

All settings should have a culture of openness, trust & transparency where their values & expected behaviour are lived, monitored & reinforced by all staff (including supply teachers, volunteers, and contractors).

These procedures apply to an adult who works (paid or unpaid) in or with an education setting & has met the following **'harm threshold'**:

- behaved in a way that has harmed a child, or may have harmed a child (or young person)
- 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/may have behaved in a way that indicates they may not be suitable to work with children.

[Working Together to Safeguarding Children, DfE 18](#)  
[Keeping Children Safe in Education, DfE 22](#)

## All allegations should be:

- Dealt with by the Head Teacher, Principal, Proprietor, Chair of Governors/Management Committee **i.e. the Case Manager**, even if not the employer (including leading investigations e.g. where supply agencies are involved)
- Responded to quickly, fairly & consistently, protecting the child or young person whilst supporting the person subject to the allegation
- Systematically recorded by the LADO & Case Manager, detailing all decisions & actions

The Case Manager should inform the LADO **within one working day** of an allegation that may meet the criteria above, to consider the nature, content & context & agree a course of action (see process checklist overleaf). The Designated Safeguarding Lead/Deputy should **ONLY** liaise with the "case manager" & LADO about child protection concerns, **NOT** employment issues.

## Employers have a 'duty of care' and should:

- Act to minimise the stress in this process
- Inform employees as soon as possible unless the police/children's social care object
- Provide appropriate support to employees
- Appoint a named person to keep the employee informed of the progress of the case
- Advise employee to contact their trade union
- Give access to welfare counselling or medical advice if provided by the employer
- Maintain confidentiality
- Advise all parties about reporting restrictions preventing the publication of material that may lead to the identification of a teacher who has been

accused by, or on behalf of, a pupil/student from the same school or college

## Considerations:

- Apply procedures with common sense & judgement
- If the allegation is about physical contact, the strategy discussion should consider whether **'reasonable force'** has been used
- All options to avoid suspension should be considered prior to taking that step
- If investigation by the police or children's social care is unnecessary, the Case Manager should consider further options with the LADO
- Resignation/ceasing service provision should not prevent an allegation being followed up
- 'Compromise agreements' must **never** be used
- Referral to the [Disclosure & Barring Service](#) (DBS) must be made if the criteria are met
- Cases in which an allegation was proven to be false, unsubstantiated, or malicious should **not** be included in employer references
- A phased return and/or the provision of a mentor may be appropriate if staff have been away from work during investigation

At the end of a case where the allegation is substantiated, the LADO should review the case with the case manager and the relevant Safeguarding Children Advisor, Education, to identify any improvements that are required.

### All LADO referrals are made via the Sheffield Safeguarding hub:

- **0114 273 4855**
- Via the [LADO referral form](#), **securely** emailed to [sheffieldsafeguardinghub@sheffield.gov.uk](mailto:sheffieldsafeguardinghub@sheffield.gov.uk)

### Do not investigate this matter yourself before getting advice and support from the LADO.

- LADO advice can be gained via this [form](#), emailed securely to hub (address above).

## Potential investigation outcomes:

- **Substantiated:** sufficient evidence to prove allegation
- **Malicious:** sufficient evidence to disprove the allegation & is a deliberate act to deceive
- **False:** sufficient evidence to disprove the allegation
- **Unsubstantiated:** insufficient evidence to prove/disprove allegation, not implying guilt or innocence

## Process checklist:

### 1. Action required to secure the immediate safety or well-being of child/young person:

- Does a child or young person need medical attention, to be removed from the scene of an incident, or a member of staff to look after them until their parent or carer arrives? Take required action.
- Report incident or concern to Head Teacher, Principal, Chair of Governors, Head of Service etc immediately

### 2. Action required from Head Teacher, Principal, Chair of Governors, Head of Service etc.:

- Do the **police** need to be involved immediately, e.g. if there is an immediate risk to children or if an offence may have been committed? Take required action.
- Record dates/times of alleged incidents, details of those involved and any potential witnesses
- Gather & secure any already existing evidence, but **do not take statements**, this is a police role
- Listen to the child/young person, encourage them to speak but do not lead or probe
- Verify that the alleged event(s) could have happened: e.g. was the member of staff on duty and present when the alleged incident took place? Are there potential witnesses?
- **Contact the LADO immediately (see contact details box)**

**The LADO will determine the nature and scope of the investigation and consultation with the police/social care; responsibility for employment matters rests with employer but will form part of the advice given.**

- After consultation with the LADO, inform the accused person, providing them with as much information as possible, **unless** the police and Children's Social Care are involved and need to agree what information to disclose and when
- Consider whether suspension is needed or if an alternative arrangement can be made until the allegation is resolved
- Inform parents & carers as soon as possible (**or as advised**, if police/social care need to be involved or a strategy discussion is required)
- Contact your Human Resources Service, especially if suspension or other action is being considered pending an investigation
- Decide what, if anything, you can tell other staff members, considering confidentiality, the views of the member of staff and their representative
- No details should be discussed with other people – all staff must observe confidentiality
- All parties should be advised about reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil/student from the same school or college

## Useful web links/resources:

- [Keeping Children Safe in Education, DfE 2022](#)
- [Working Together to Safeguard Children, DfE 2018](#)
- [Sheffield Children Safeguarding Partnership Safeguarding & Child Protection Procedures](#)
- [Sheffield Children Safeguarding website, LADO information](#)

**Related documents:** [Safeguarding Sheffield Children website, education, policies & procedures:](#)

- Behaviour Guidance & Positions of Trust
- Designated Safeguarding Lead & Deputy Role
- Governing Body Safeguarding Role

## Concerns that do not meet the 'harm threshold':

Low-level concerns about adult behaviour do not meet the 'harm threshold' above but are not insignificant. They often cause unease or a 'nagging doubt'. e.g. behaviour that is:

- inconsistent with staff code of conduct, including outside work
- over friendly with children or having favourites
- taking photographs of children/young people 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

Such behaviour can appear inadvertent, thoughtless, or inappropriate, or intend to enable abuse.

Concerns may arise from a:

- suspicion or complaint
- disclosure made by any child, parent, or other adult
- as a result of vetting checks

**New guidance is currently being developed around low-level concerns and this will be made available as soon as possible.**

**Settings should have a 'low-level concerns' policy to:**

- identify concerning, problematic, or inappropriate behaviour early
- minimise the risk of abuse
- ensure that adults working on behalf of the setting are clear about professional boundaries, act within the boundaries, ethos & values of the setting.

**This policy should:**

- explain what a low-level concern is
- explain the importance of sharing all concerns
- ensure their staff code of conduct, behaviour, whistleblowing & safeguarding policies & procedures are implemented effectively
- ensure appropriate action is taken in a timely manner to safeguard children & young people

**Education settings should ensure:**

- staff are clear about what appropriate behaviour is
- staff are confident in distinguishing appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- staff share **all** safeguarding concerns
- they address unprofessional behaviour & support the individual to correct it at an early stage

- they provide a sensitive & proportionate response to concerns when they are raised
- they identify & repair any weakness in their safeguarding system

## Reporting:

All concerns should be reported to the Head Teacher or Principal (or Chair of Governors/Management Committee if about the Head/Principal), or if there is a conflict of interest, directly to the LADO.

The Head/Principal will notify the direct employer of concerns relating to supply staff & contractors.

Staff should feel confident to self-refer situations which could be misinterpreted or appear compromising, or if they consider their behaviour falls below the expected professional standards.

## Responding:

If the concern comes from a third party, the Head/Principal should speak directly to the person raising the concern, to the individual involved, and any witnesses. In all cases the Head should protect staff & volunteers from potential false allegations or misunderstandings.

## Recording:

All low-level concerns should be recorded in writing and include details of:

- the person sharing the concern (with anonymity respected as far as possible)
- the concern & the context in which it arose
- all action taken & the reasons why

These records must be kept confidential, held securely, & comply with the Data Protection Act 2018 & UK General Data Protection Regulation (UK GDPR).

## Reviewing:

Reviewing records enables patterns of concerning, problematic or inappropriate behaviour to be identified.

Where such behaviour is identified, the setting should follow its disciplinary procedures, refer to the LADO, consider whether the setting's culture enabled the behaviour, revise policies & provide extra training, as appropriate, to minimise the risk of it happening again.

## Retention:

These records should be kept for as long as the adult is associated with the setting and for longer of the setting feels it is appropriate.

## References:

Low level concerns should only be included in references if they relate to issues such as misconduct or poor performance.