

Managing Allegations

1 Introduction

- 1.1** This policy will be followed where an employee is a Senior Postholders of the Trust or has been appointed solely to perform a Trust role. The policy is also relevant for Trustees.
- 1.2** All other Trust employees should refer to the Managing Allegations policy of their academy. Should the academy not have a standalone Managing Allegations policy, please refer to the Safeguarding policy of the relevant academy and its stipulations for managing allegations. Where the academy does not have a policy covering responding to allegations nor does its Safeguarding policy stipulate the response, the Trust policy should be followed.
- 1.3** This policy should be read in conjunction with the guidance set out in the document *Keeping Children Safe in Education 2023*. Of particular note here is that contained in Part Four: Safeguarding concerns or allegations made about staff, including supply teachers, volunteers, and contractors.
- There are two categories of allegation and concerns relating to child protection:
- I. Allegations that may meet the harms threshold.
 - II. Allegation/concerns that do not meet the harms threshold – referred to for the purposes of this guidance as ‘low level concerns.’

2 Aims & Objectives

- 2.1** To provide effective protection for all students in the academies of the Trust and to support any employee (as defined in 1.1) within the Trust or a Trustee who is subject to an allegation of abuse.
- 2.2** To promote the welfare of all students in the academies of the Trust and ensure a safe environment is provided.
- 2.3** To ensure the prompt, fair, consistent, and sensitive investigation of child protection allegations against a Trust employee.

3 Definitions

- 3.1** **'Safeguarding'** – the process of protecting children from maltreatment, preventing impairment of their health and development, ensuring they are growing up in circumstances consistent with the provision of safe and effective care and taking action to enable all children to have the best outcomes.

'Allegation' – information which becomes known, which suggests an employee, volunteer or contractor may have hurt or harmed a child, possibly committed a criminal offence against a child or has behaved in such a way towards a child or young person that indicates they would pose a risk of harm to children if they continue their current employment or in any capacity which involves working with children.

'Senior Postholder' – includes the Trust CEO, CFO, Clerk to the Trust, Academy Principals/Headteachers, Vice/Deputy Principal and other Trust staff so designated.

'LADO' – Local Authority Designated Officer. The person responsible for providing advice and monitoring cases of alleged abuse against a child by an adult in a position of trust.

The terms **'child/ren'** and **'young person'** are interchangeable and refer to children who have not yet reached their 18th birthday.

'Working days' – refer to the days during which the Trust is open, including training days.

'Disclosure and Barring Service (DBS)' – a non-departmental public body set up to administer the vetting and barring scheme and criminal records checks.

Teaching Regulation Agency (TRA) – is responsible for ensuring that in cases of serious professional misconduct, teachers are barred from teaching.

'Regulated Activity' –

1. Unsupervised activities: teach, train, instruct, care for, or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children.
2. Work for a limited range of establishments ('specified places'), with opportunity for contact, for example schools, children's homes, childcare premises (but not work by supervised volunteers). *Work under (1) or (2) is Regulated Activity only if done regularly. Regular means carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period (or in some cases, overnight).*
3. Relevant personal care, for example washing or dressing; or health care by or supervised by a professional, even if done once.
4. Registered childminding; and foster-carers.

4 Allegations that may meet the harms threshold

- 4.1** Allegations that might indicate a person would pose a risk of harm they continue to work in their present position, or in any capacity with children apply where it is alleged that they have:

- behaved in a way that has harmed a student, or may have harmed a student and/or;
- possibly committed a criminal offence against or related to a student and/or;
- behaved towards a student in a way that indicates he or she may pose a risk of harm to students; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with young people.

4.2 Such behaviour includes that which may have happened outside of Trust business, that might make an individual unsuitable to work with young people (transferable risk). Such transferable risk will be undertaken by the Trust after seeking advice from the local authority designated officer (LADO).

4.3 An allegation may be made directly to the Chief Executive Officer (CEO) by students, parents, members of staff or other persons. An allegation should be reported to the CEO immediately. In the absence of the CEO, it should be reported to the Trust Safeguarding Co-ordinator. If this is not possible, or the allegation is about the CEO, it should be reported to the Chair of the Trust Board or, in their absence, to a Designated Safeguarding Lead at any Trust academy. If the allegation is about the CEO, it should be reported to the Chair of the Trust, or in their absence, the Trust Safeguarding Officer.

4.4 All Trust employees have a responsibility to report a colleague they believe is 'harming' or using unacceptable behaviour towards a student, to the CEO. Where a young person reports concerns to a member of staff, they must be listened to and taken seriously. The member of staff **must not attempt to investigate the allegation** but inform the CEO where the incident is about a Senior Postholder of the Trust or a Trustee and provide a full written and dated account of what has been reported.

4.5 Historical allegations of abuse should be referred to the Police.

4.6 If the Trust receives an allegation relating to an incident that happened when an individual or organisation was using Trust premises for the purposes of running activities for children, the Trust and its academies will follow its contra safeguarding policies and procedures, including informing the LADO.

4.7 Where an allegation is reported the CEO will assume the role of case manager in order to lead the investigation or, as appropriate, to appoint an appropriate person as Investigating Officer. Where the CEO is the subject of an allegation, the Chair of the Trust Board will assume the role of case manager.

5 The initial response to an allegation

- 5.1 The CEO or designated alternative/case manager will inform the LADO of all allegations **on the same day** or next working day. The CEO **must not take any action, commence an investigation, or inform the individual of the allegation before consulting with the LADO**, but may make basic enquiries to determine whether the allegation could possibly have occurred or to establish the facts of the allegation, if these were unclear, e.g.
- could the young person have had contact with the employee?
 - could there have been any witnesses?
 - was there any CCTV footage?
- 5.2 The case manager will discuss with the LADO, the nature, content, and context of the allegation, and agree a course of action. The case manager will seek and follow advice from the LADO throughout the investigation.
- 5.3 Where the Trust identifies a student has been harmed, that there may be an immediate risk of harm to a young person or if the situation is an emergency, they should contact children's social care and as appropriate the police immediately. In such cases the relevant academy designated safeguarding lead is responsible for ensuring that the young person is not at risk and referring cases of suspected abuse to the local authority children's social care.
- 5.4 The case manager will consider when to inform the individual of the allegation on a case-by-case basis, with guidance as required from the LADO, and if appropriate children's social care and the Police.
- 5.5 Where the case manager is concerned about the welfare of other young people in the community or the employee's family, they should discuss these concerns with the relevant designated safeguarding lead and make a risk assessment of the situation. It may be necessary for the relevant academy designated safeguarding lead to make a referral to children's social care.
- 5.6 Where the initial discussion leads to no further action, the case manager in consultation with the LADO will record the decision and justification for it and agree on what information should be put in writing to the individual concerned and by whom.
- 5.7 Where further enquiries are required to enable a decision about how to proceed, the LADO and case manager will discuss how and by whom the investigation will be undertaken. In straightforward cases, the investigation will be undertaken by the case manager or designated person. If the nature or complexity of the allegation requires it, the case manager and LADO may agree to appoint an independent investigator.

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- 5.8** The case manager will monitor the progress of the case to ensure that it proceeds promptly, thoroughly, and fairly. Reviews will be conducted at fortnightly or monthly intervals, depending on the complexity of the case.
- 5.9** Wherever possible, the first review will take place no later than four weeks after the initial assessment. Dates for subsequent reviews, will be set at the review meeting if the investigation continues. The case manager will seek advice from the LADO when considering allegations against staff to ensure that an appropriate investigation is carried out, whether that is by the police, children’s social care, a Trust academy, or a combination of these.
- 5.10** Where the Trust must consider an allegation against an individual not in its direct employ, for example, Trustees or contracted staff provided by an employment agency, it will investigate and follow the approach outlined above.
- 5.11** The Trust will inform the agency of its process for managing allegations but also take account of the agency’s policies and their duty to refer to the DBS as personnel suppliers. This will include inviting appropriate agency staff to meetings and keeping them up to date with information about its policies. The agency will be required to ensure that any previous concerns or allegations known to them are taken into account by the Trust during the investigation.
- 5.12** If an allegation is made against a Trustee, the Trust would investigate and refer to the LADO, Designated Safeguarding Lead and Police as appropriate. The Trustee may be suspended pending the outcome of the investigation. Where an allegation is substantiated, the Trustee’s term of office would be terminated with immediate effect.
- 5.13** The CEO or designated alternative/case manager will inform the LADO of all allegations **on the same day** or next working day. The CEO **must not take any action, commence an investigation, or inform the individual of the allegation before consulting with the LADO,** but may make basic enquiries to determine whether the allegation could possibly have occurred or to establish the facts of the allegation, if these were unclear, e.g.
- could the young person have had contact with the employee?
 - could there have been any witnesses?
 - was there any CCTV footage?

The case manager will discuss with the LADO, the nature, content, and context of the allegation, and agree a course of action. The case manager will seek and follow advice from the LADO throughout the investigation.

Where the Trust identifies a student has been harmed, that there may be an immediate risk of harm to a young person or if the situation is an emergency, they should contact children's social care and as appropriate the police immediately. In such cases the relevant academy designated safeguarding lead is responsible for ensuring that the young person is not at risk and referring cases of suspected abuse to the local authority children's social care.

The case manager will consider when to inform the individual of the allegation on a case-by-case basis, with guidance as required from the LADO, and if appropriate children's social care and the police.

Where the case manager is concerned about the welfare of other young people in the community or the employee's family, they should discuss these concerns with the relevant designated safeguarding lead and make a risk assessment of the situation. It may be necessary for the relevant academy designated safeguarding lead to make a referral to children's social care.

Where the initial discussion leads to no further action, the case manager in consultation with the LADO will record the decision and justification for it and agree on what information should be put in writing to the individual concerned and by whom.

Where further enquiries are required to enable a decision about how to proceed, the LADO and case manager will discuss how and by whom the investigation will be undertaken. In straightforward cases, the investigation will be undertaken by the case manager or designated person. If the nature or complexity of the allegation requires it, the case manager and LADO may agree to appoint an independent investigator.

The case manager will monitor the progress of the case to ensure that it proceeds promptly, thoroughly, and fairly. Reviews will be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

Wherever possible, the first review will take place no later than four weeks after the initial assessment. Dates for subsequent reviews, will be set at the review meeting if the investigation continues. The case manager will seek advice from the LADO when considering allegations against staff to ensure that an appropriate investigation is carried out, whether that is by the police, children's social care, a Trust academy, or a combination of these.

Where the Trust must consider an allegation against an individual not in its direct employ, for example, contracted staff provided by an employment agency it will take the lead in investigating and follow the approach outlined above.

The Trust will inform the agency of its process for managing allegations but also take account of the agency's policies and their duty to refer to the DBS as personnel suppliers. This will include inviting appropriate agency staff to meetings and keeping them up to date

with information about its policies. The agency will be required to ensure that any previous concerns or allegations known to them are taken into account by the Trust during the investigation.

If an allegation relates to an incident that happened when an individual or organisation was using the Trust premises, the Trust will follow its safeguarding policies and procedures, including informing the LADO.

If an allegation is made against a Trustee, the Trust would investigate and refer to the LADO, Designated Safeguarding Lead and Police as appropriate. The Trustee may be suspended pending the outcome of the investigation. Where an allegation is substantiated, the Trustee's term of office would be terminated with immediate effect.

The case manager will consider whether the circumstances warrant suspension from contact with students within the Trust academies. Suspension will only be considered in cases where there is cause to suspect a young person is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. The case manager will seek advice from the Trust HR Director and the LADO, as well as the police and children's social care where they have been involved. The case manager will complete a risk assessment with the LADO regarding whether the person poses a risk of harm to young people, the following alternatives should be considered by the case manager before suspending a Trust employee:

- redeployment within the Trust so that the individual does not have direct contact with the student or students concerned;
- providing an assistant to be present when the individual has contact with students;
- redeploying to alternative work within the Trust so the individual does not have unsupervised access to students;
- moving the student to classes where they will not come into contact with the member of staff, but this decision should only be made if it is in the best interest of the young person(s) concerned and takes accounts of their views. It should be made making it clear that this is not a punishment and parents have been consulted; or,
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative academy within the Trust.

Where it is deemed necessary the case manager will record the rationale and justification for suspension, including what alternatives were considered and why they were rejected. In this circumstance written confirmation will be given within one working day, giving as much detail as appropriate for the reasons for the suspension.

If suspended the employee will be allocated a named contact within the Trust with the aim of providing support.

Where the Trust is made aware that the Secretary of State has made an interim prohibition order, in respect of an individual who works for the Trust, they should take immediate action to ensure the individual does not carry out work in contravention of the order. This means that pending the findings of the TRA investigation, the individual **must not** carry out work with young people.

6 Supporting those involved

6.1 Young person(s)

The welfare of a young person is paramount, and this will be the prime concern in terms of investigating an allegation against a person in a position of trust.

6.2 Employees

The Trust has a duty of care to its employees to:

- manage and minimise the stress caused by the allegation;
- inform the individual as soon as possible, explaining the likely course of action, guided by the LADO, and the police where necessary;
- advise the individual to contact their trade union or professional association for support, including legal support;
- appoint a named representative to keep the person informed about progress of the case;
- provide access to counselling or medical advice where appropriate;
- Maintain the confidentiality of information which will not ordinarily be shared with other staff or with students or parents who are not directly involved in the investigation;
- not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence;
- enable staff to disclose their views without fear of retribution, even if the concerns are subsequently unsubstantiated.

6.3 Parents or Carers

Parents or carers of the young person involved will be:

- formally told about the allegation as soon as possible. The case manager will consult the LADO and, where involved, children's social care and/or the police regarding the information that can be disclosed;
- made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress as set out in section 141F of the Education Act 2002.
- kept informed about the progress of the case and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed but the parents or carers of the student should be told the outcome in confidence.

7 Confidentiality and Information Sharing

- 7.1** In an allegations management meeting or during the initial assessment of the case the Trust, in common with other agencies involved, is required to share all relevant information about the person who is the subject of the allegation, and about the alleged victim.
- 7.2** Where other agencies such as the police or Children’s Services are involved, the Trust will request (wherever possible) that they share information and evidence for use in the Trust’s disciplinary process.
- 7.3** The Trust will make every effort to maintain confidentiality while an allegation is being investigated or considered. The Education Act 2011, amended the Education Act 2002, making it an offence (except in the limited circumstance expressly permitted by the legislation), for any person to publish any material that may lead to the identification of the individual who has been accused by, or on behalf of, a student from the same educational establishment (where that identification would identify the individual as the subject of the allegation).
- 7.4** The reporting restrictions apply until:
- the point that the accused person is charged with a relevant offence; or
 - the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation.
- 7.5** The legislation prevents the “publication” of material by any person that may lead to the identification of the individual who is the subject of the allegation. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public.” This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what were published could lead to the identification of the teacher by members of the public). Where the Trust needs to make parents aware about an allegation, the case manager will inform them of these restrictions on publishing information.
- 7.6** The case manager will take advice from the LADO, police, and children’s social care to agree the following:
- who needs to know and exactly what information can be shared;

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

8 Allegation Outcomes

The legislation prevents the “publication” of material by any person that may lead to the identification of the teacher who is the subject of the allegation. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public.” This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public). Where the Trust needs to make parents aware about an allegation, the case manager will inform them of these restrictions on publishing information.

The case manager will take advice from the LADO, police and children’s social care to agree the following:

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

8.1 Following a substantiated allegation

If the allegation is substantiated and the individual is dismissed, resigns or otherwise ceases to provide their services, in the case of a member of teaching staff the Trust will consider (on the advice of the LADO) whether the matter should be referred to the TRA who will consider whether the individual should be prohibited from teaching.

If the allegation is substantiated, the Trust will make a referral to the DBS where it considered that an individual has engaged in conduct that harmed (or is likely to harm) a child or otherwise poses a risk of harm to a child.

8.2 Following a criminal investigation or a prosecution

If the police should inform the case manager that:

- a criminal investigation and any subsequent trial are complete;
- it is decided to close an investigation without any charge; or,
- it is decided not to continue to prosecute after the person has been charged,

the case manager will consult with the LADO to decide whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care should also inform that decision. The options will depend on the circumstances of the case and the consideration should take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

9 Unsubstantiated, unfounded, false, or malicious allegations

9.1 If an allegation is determined to be unsubstantiated, unfounded, false, or malicious, the case manager should, in consultation with the LADO and the relevant academy Designated Safeguarding Lead, consider whether the young person who has made the allegation, is in need of help or may have been abused by an individual not associated with the Trust and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

9.2 If an allegation is shown, on a balance of probability, to be deliberately invented or malicious the Trust will consider whether any disciplinary action is appropriate against the individual who made it as per the relevant academy conduct or behaviour policies.

10 Returning to work

10.1 Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager will consider how best to facilitate that in consultation with the Trust HR Director and/or the LADO. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide support in the short term may be appropriate. The case manager will also consider how the person's contact with the young person(s) who made the allegation can best be managed.

11 Managing the situation and exit arrangements: Resignations and 'settlement agreements'

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- 11.1** 'Settlement agreements' will **not** be used, where there are allegations that indicate the person is a risk or poses a risk of harm to young people or deemed not suitable to work with young people.

The Trust **will not** cease its investigations if the person leaves, resigns or ceases to provide their services.

- 11.2** Wherever possible, the person against whom an allegation is made will be given full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated or otherwise on the basis of all the information available, should continue even if the accused does not cooperate. The person concerned should be notified of the conclusion of the allegations and sanctions that might be posed.

Other than where allegations are false, malicious, unsubstantiated, or unfounded, the outcome will be made clear when providing references to prospective employers.

12 Record Keeping

- 12.1** Details of allegations following an investigation that are found to have been malicious or false will be removed from personnel records unless the individual gives their consent for retention of the information.

However, for all other allegations, it is important that the following information is kept on the file of the person accused:

- a clear and comprehensive summary of the allegation;
- details of how the allegation was followed up and resolved;
- a note of any action taken, and decisions reached, and the outcome as categorised above;
- a copy provided to the person concerned, where agreed by children's social care or the police; and,
- a declaration on whether the information will be referred to in any future reference.

13 Learning Lessons

- 13.1** Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated the case manager should review the circumstances of the case

with the LADO to determine whether there are any improvements to be made to the Trust or relevant academy policy or procedures to help prevent similar events in the future.

This should include issues arising from any decision to suspend the member of staff, the duration of the suspension and whether suspension was justified.

Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

- 13.2** For all other cases, the case manager should consider the facts and determine whether any improvements can be made.

14 Non-recent allegations

- 14.1** Where an adult makes an allegation that they were abused as a student, the individual should be advised to report the allegation to the police.

Non recent allegations made by a student, should be reported to the LADO in line with the local authority's procedures for dealing with non-recent allegations. The LADO will coordinate with children social care and the police. Abuse can be reported no matter how long ago it happened.

- 14.2** The procedures outlined above particularly apply where the student is a 'child.' If the student is a "vulnerable adult" (in accordance with the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012) the following difference exists:

- A referral would be made to the Vulnerable Adult Access Centre to consider thresholds. If a criminal offence were suspected, the Trust would also notify the police.

15 Timescales

- 15.1** It is in everyone's interests to resolve cases without unnecessary delay whilst enabling a fair and thorough investigation to take place. The time taken to investigate and resolve individual cases will depend on the seriousness and complexity of the investigation.

For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week.

- 15.2** Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the Trust to deal with it, although if there are concerns about child protection, the CEO should discuss them with the designated officer.

In such cases, if the nature of the allegation does not require formal disciplinary action, the Trust should instigate appropriate action within **three working days**.

- 15.3** If a disciplinary hearing is required, the Trust will follow its disciplinary procedures.

16 Concerns that do not meet the harm threshold

- 16.1** The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a student does not meet the harms threshold set out at paragraph 1.1.

A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the Trust may have acted in a way that:

- is inconsistent with the relevant HOM 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.

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

- being over friendly with students;
- having favourites;
- taking photographs of students on their mobile phone;
- engaging with a student on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating, or offensive language.

17 Sharing low-level concerns

The Trust and its academies have procedures for sharing, confidentially, low-level concerns and routinely reminding staff of examples of what constitutes a low-level concern, the importance of sharing such concerns and how to do so and the importance of self-referral where a member of staff finds themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe

they behaved in such a way that they consider falls below the expected professional standards.

The CEO or Academy Principals/Heads as appropriate must be informed of all low-level concerns in a timely manner. If there is any doubt as to whether the information shared about a member of staff as a low-level concern in fact meets the harm threshold, the LADO will be consulted.

Low-level concerns about supply staff and contractors will be notified to their employer so that any potential patterns of inappropriate behaviour can be identified.

18 Reporting low level concerns

18.1 Low-level concerns about a Senior Postholder, Trustee, or contractor should be reported as per paragraph.

A Trust employee must self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.

19 Responding to low level concerns

19.1 If the concern has been raised via a third party, the CEO should collect as much evidence as possible by speaking:

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

The CEO will use the information to categorise the type of behaviour and determine what further action may need to be taken. All of this will be recorded along with the rationale for their decisions and action taken.

In considering a low-level concern the CEO will apply the appropriate Trust policy/procedure for the type of behaviour and will seek advice from the LADO and Trust Safeguarding Coordinator.

19.2 All low-level concerns will be recorded in writing noting details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted unless there is a reason for this to be anonymous.

19.3 The record of low-level concerns will be kept confidential, held securely, and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).

19.4 The record of low-level concerns 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 Trust will decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, in which case the procedure outlined above will apply.

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

The Trust will retain this information at least until the individual leaves its employment.

The Trust will only provide substantiated safeguarding allegations in references. Low level concerns will not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. It follows that a low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference. However, where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it will be referred to in a reference.

20 Equality Impact

The Trust's responsibilities towards promoting equality, diversity and inclusion have been considered when drafting this policy.

Date of review	Date agreed	LGBs	MAT Board	Review date	Comments
12/11/24	18/11/2024	Spring 2025	12/12/2024	November 2025	