people who work with children is set out in: Working together to Safeguard Children (2023).

The role of the Local Authority LADO () is central to the management and oversight of allegations of abuse against staff. The role of the LADO is:

- A duty to consider concerns about any adult who works or volunteers with children.
- Provides advice and guidance to employers and voluntary organisations.
- Liaises with police and other agencies.
- Monitors the progress of cases.
- Supports agencies to ensure investigations are completed fairly.
- Responsible for ensuring timely referrals are made (one working day of an allegation or safeguarding concern being raised).
- Does not investigate.

The threshold for LADO involvement is met when a person who works or volunteers with children has:

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

2. Suspension

Suspension will be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. (Note that suspension is a neutral act to allow appropriate space for the investigation to be conducted.) In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

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

- Providing an assistant to be present when the individual has contact with children
- Redeploying the individual to alternative work so that they do not have unsupervised access to children.

3. Definitions for outcomes 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 (this does not imply guilt or innocence)
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

4. Procedure for dealing with allegations

In the event of an allegation that meets any of the criteria above, the Designated Safeguarding Lead (DSL) (or an Oaks Rise Director, where the allegation involves the DSL), will take the role of Case Manager and will take the following steps:

- Immediately discuss the allegation with an Oaks Rise Director and also the . This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police before consulting the LADr - 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 as soon as practicably possible after contacting the police)
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the Oaks Rise Director, and (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at Oaks Rise is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the LADO, police and/or children's social care services, as appropriate.
- **If immediate suspension is considered necessary,** agree and record the rationale for this with the LADO. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at Oaks Rise and their contact details
- **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the

LADO what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation

- **If it is decided that further action is needed,** take steps as agreed with the LADO to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate
- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate eg trade union representation, support from work colleague or support from the Care First Employee Assistance Service.
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against staff (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed will be advised to seek legal advice.
- Keep the parents or carers of the child/children involved informed of the progress of the case and the outcome, where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence)
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child. We will inform Ofsted of any allegations of serious harm or abuse by any person working at Oaks Rise (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. If Oaks Rise is made aware that the Secretary of State has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency. Where the police are involved, wherever possible Oaks Rise will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in Oaks Rise disciplinary process, should this be required at a later point.

4.1 Timescales

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within 1 week
- If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within 3 working days
- If a disciplinary hearing is required and can be held without further investigation, we will hold this within 15 working days

4.2 Specific actions

5.2.1 Action following a criminal investigation or prosecution The case manager will discuss with the local authority's LADO whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

5.2.2 Conclusion of a case where the allegation is substantiated If the allegation is substantiated and the individual is dismissed or Oaks Rise ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the case manager and an Oaks Rise director will discuss with the LADO whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required. If they think that the individual has engaged in conduct that has harmed (or is likely to harm) a child, or they think the person otherwise poses a risk of harm to a child, they must make a referral to the DBS. If the individual concerned is a member of the learning team, the case manager and Oaks Rise director will discuss with the LADO whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

5.2.3 Individuals returning to work after suspension If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this. The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending Oaks Rise.

5.2.4 Unsubstantiated or malicious allegations If an allegation is shown to be deliberately invented, or malicious, the DSL, or Oaks Rise director in the case of an allegation against the DSL, will consider whether any disciplinary action is appropriate against the learner(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a learner at Oaks Rise.

5.2.5 Confidentiality Oaks Rise will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The case manager will take advice from the local authority's 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

5. Record-keeping

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case. Such records will include:

- A clear and comprehensive summary of the allegation

- Details of how the allegation was followed up and resolved
- Notes of any action taken and decisions reached (and justification for these, as stated above).

If an allegation or concern is not found to have been malicious, Oaks Rise will retain the records of the case on the individual's confidential personnel file and provide a copy to the individual. We will retain all relevant records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

6. References

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

7. Learning lessons

After any cases where the allegations are substantiated, we will review the circumstances of the case with the local authority's LADO to determine whether there are any improvements that we can make to Oaks Rise's procedures or practice to help prevent similar events in the future. This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual.

Part B

Low level Concerns

This section is based on concerns that do not meet the harm threshold in part 4 of Keeping Children Safe in Education. This applies to all concerns (including allegations) about members of staff, including supply teachers, directors, volunteers and contractors, which do not meet the harm threshold set out in section 1 above.

Concerns may arise through, for example:

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

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

1 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 Oaks Rise 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 at the local authority

2 Examples

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

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

3 Sharing Low-Level concerns

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

- Ensuring staff, directors and volunteers are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- Have clear policies and procedures
- Empowering staff to share any low-level concerns
- Empowering staff to self-refer
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in Oaks Rise's safeguarding system

4 Reporting a low level concern

- Low level concerns about a member of staff should be reported to the DSL as per Oaks Rise's Child Protection and safeguarding procedures.
- If the concern is about the DSL this should be reported to the Director with safeguarding oversight, Georgia Rowe.
- Low level concerns about supply staff, contractors and local authority visiting staff will also be reported to their employers.

5 Responding to low-level concerns

If the concern is raised via a third party, the DSL 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 DSL will use the information collected to categorise the type of behaviour and determine any further action, in line with the Oaks Rise staff Code of Conduct.

- Allegations that meet the harm threshold will be referred to the for advice.
- Low level concerns that Oaks Rise feels may need further guidance on will be referred to the for advice.
- Low level concerns that Oaks Rise feels it can deal with internally will be dealt with via the Oaks Rise standard child protection investigation process.
- Oaks Rise will engage with its HR provider where it is necessary to undertake further investigation and/or deal with the concern under relevant processes.

6 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, we will refer it to the LADO at the local authority.
- Retained *at least* until the individual leaves employment at Oaks Rise

Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

7 Reviewing a low-level concern

Records will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the DSL will decide on a course of action, which may include:

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

If the concern relates volunteers, or any other concerns arise, Oaks Rise can contact the for further advice.

8 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 LADO 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

8. Policy Review

The policy - Part A and B - will be reviewed initially after six months - in March 2024 - and thereafter on an annual basis, (earlier in the event of significant legislative, policy or guidance changes, or any significant changes to Oaks Rise provision).