

St. Theresa's Catholic Primary School

St. Theresa's
Catholic Primary School



Staff Code of Conduct

“We learn together, we play together, we pray together, we grow together in the love of God”

St. Theresa's
Catholic Primary School



Validation grid

Title	Staff Code of Conduct
Author	Barbara Costa
Associate Author	
Target Audience	Staff
Stake holders consulted	All staff
Curriculum / non curricular	Non curricular
Associated Policies / Documents	Staff Absence Policy, Sickness Absence Policy, Child Protection and Safeguarding Policy, Whistleblowing Policy, Staff Handbook, Health and Safety Policy, Equality Policy, Alcohol and Drugs Policy, Online Safety Policy, Data Protection Policy, Behaviour Policy
New Policy or Review of existing policy.	Review
Date of Submission	September 2021
Date for Review	September 2022

Headteacher

Barbara Costa

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Chair of Governors

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1. Statement of Intent

As a Catholic school, all adults in school are expected to actively follow and live our motto
*"We learn together, we play together, we pray together,
we grow together in the love of God"*

Staff are required to develop and maintain the Catholic character of the school.

Staff must comply with requirements placed on them by their contract of employment, conditions of service, schools' Articles of Government and relevant policies of the school and Barnet (LA).

The Code is supplementary to documents detailing terms and conditions of employment, including statutory provisions, issued at the time of appointment.

All staff employed under Teachers' Terms and Conditions of Employment have a statutory obligation to adhere to the Teachers' Standards and in relation to this policy, Part 2 of the Teachers' Standards – Personal and Professional Conduct.

St. Theresa's Catholic Primary School expects all of its pupils to receive the highest possible quality of teaching and learning within a positive and respectful environment.

Employees at the school should ensure that their own behaviour, and the manner in which they conduct themselves with their colleagues, pupils, parents and other stakeholders, sets a positive and professional example.

The school recognises that the majority of staff members act appropriately and treat each other with dignity and respect; however, we consider it important to clarify the expected standards.

This document forms part of a staff member's contract of employment and failure to comply with it, and with the associated policies, may result in disciplinary action being taken, including legal action where this is warranted.

This document applies to all staff members who are employed by the school, including the Executive Headteacher.

This document does not apply to:

- Peripatetic staff members who are centrally employed by the LA.
- Catering staff employed by Barnet.
- Employees of external contractors.

These employees are governed by their employment contracts and any relevant laws pertaining to their activities within the school.

2. Legal Framework

This policy has due regard to statutory legislation, including, but not limited to, the following:

- The General Data Protection Regulation

- The Education Act 2002
- The Children Act 1989
- The Working Time Regulations 1998 (as amended)
- Childcare Act 2006
- The Childcare (Disqualification) Regulations 2009
- Sexual Offences Act 2003

This policy also has due regard to statutory guidance, including, but not limited to, the following:

- DfE 'Keeping children safe in education' 2021
- DfE 'Working together to safeguard children' 2018
- Disqualification under the Childcare Act 2006 (2016)

3. Related Policies

This Code of Conduct should be read and adhered to in conjunction with the following policies/documents:

- Child Protection and Safeguarding Policy
- Health and Safety Policy
- Online Safety Policy
- Data Protection Policy
- Equality Policy
- Staff Absence Policy
- Sickness Absence Policy
- Whistleblowing Policy
- Alcohol and Drugs Policy
- Behaviour Policy
- Staff handbook

4. Alcohol and Illegal Drugs

Please see Alcohol and Drugs Policy.

5. Appearance and Dress

The expectations of the Governing Body are that staff members:

- Ensure that their appearance is clean and neat when at work or representing the school.
- Dress in a manner that is appropriate to their role.
- Remember that they are role models for pupils and that their dress and appearance should reflect this.
- Do not dress in a way that would cause embarrassment to pupils, parents, colleagues or other stakeholders.
- Adhere to the Dress Code (Appendix I).

6. Attendance

The expectations are that staff members:

- Attend work in accordance with their contract of employment and associated terms and conditions in relation to hours, days of work and holidays.
- Make routine medical and dental appointments outside of their working hours or during holidays, where possible.
- Refer to the Staff Absence Policy if they need time off for any reason other than personal illness.
- Follow the absence reporting procedure when they are absent from work due to illness or injury (as outlined in the Staff Handbook).

7. Confidentiality

Where staff have access to confidential information about pupils/students or their parents or carers, staff must not reveal such information except to those colleagues who have a professional role in relation to the pupil/student.

- All staff are likely at some point to witness actions which need to be confidential. This needs to be reported and dealt with in accordance with the appropriate school procedure.
- Staff have an obligation to share with their manager or the school's Designated Safeguarding Lead any information which gives rise to concern about the safety or welfare of a pupil/student. Staff must never promise a pupil/student that they will not act on information that they are told by the pupil/student.

8. Conduct Outside of Work

- Staff must not engage in outside work which could seriously damage the reputation and standing of the school or the employee's own reputation, or the reputation of other members of the school community. In particular, criminal offences that involve violence, possession or use of illegal drugs or sexual misconduct are unacceptable.
- Staff may undertake work outside school, either paid or voluntary, provided that it does not conflict with the interests of the school. The nature of the work cannot be seen to bring the school into disrepute, nor be at a level which may contravene the working time regulations or affect an individual's work performance.
- Staff must not engage in inappropriate use of social network sites which may bring themselves, the school, school community or employer into disrepute.
- All staff must declare whether there are any changes in their DBS check during their employment at the school by notifying the Executive Headteacher or Head of School immediately.

9. Data Protection and Confidentiality

Regarding personal and sensitive data, staff members are required, under the UK GDPR and the Data Protection Act 2018, to:

- Consider the legal basis for collecting the data, ensuring that this is documented.
- Ensure that the data is stored on a GDPR-compliant server, and that the data is not held for any longer than necessary.
- Securely dispose of the data when the relevant retention period ends.

Staff members are required, under the General Data Protection Regulation 2018, to collect, maintain and dispose of sensitive or personal data in a responsible manner.

Staff members should not disclose sensitive information about the school, its employees or the LA to other parties.

The only exception whereby it is acceptable for a staff member to disclose information which would otherwise be considered confidential is when the confidential information gives rise to concerns about the safety or welfare of a pupil.

Staff members have the right to request access to data that is held about them. Such requests should be made to the Executive Headteacher or Head of School in writing.

For further information, please see school Data Protection Policy.

10. Declarations of Interest

Staff members are required to declare their interests, both personal and financial, where the group or organisation they are affiliated with would be considered to be in conflict with the ethos of the school.

A financial conflict of interest is one where there is or appears to be opportunity for personal financial gain, financial gain for close relatives or friends, or where it may be reasonable for a third party to take the view that financial benefits may affect an individual's actions.

The term 'financial interest' means anything of monetary value, including:

- Payments for services
- Equity interests
- Intellectual property rights
- Hospitality or gifts

Examples of financial interests that must be declared include but are not limited to equity interests in services considered for use by the school.

Non-financial conflicts of interest can also come into conflict, or be perceived to come into conflict, with an individual's obligations or commitments to the school. These interests may include any benefit or advantage, including but not limited to, direct or indirect enhancement of an individual's career, or gain for immediate family or someone with whom the individual has a close relationship.

Examples of situations that could give rise to non-financial conflicts of interest include:

- Pressure or temptation to accept gifts, inducements or hospitality.
- Participating in the appointment, hiring, promotion, supervision or evaluation of a person with whom the individual has a close personal relationship.
- Where a member of staff has or develops a close personal relationship with a colleague.

Membership to a trade union or staff representative group does not need to be declared.

Staff members should also carefully consider whether they need to declare their relationship with any individual where this might cause a conflict with school activities.

Failure to make a relevant declaration of interests is a very serious breach of trust and, therefore, if employees are in doubt about a declaration, they are advised to contact the school or trade union.

All declarations, including nil returns, should be completed every year for inclusion on the Register of Business Interests.

11. Financial Inducements

Staff members must:

- Familiarise themselves and comply with the school's Financial Management Policy.
- Declare to the Governing Body, in writing, any gifts received, with the exception of:
 - Low cost, functional items suitable for business rather than personal use and displaying the supplier's logo. These items may be accepted.

- Gifts offered by parents or pupils to staff to express their gratitude, but staff members should always declare monetary gifts over the value of £30. This does not include donations to the VA fund, which are always receipted. A record of the declarations are kept in the school office.
- Hospitality in the shape of meals and drinks where it forms part of a normal business meeting.
- Authorised visits to exhibitions, demonstrations, conferences, business meals and social functions in connection with school matters, which shall be at the school's expense.
- Not accept a personal gift, payment, or other incentive from a business contact. Any such gifts should be returned.
- Declare any gift that cannot be returned to the Governing Body, who will decide how it will be used.

12. Health and Safety

Staff members must:

- Be familiar with and adhere to the Health and Safety Policy, and ensure that they take every action to keep themselves and everyone in the school environment safe and well.
- Comply with Health and Safety regulations and use any safety equipment and protective clothing which is supplied to them.
- Comply with hygiene requirements.
- Comply with accident reporting requirements.
- Inform the Executive Headteacher or Head of School of any paid work which is undertaken elsewhere, for compliance with Working Time Regulations.

13. Honesty and Integrity

At St. Theresa's we will act in a professional manner towards colleagues, irrespective of our relative positions, or status within the school hierarchy.

- We will communicate with honesty and respect.
- We will deal with our concerns and disagreements in private.
- We recognise that we are all accountable for our actions and performance.
- We will approach issues with colleagues in a way that always seeks to solve potential problems.
- We will seek to establish a good and open relationship with parents.
- We will exercise due confidentiality towards sensitive matters involving staff, pupils and parents.

- We will observe the Staff Dress Code received at the beginning of each academic year.

14. Intimate Care Procedures

If a young child needs the assistance of an adult to change their underwear or remove their underclothes due to wetting themselves or to investigate an injury, it must be done in the presence of another adult.

15. Online Safety

Please see the Online Safety Policy and the Child Protection and Safeguarding Policy.

16. Premises, Equipment and Communication

- School equipment and systems are available only for school-related activities and should not be used for the fulfilment of another job or for personal use, unless specifically authorised by the Executive Headteacher or Head of School.
- Illegal, inappropriate or unacceptable use of school equipment or communication systems may result in disciplinary action and, in serious cases, could lead to an employee's dismissal.
- Employees receiving inappropriate communication or material, or who are unsure about whether something he/she proposes to do might breach this policy, should seek advice from the Executive Headteacher or Head of School.
- The school reserves the right to monitor emails, phone calls, internet activity or document production, principally in order to avoid offensive or nuisance material and to protect systems from viruses, but also to ensure proper and effective use of systems.
- Communication systems may be accessed when the school suspects that the employee has been misusing systems or facilities, or for the investigation of suspected fraud or other irregularity.
- Passwords should not be shared and access to computer systems must be kept confidential except on the express request of the Executive Headteacher or Head of School. Breach of this confidentiality may be subject to disciplinary action.
- School equipment that is used outside the school premises, for example laptops, should be returned to the school when the employee leaves employment, or if requested to do so by the Executive Headteacher or Head of School.

17. Probity of Records

The deliberate falsification of documents, such as references, academic qualifications or legal documents is unacceptable. Where a staff member falsifies records or other documents, including those held electronically, this will be regarded as a serious disciplinary matter and potentially a criminal offence.

18. Professional Behaviour and Conduct

- Staff members are expected to treat other colleagues, pupils, parents, and external contacts with dignity and respect.
- The use of foul and abusive language will not be tolerated.
- Discrimination, bullying, harassment or intimidation, including physical, sexual and verbal abuse, will not be tolerated.
- Staff members must not misuse or misrepresent their position, qualifications or experience, or bring the school into disrepute.
- Staff members must inform the Executive Headteacher or Head of School if they are subject to a criminal conviction, caution, ban, police enquiry, investigation or pending prosecution.
- Staff will be aware that professional behaviour and conduct is expected to be extended to extra-curricular trips and visits. Staff attending a trip or visit will act in accordance with this Code of conduct.
- Staff will act appropriately in terms of the views they express (in particular political views) and the use of school resources at all times and will not use school resources for party political purposes.

19. Pupil Development

- Staff must comply with school policies and procedures that support the well-being and development of pupils/students.
- Staff must co-operate and collaborate with colleagues and with external agencies where necessary to support the development of pupils/students.
- Staff must follow reasonable instructions that support the development of pupils/students.
- Interaction with pupils should always be appropriate to their age and gender. Staff should not touch pupils, however casually, in ways or on parts of the body that might be considered indecent or unnecessary. Staff will always be prepared to explain their actions.
- Staff will not engage in rough play, tickling or fun fights with pupils.
- Staff must ensure they do not use inappropriate or sexual language in the presence of children.
- When holding meetings with pupils on sensitive issues, staff should exercise proper professional judgement over the arrangements for the meeting. They should safeguard their own position by, for instance, considering the need for a second adult to be present.

- Corporal punishment (defined as any intentional application of force as punishment) is illegal and may render a member of staff liable to criminal action as well as action under the school's disciplinary procedures. Corporal punishment includes any form of physical chastisement.
- Physical intervention will not constitute corporal punishment where its purpose is to avert an immediate danger of injury to, or an immediate danger to the property of, any person including a pupil. In such circumstances, the element of restraint should be the minimum necessary to prevent injury or remove the risk of harm.
- Where physical contact is necessary (e.g. in teaching PE), that contact should be the minimum necessary for the purpose and comply with accepted good practice. Particular care should be taken in helping pupils with physical or other disabilities (e.g. in lifting).
- The school has a Health and Safety Policy which staff must follow. There is always staff appropriately trained in its application, and in any event the school always has a First Aider on the premises. For further information please see the school Health and Safety Policy.
- Staff can only contact pupils via the school's established mechanisms; personal phone numbers, email addresses or social media platforms will not be used to contact pupils.

20. Safeguarding Children

In accordance with "Keeping Children Safe in Education", all staff have a responsibility to safeguard pupils and protect their welfare.

Our expectations are that staff members will:

- Understand the important role they play in preventing harm against children.
- Effectively safeguard pupils by following the procedures outlined in this document, the Behaviour Policy and the Child Protection and Safeguarding Policy, ensuring that they do not act in a way that may put pupils at risk of harm, or lead others to question their actions.
- Respect their duty to protect children and young people from harm and to maintain professional boundaries.
- Read and understand the school's policies on child protection and safeguarding, including their obligations to undertake a Disclosure and Barring Service check.
- Immediately notify the Executive Headteacher or Head of School following an incident where a member of staff has reason to believe that their actions may be open to misinterpretation. A written report must be submitted as soon as possible following the incident. The Executive Headteacher or Head of School will then contact the Chair of Governors and if necessary the Local Authority Designated Officer for allegations against staff.
- Sign the Staff Acceptable Use Agreement on an annual basis which outlines the use of mobile phones, emails, cameras, sensitive data etc.

Agreed guidelines on procedures where staff are accused of physical or sexual abuse of pupils are contained in Part four "Allegations of abuse made against teachers and other staff" (DfE Keeping Children Safe in Education). See Appendix II.

For more detailed information regarding safeguarding at St. Theresa's, please see the school Child Protection and Safeguarding Policy.

21. Showering and Changing

Pupils are entitled to respect and privacy whilst they are changing, e.g. before and after PE; however, a level of supervision is required to ensure that pupils are safe, and that they are not subjected to bullying.

The supervision will be appropriate to the needs and ages of the pupils, and sensitive to the potential for embarrassment.

Staff will announce their intention of entering the changing room to allow pupils to maintain their privacy.

Staff will never change or shower in the same area as pupils.

22. Social Networking Websites

Employees must not access social networking sites for personal use during class time.

Access to some journals, blogs and social networking sites is permitted during classes for the purposes of undertaking job-related duties only.

Employees must act in the best interests of the school and not disclose personal data or information about any individual, including staff members, children and young people.

Staff members should not 'friend' or 'follow' pupils on social networking websites.

Access may be withdrawn and disciplinary action taken if there is a breach of confidentiality or defamatory remarks are made against any individual at the school.

23. Transporting Children

When it is necessary to transport pupils off-site, staff will ensure that the transport arrangements of the vehicle meet all legal requirements, they have an appropriate licence, and the vehicle is roadworthy, has a valid MOT certificate and is insured.

Staff will gain consent from parents/carers before transporting pupils, and will be aware that the welfare of all pupils in the vehicle is their responsibility.

24. Use of Reasonable Force

Please see Behaviour Policy.

APPENDIX I



St. Theresa's Catholic Primary School Dress Code For teachers, teaching assistants and office staff

At St. Theresa's Catholic Primary School we have very high expectations of the standard of dress of our pupils. It is only fair that we have the same high standards of ourselves.

To dress professionally shows pride, effort, respect for yourself and your profession. School staff are role models and as such are expected to set a good example. They should be clean, tidy and presentable at all times. This is not meant to detail every eventuality; it is up to individual staff to decide whether their appearance is appropriate guided by these principles.

- **The general guidance should always be smart and professional clothes.**
- During the summer months, when the temperature rises, staff should be mindful that the pupils still wear the same uniform.
- Scruffy/torn clothes are not permitted
- Beach wear, including strapless tops, strappy tops and rubber flip flops are not permitted.
- Indecent clothing including transparent clothing, low cut tops, ultra short skirts and low slung trousers where underwear is visible are not permitted
- Tailored shorts (no shorter than knee length) only.
- Halter neck tops (or dresses) are not appropriate.
- No t-shirts with inappropriate logos.
- Wear appropriate footwear. Open toed and backless footwear is allowed but worn at the risk of the individual.
- Consider appropriate clothing when bending over a desk or walking up staircases.
- Casual wear (i.e. jeans/jeggings) are not appropriate for work in school. They may be considered appropriate for some off site school trips.
- Bare midriffs are not appropriate.
- Appropriate sportswear may be worn for **PE days only** and if you are an **active participant**.
- No clothing should contravene any Health and Safety regulations of the school.
- A collared shirt or polo shirt should be worn by male teaching staff.
- Tattoos should be covered during working hours.

- Visible piercings (except earrings) should be removed during working hours.

The Executive Headteacher or Head of School will decide if any particular dress falling outside these parameters is inappropriate.

APPENDIX II

(taken from *Keeping Children Safe in Education* Sept 2021 www.gov.uk)

Part four: Allegations made against/Concerns raised in relation to teachers, including supply teachers, other staff, volunteers and contractors

335. 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.

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

- Allegations that may meet the harms threshold.
- Allegation/concerns that do not meet the harms threshold – referred to for the purposes of this guidance as 'low level concerns'.

337. These procedures should be consistent with local safeguarding procedures and practice guidance

Section one: Allegations that may meet the harms threshold

338. This part of the guidance is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children in a school or college. This guidance should be followed where it is alleged that anyone working in the school or a college that provides education for children under 18 years of age, including supply teachers, volunteers and contractors has:

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

339. The last bullet point above includes behaviour that may have happened outside of school or college, that might make an individual unsuitable to work with children, this is known as transferable risk.

340. Where appropriate an assessment of transferable risk to children with whom the person works should be undertaken. If in doubt seek advice from the local authority designated officer (LADO).

341. It is important that policies and procedures make clear to whom allegations should be reported and that this should be done without delay. A "case manager" will lead any investigation. This will be either the headteacher or principal, or, where the headteacher is the subject of an allegation, the chair of governors or chair of the management committee and in an independent school it will be the proprietor.

The initial response to an allegation

342. Where the school or college identify a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency, they should contact children's social care and as appropriate the police immediately as per the processes explained in Part one of

this guidance.

343. There are two aspects to consider when an allegation is made:

- **Looking after the welfare of the child** - the designated safeguarding lead is responsible for ensuring that the child is not at risk and referring cases of suspected abuse to the local authority children's social care as described in Part one of this guidance.
- **Investigating and supporting the person subject to the allegation** - the case manager should discuss with the LADO, the nature, content and context of the allegation, and agree a course of action.

344. When dealing with allegations, schools and colleges should:

- apply common sense and judgement;
- deal with allegations quickly, fairly and consistently; and
- provide effective protection for the child and support the person subject to the allegation.

345. Schools and colleges should ensure they understand the local authority arrangements for managing allegations, including the contact details and what information the LADO will require when an allegation is made. Before contacting the LADO, schools and colleges should conduct basic enquiries in line with local procedures to establish the facts to help them determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation.

For example:

- was the individual in the school or college at the time of the allegations?
- did the individual, or could they have, come into contact with the child?
- are there any witnesses? and,
- was there any CCTV footage?

346. These are just a sample of example questions. Schools and colleges should be familiar with what initial information the LADO will require. This information can be found in local policy and procedural guidance provided by the LADO service.

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

348. If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion involving the police and/or children's social care will be convened in accordance with the statutory guidance Working Together to Safeguard Children. If the allegation is about physical contact, for example restraint, the strategy discussion or initial evaluation with the LADO should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour. Further information about the use of reasonable force can be found at paragraph 150 in Part 2 of this guidance and on GOV.UK.

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

350. Where it is clear that an investigation by the police or children's social care is unnecessary, or the strategy discussion or initial assessment decides that is the case, the LADO should discuss the next steps with the case manager.

No further action

351. Where the initial discussion leads to no further action, the case manager and the LADO should:

- record the decision and justification for it; and, agree on what information should be put in writing to the individual concerned and by whom.

Further enquiries

352. Where further enquiries are required to enable a decision about how to proceed, the LADO and case manager should discuss how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the school's or college's staff.

353. Where there is a lack of appropriate resource within the school or college, or the nature or complexity of the allegation requires it, the allegation will require an independent investigator. Many local authorities provide for an independent investigation of allegations for schools that are maintained by the local authority, often as part of the HR/personnel services that schools and colleges can buy in from the authority. It is important that local authorities ensure that schools and colleges in that area have access to an affordable facility for independent investigation where that is appropriate. Academies and independent schools should also ensure they secure the services of a person who is independent of the school.

354. The case manager should monitor the progress of cases to ensure that they are dealt with as quickly as possible in a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

355. Wherever possible, the first review should take place no later than four weeks after the initial assessment. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the review meeting if the investigation continues. The LADO will provide advice and guidance to schools and colleges when considering allegations against adults working with children. The LADO's role is not to investigate the allegation, but to ensure that an appropriate investigation is carried out, whether that is by the police, children's social care, the school or college, or a combination of these.

Supply teachers and all contracted staff

356. In some circumstances schools and colleges will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply because agencies will have their own policies and procedures; for example, supply teachers or contracted staff provided by an employment agency or business.

357. Whilst schools and colleges are not the employer of supply teachers, they should ensure allegations are dealt with properly. In no circumstances should a school or college decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with

the LADO to determine a suitable outcome. Governing bodies and proprietors should discuss with the supply agency or agencies where the supply teacher is working across a number of schools or colleges, whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school or college, whilst they carry out their investigation.

358. Agencies should be fully involved and co-operate with any enquiries from the LADO, police and/or children's social care. The school or college will usually take the lead because agencies do not have direct access to children or other school or college staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process. Supply teachers, whilst not employed by the school or college, are under the supervision, direction and control of the governing body or proprietor when working in

the school or college. They should be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency or agencies are taken into account by the school or college during the investigation.

359. When using a supply agency, schools and colleges should 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 should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.

Governors

360. If an allegation is made against a governor, schools and college should follow their own local procedures. Where an allegation is substantiated, they should follow the procedures to consider removing them from office.

Suspension

361. Suspension should not be an automatic response when an allegation is reported. All options to avoid suspension should be considered prior to taking that step. The case manager must consider carefully whether the circumstances warrant suspension from contact with children at the school or college, or until the allegation is resolved. It should be considered only in cases where there is cause to suspect a child or other children at the school or college is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. If in doubt, the case manager should seek views from their personnel adviser and the LADO, as well as the police and children's social care where they have been involved.

362. Where a school or sixth form college is made aware that the Secretary of State has made an interim prohibition order, in respect of an individual who works at a school or sixth form college, 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 teaching work. School and colleges should have clear policies on pay arrangements whilst the person is suspended or where there is an interim prohibition order in place.

363. In many cases, an inquiry can be resolved quickly and without the need for suspension. The employer will decide on whether the individual should continue to work at the school or college, based on consultation with the LADO who will provide relevant information they have received from the police or children's social care on whether they have any objections to the member of staff

continuing to work during the investigation of the case. The case manager should be as inventive as possible to avoid suspension.

364. Based on advice from the school or college's HR provider and/or a risk analysis drawn up with the LADO, the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment within the school or college so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school or college so the individual does not have unsupervised access to children;
- moving the child or children 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 child or children 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 school or college or where available, work for the local authority or academy trust.

365. These alternatives allow time for an informed decision regarding the suspension, this will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unfounded, unsubstantiated, malicious, or false.

366. If immediate suspension is considered necessary, the case manager should record the rationale and justification for such a course of action. This should also include what alternatives to suspension have been considered and why they were rejected.

367. Where it has been deemed appropriate to suspend the person, written confirmation should be given within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

368. Children's social care or the police may give their view to the LADO but they cannot require the case manager to suspend a member of staff or a volunteer, although the case manager should give appropriate weight to their views. The power to suspend is vested in the governing body or proprietor who are the employers. However, where a strategy discussion, or initial assessment, concludes that there should be enquiries by the children's social care, and/or an investigation by the police, the LADO should canvass police and children's social care for views about whether the accused member of staff should be suspended from contact with children. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment about whether the person poses a risk of harm to children.

Supporting those involved

Duty of care

369. The welfare of a child is paramount (how children should be protected and supported is set out throughout this guidance) and this will be the prime concern in terms of investigating an

allegation against a person in a position of trust. However, when an allegation or safeguarding concern is being investigated it is likely to be a very stressful experience for the adult subject of the investigation, and potentially for their family members. It is important that an employer offers appropriate welfare support at such a time and recognises the sensitivity of the situation. Information is confidential and should not ordinarily be shared with other staff or with children or parents who are not directly involved in the investigation.

370. Employers have a duty of care to their employees. They should:
- 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 representative, or a colleague for support;
 - appoint a named representative to keep the person informed about progress of the case;
 - provide access to counselling or medical advice where appropriate. For staff in schools maintained by the local authority this may include support via the local authority's occupational health arrangements; and 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.
371. Parents or carers of the child or children involved should be:
- formally told about the allegation as soon as possible. The case manager should consult the LADO and where involved children's social care and/or the police on what information can be disclosed;
 - kept informed about the progress of the case, only in relation to their child – no information can be shared regarding the staff member; and
 - 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 (see paragraphs 372-380).

Confidentiality and Information sharing

372. In an allegations management meeting or during the initial assessment of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim, see paragraphs 105-113 in Part two about information sharing.

373. Where the police are involved, wherever possible the school or college should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer's disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delaying the conclusion of their investigation or any court case.

374. Children's social care should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

375. The school and college must make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2011 amended the Education Act 2002, to introduce reporting restrictions. These provisions made 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 a teacher in a school who has been accused by, or on behalf of, a child from the same school (where that identification would identify the teacher as the subject of the allegation).

376. 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.

377. The reporting restrictions are disapplied if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a court lifts the reporting restrictions in response to a request to do so.

378. 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). In circumstances where schools need to make parents aware about an allegation, they should make parents and others aware that there are restrictions on publishing information.

379. In accordance with the Authorised Professional Practice published by the College of Policing in May 2017, the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. In exceptional cases where the police wish to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates’ court to request that reporting restrictions be lifted.

380. The case manager should 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.

Allegation outcomes

381. The definitions that should be used when schools and colleges determine the outcome of an allegation are set out below:

- 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 or cause harm to the person subject of the allegation;
- False: there is sufficient evidence to disprove the allegation;
- Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence; or,
- Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

382. Ultimately the options open to the school or college depend on the nature and circumstances of the allegations and the evidence and information available. This will range from taking no further action, to dismissal or a decision not to use the person's services in future. Suspension should not be the default position, an individual should be suspended only if there is no reasonable alternative (see paragraphs 361-368 on suspension).

383. If the allegation is substantiated and:

- the person is dismissed; resigns, or otherwise ceases to provide his or her services; or
- the employer ceases to use the person's services.

The employer has a legal duty to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

384. In the case of a member of teaching staff at a school or sixth form college, the case manager must consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching (paragraph 143 for further information).

385. There is a legal requirement for employers to make a referral to the DBS where they consider an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child (paragraph 142 for further information).

Following a criminal investigation or a prosecution

386. The police should inform the LADO and the employer immediately when:

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

387. In those circumstances, during the joint assessment meeting the LADO should discuss with the case manager 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.

Unsubstantiated, unfounded, false or malicious allegations

388. If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

389. If a report is determined to be unsubstantiated, unfounded, false or malicious, the designated safeguarding lead should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate. If a report is shown to be deliberately invented or malicious, the school or college, should consider whether any disciplinary action is appropriate against the individual who made it as per their own behaviour policy.

Returning to work

390. Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager should consider how best to facilitate that. Guidance and advice are usually provided via HR or the LADO. Most people will benefit from some help and support to return to work after a stressful experience.

Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The case manager should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school or college.

Managing the situation and exit arrangements

Resignations and 'settlement agreements'

391. Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference, should not be used, where there are allegations that indicate the person is a risk or poses a risk of harm to children or deemed not suitable to work with children. Such an agreement will not prevent a thorough police and/or school or college investigation where that is appropriate.

392. Schools and colleges should not cease their investigations if the person leaves, resigns or ceases to provide their services. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate.

393. Wherever possible, the accused should 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. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record an outcome wherever possible. The person concerned should be notified of the conclusion of the allegations and sanctions that might be posed.

394. Other than where allegations are false, malicious, unsubstantiated, or unfounded, the outcome should be made clear when providing references to prospective employers. This is particularly important where the person moves into another position involving working with children.

395. It is not appropriate to reach a settlement/compromise agreement if the person subject to the allegation resigns or their services cease to be used. However, in limited circumstances schools and colleges sometimes use settlement agreements to end the employment relationship on agreed terms, but not where there is an allegation that the individual poses a risk to children.

396. Where a settlement/compromise agreement is used, schools and colleges should not let it prevent the employer from:

- fulfilling their legal duty to refer cases to the DBS where the referral criteria are met – see paragraph 329. Non-compliance of this duty is a criminal offence; or
- providing a reference to potential employers when requested; or
- considering whether to make a referral to the Teaching Regulations Agency where the criteria are met - see paragraph 333.

Record keeping

397. Details of allegations following an investigation that are found to have been malicious or false should 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.

398. The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

399. Schools and colleges have an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the IICSA website). All other records should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

400. The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention. This can be found on the ICO website.

References

401. Cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious should not be included in employer references. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious should also not be included in any reference. See paragraphs 203-205 for further information on references. Substantiated allegations should be included in references, provided that the information is factual and does not include opinions.

Learning lessons

402. Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the case

manager to determine whether there are any improvements to be made to the school's or college's 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 or not 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.

403. For all other cases the case manager should consider the facts and determine whether any improvements can be made.

Non recent allegations

404. Where an adult makes an allegation to a school or college that they were abused as a child, the individual should be advised to report the allegation to the police. Non recent allegations made by a child, 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.

Further information

405. See the College of Policing: Engagement, Communication and Media relations.

Section Two: Concerns that do not meet the harm threshold

406. Governing bodies and proprietors should have policies and processes to deal with concerns (including allegations) which do not meet the harm threshold set out above. Concerns 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.

Low level concerns

407. As part of their whole school approach to safeguarding, schools and colleges should ensure that they promote an open and transparent culture in which all concerns about all adults working in or on behalf of the school or college (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

408. Creating a culture in which all concerns about adults (including allegations that do not meet the harms threshold (see Part Four - Section one)) are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should encourage an open and transparent culture; enable schools and colleges to identify concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and ensure that adults working in or on behalf of the school or college are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution.

What is a low level concern?

409. The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold set out at paragraph 338. 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 school or college 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.

410. 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; or,
- using inappropriate sexualised, intimidating or offensive language.

411. Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

412. It is crucial that any such concerns, including those which do not meet the harm threshold (see Part Four - Section one), are shared responsibly and with the right person, and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of schools and colleges from potential false allegations or misunderstandings.

Staff code of conduct and safeguarding policies

413. As good practice governing bodies and proprietors should set out their low-level concerns policy within their staff code of conduct and safeguarding policies as set out in Part two of this guidance. They should make it clear what a low-level concern is and the importance of sharing low-level concerns, and an explanation of what the purpose of the policy is – i.e. to create and embed a culture of openness, trust and transparency in which the school's or college's values and expected behaviour which are set out in the staff code of conduct are constantly lived, monitored and reinforced by all staff.

414. As set out in Part two of this guidance, the governing body or proprietor should ensure their staff code of conduct, behaviour policies and safeguarding policies and procedures are implemented effectively, and ensure appropriate action is taken in a timely manner to safeguard children and facilitate a whole school or college approach to dealing with any concerns.

415. Schools and colleges can achieve the purpose of their low-level concerns policy by, for example:

- ensuring their staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others;
- empowering staff to share any low-level safeguarding concerns as per paragraph 74);
- 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; and,
- helping identify any weakness in the school or colleges safeguarding system.

Sharing low-level concerns

416. Low-level concerns about a member of staff, supply staff, volunteer or contractor should be reported as per paragraph 74. Reports about supply staff and contractors should be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.

417. Schools and colleges should ensure they create an environment where staff are encouraged and feel confident to 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.

Recording low-level concerns

418. All low-level concerns should be recorded in writing. The record should include 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, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

419. Schools and colleges can decide where these records are kept, but they must be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR) (see paragraph 109 for more information).

420. Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the school or college should 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 it should be referred to the LADO. Consideration should also be given to whether there are wider cultural issues within the school or college 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.

421. It is for schools and colleges to decide how long they retain such information, but it is recommended that it is retained at least until the individual leaves their employment.

References

422. Part three of this guidance is clear that schools and colleges should only provide substantiated safeguarding allegations in references. Low level concerns should 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 should be referred to in a reference.

Responding to low-level concerns

423. The school or college policy should set out the procedure for responding to reports of low-level concerns. If the concern has been raised via a third party, the headteacher/principal 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.

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

425. A good low level concerns policy will simply be a reflection and extension of the school's or college's wider staff behaviour policy/code of conduct.

426. More detailed guidance and case studies on low-level concerns can be found in Developing and implementing a low-level concerns policy (farrer.co.uk).