



Disciplinary Procedure 2024-2025

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Disciplinary Procedure

1. About this procedure

- 1.1 We will deal with any disciplinary matter fairly by taking steps to establish the facts and giving employees the opportunity to respond before taking any formal action. The purpose of this Disciplinary Procedure is to provide a framework within which Headteachers/ CEO can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary. The standards of conduct expected of all employees are set out in the Code of Conduct which is available on the Staff Intranet **OR** from the HR Manager.
- 1.2 This procedure is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies or poor performance. In those cases, reference should be made to the appropriate policy or procedure.
- 1.3 This procedure has been implemented following consultation with the trade unions.
- 1.4 This procedure does not form part of any contract of employment or other contract to provide services, and we may amend at any time following consultation with the trade unions.

2. Who does this procedure apply to?

- 2.1 This procedure applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

3. Who is responsible for this procedure?

- 3.1 The Board of Trustees has overall responsibility for the effective operation of this procedure but has delegated responsibility for overseeing its implementation in schools the Headteacher/Central Team/ SCITT and the CEO. Suggestions for change should be reported to the HR manager.
- 3.2 Line managers have day-to-day responsibility for this procedure and you should refer any questions about this policy to them in the first
- 3.3 This procedure is reviewed annually by the trust and if there are any changes in consultation with the trade unions and staff.

4. Minor conduct issues

- 4.1 Minor conduct issues can often be resolved informally between you and your line manager. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on your personnel file but will be ignored for the purposes of any future disciplinary hearings. In some cases, an informal verbal warning may be

given. An informal warning will not form part of your disciplinary records. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

- 4.2 If you have difficulty at any stage of the procedure because of a disability, you should discuss the situation with your line manager as soon as possible.

5. Confidentiality

- 5.1 Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.
- 5.2 You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure, whether these meetings or hearings are conducted in person, by telephone, or using remote working platforms or technologies.
- 5.3 You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless we believe that a witness's identity should remain confidential.

6. Investigations

- 6.1 The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. By way of example, it may involve interviewing and taking statements from you and any witnesses, reviewing relevant documents and email correspondence, and/or reviewing any CCTV or other footage.
- 6.2 The Headteacher/CEO will usually appoint an Investigating Officer to carry out the investigation.
- 6.3 Investigation meetings are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held. Employees do not normally have the right to bring a companion to an investigation meeting however employees are allowed to bring a trade union representative or work colleague to the investigation meeting if they are available. No rearrangements will be made to the time and date of the investigation meeting to enable a companion to attend. A record of the meeting will be made and the employee will have the opportunity to review the record, make amendments for clarification purposes and sign and date the record.

- 6.4 You must co-operate fully and promptly in any investigation. This will include, among other things, informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigation meetings if required. Investigation meetings may take place in person or remotely, using remote working platforms or technologies as appropriate.

7. Allegations against staff

- 7.1 Allegations may be brought to the schools' attention in a number of ways and through a variety of sources. Appendix 1 sets out the disciplinary rules and Appendix 2 sets out how allegations against staff are managed. As with disclosures made by children and young people, adults need to be aware that in making an allegation it is not always possible to keep the matter confidential. The Headteacher* will need to decide upon the most appropriate course of action and may choose to proceed with an investigation even if the person making the allegation or raising concerns does not want them to.
- 7.2 Allegations which involve issues of child protection and/or abuse of children by staff should be referred immediately to the Local Authority Designated Officer (LADO). See Appendix 2 for further guidance on the management of this type of allegation. No further action under this procedure will usually be taken until the LADO has been consulted.

8. Criminal allegations

- 8.1 Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.
- 8.2 We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.
- 8.3 A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

9. Suspension

- 9.1 In some circumstances we may need to suspend you from work. The suspension will be for no longer than is necessary to investigate any allegations of misconduct against you or so long as is otherwise reasonable while any disciplinary proceedings against you are outstanding. We will confirm the arrangements to you in writing. While suspended you should not visit our premises or contact any of our clients, parents,

students, governors, suppliers, contractors or staff, unless you have been authorised to do so by the Headteacher/CEO.

- 9.2 Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. You will continue to receive your full salary and benefits during the period of suspension.

10. Notification of a hearing

- 10.1 Following any investigation, if we consider there are grounds for disciplinary action, you will be required to attend a disciplinary hearing. We will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are well-founded. We will also include the following where appropriate:

- (a) a summary of relevant information gathered during the investigation;
- (b) a copy of any relevant documents or other evidence which will be used at the disciplinary hearing; and
- (c) a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

- 10.2 We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time, usually five working days, to prepare your case based on the information we have given you. If there are reasons for conducting any hearing remotely (for example, by using remote working platforms or technologies), we will provide these reasons to you and notify you of the relevant arrangements and instructions for joining the hearing. If you have any questions regarding how to join the hearing remotely, you should let us know before the hearing date. We recognise that, in some cases, the use of remote working platforms or technologies may not be appropriate (for example, where an employee has a hearing condition or does not have access to relevant equipment or software). In these cases, the hearing will take place in person where possible.

11. The right to be accompanied

- 11.1 You may bring a companion to any disciplinary hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. You must tell the individual chairing the hearing who your chosen companion is, in good time before the hearing; at least 2 working days prior to the meeting.
- 11.2 A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.
- 11.3 If your companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days afterwards, we may ask you to choose someone else.

- 11.4 We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) if this will help overcome a disability, or if you have difficulty understanding English.

12. Trade Union Representatives

- 12.1 In all respects it is expected that trade union representatives will adhere to the rules of conduct applicable to all other employees. If there should be an allegation of misconduct against an in-school trade union representative then no formal disciplinary action may be taken until the circumstances of the case have been discussed, after obtaining the employee's agreement, with the appropriate full-time trade union official.
- 12.2 A trade union representative may be suspended on full pay without discussion with the full-time trade union official, if they are not readily available. Notification should, however, be made as soon as possible.

13. Procedure at disciplinary hearings

- 13.1 If you or your companion cannot attend the hearing, you should inform us immediately and we will arrange an alternative time for the hearing to take place. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason or are persistently unable to do so (for example, for health reasons), we may have to take a decision based on the available evidence including any written representations you have made.
- 13.2 The hearing may be chaired by a member of the Senior Leadership Team, the Headteacher/CEO, a panel including members of the Senior Leadership Team and Governors/Trustees or a panel of Governors/Trustees (depending on the seriousness of the case and who has delegated authority). The Investigating Officer and HR Advisor will also be present. You may bring a companion with you to the disciplinary hearing (see paragraph 11).
- 13.3 At the disciplinary hearing, we will go through the allegations against you and the evidence that has been gathered. You will be able to respond, ask questions and present any evidence of your own. Your companion may make representations to us and ask questions but should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.
- 13.4 You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, we decide that a fair hearing could not be held otherwise.
- 13.5 We may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

- 13.6 We will inform you in writing of our decision and our reasons for it, usually within one week of the disciplinary hearing. Where possible we will also explain this information to you in person.

14. Disciplinary penalties

- 14.1 The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. We aim to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.

- 14.2 You will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct or you have not yet completed your probationary period.

- 14.3 Stage 1: first written warning.** It will usually be appropriate for a first act of misconduct where there are no other active written warnings on your disciplinary record.

- 14.4 Stage 2: final written warning.** It will usually be appropriate for:

- (a) misconduct where there is already an active written warning on your record; or
- (b) misconduct that we consider sufficiently serious to warrant a final written warning even though there are no other active warnings on your record.

- 14.5 Stage 3: dismissal.** Dismissal may be authorised by the Headteacher/CEO. [VB1] It will usually only be appropriate for:

- (a) any misconduct during your probationary period;
- (b) further misconduct where there is an active final written warning on your record; or
- (c) any gross misconduct regardless of whether there are active warnings on your record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Examples of gross misconduct are set out in our Code of Conduct /Disciplinary Rules, which are available on the staff Intranet and from your line manager **OR** from the HR Manager **OR** in the Staff Handbook.

- 14.6 Alternatives to dismissal.** In some cases we may at our discretion consider alternatives to dismissal. These may be authorised by the Headteacher/CEO and will usually be accompanied by a final written warning. Examples include:

- (a) Demotion.
- (b) Transfer to another department or job.
- (c) A period of suspension without pay.
- (d) Loss of seniority.
- (e) Reduction in pay.
- (f) Loss of future pay increment or bonus.

- (g) Loss of overtime.

15. The effect of a warning

- 15.1 Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.
- 15.2 A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months. In exceptional cases verging on gross misconduct a final written warning may state that it will remain active indefinitely. Your conduct may be reviewed at the end of a warning's active period and, if it has not improved sufficiently, we may decide to extend the active period.
- 15.3 After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

16. Appeals

- 16.1 If you feel that disciplinary action taken against you is wrong or unjust you should appeal in writing, stating your full grounds of appeal, to the individual named within the outcome letter within one week of the date on which you were informed of the decision.
- 16.2 If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful, you will be reinstated with no loss of continuity or pay.
- 16.3 If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light, we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing, and you or your companion may comment on any new evidence arising during the appeal before any decision is taken.
- 16.4 We will give you written notice of the date, time and place of the appeal hearing. This will normally be five working days after you receive the written notice. As detailed in paragraph 10.2, there may be circumstances in which it is appropriate for a hearing to be conducted remotely.
- 16.5 The appeal hearing may be a complete re-hearing of the matter, or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of your case. In any event, the appeal will be dealt with as impartially as possible.
- 16.6 Where practicable, the appeal hearing will be conducted by an individual who has not been previously involved in the case and is senior to the individual who conducted the previous hearing, or a panel of Governors/Trustees. The Investigating Officer, an HR advisor and the individual or Chair of the panel who conducted the

disciplinary hearing will also usually be present. You have the right to bring a colleague or trade union representative to the meeting (see paragraph 11).

- 16.7 We may adjourn the appeal hearing if we need to carry out any further investigations in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 16.8 Following the appeal hearing we may:
- (a) confirm the original decision;
 - (b) revoke the original decision; or
 - (c) substitute a different penalty.
- 16.9 We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. Where possible we will also explain this to you in person. There will be no further right of appeal.

17. Case Referral

- 17.1 Where a Teacher/Head Teacher is dismissed for serious misconduct or resigns prior to the completion of the disciplinary process, the School/Trust should consider making the appropriate referral to the Teaching Regulation Agency (TRA).
- 17.2 If the allegation against any member of staff (both Teaching and Associate staff) is in any way connected to the safeguarding of children, a referral will be made to the Disclosure & Barring Service (DBS).

Appendix 1 - Disciplinary rules; including rules of conduct

1. Policy statement

- 1.1 The aim of the Disciplinary Rules and Disciplinary Procedure is to set out the standards of conduct expected of all staff and to provide a framework within which the Headteacher and line managers can work with staff to maintain those standards and encourage improvement where necessary.
- 1.2 If any employee is in any doubt as to their responsibilities or the standards of conduct expected they should speak to their line manager, deputy headteacher, headteacher.

2. Rules of conduct

- 2.1 While working for school and trust you should at all times maintain professional and responsible standards of conduct. In particular you should:
 - (a) observe the terms and conditions of your contract, particularly with regard to:
 - hours of work;
 - confidentiality;
 - (b) ensure that you understand and follow our Code of Conduct;
 - (c) observe all of the school and trust policies, procedures and regulations which are included in the Staff Handbook google drive or notified to you from time to time by means of notice boards, e-mail, the intranet or otherwise;
 - (d) take reasonable care in respect of the health and safety of colleagues, pupils and third parties and comply with our Health and Safety Policy;
 - (e) comply with all reasonable instructions given by the Headteacher* and leaders; and
 - (f) act at all times in good faith and in the best interests of the school and trust and those of our pupils and staff.
- 2.2 Failure to maintain satisfactory standards of conduct may result in action being taken under the Disciplinary Procedure.

3 . Misconduct

- 3.1 The following are examples of matters that will normally be regarded as misconduct and will be dealt with under the Disciplinary Procedure:
 - 3.1.1 Minor breaches of any of the school and trusts policies;
 - 3.1.2 Minor breaches of an employee's contract of employment;
 - 3.1.3 Damage to, or unauthorised use of, the school and /trust's property;
 - 3.1.4 Poor timekeeping or time wasting;
 - 3.1.5 Unauthorised absence from work;
 - 3.1.7 Refusal to follow instructions;
 - 3.1.7 Excessive use of the school telephones, email or internet usage for personal reasons;
 - 3.1.8 Inappropriate or other offensive behaviour, including using obscene language, victimisation or harassment of other members of staff;

3.1.9 Negligence in the performance of duties;

3.1.10 Smoking in no-smoking areas, which applies to anything that can be smoked and includes, but is not limited to, cigarettes, electronic cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes; or

3.2 This list is intended as a guide and is not exhaustive.

4. Gross misconduct

4.1 Gross misconduct is a serious breach of contract and includes misconduct which, in the opinion of the school and trust, is likely to prejudice its business or reputation or irreparably damage the working relationship and trust between the school and trust and the employee. Gross misconduct will be dealt with under the Disciplinary Procedure and may lead to dismissal without notice or pay in lieu of notice (summary dismissal).

4.2 The following are examples of matters that are normally regarded as gross misconduct:

4.2.1 Theft, or unauthorised removal of property or the property of a colleague, contractor, pupil or member of the public;

4.2.2 Fraud, forgery or other dishonesty, including fabrication of expense claims and time sheets, pupil's work, examinations or assessments;

4.2.3 Actual or threatened violence, or behaviour which provokes violence;

4.2.4 Deliberate damage to the buildings, fittings, property or equipment of the school and trust or the property of a colleague, contractor, pupil or member of the public;

4.2.5 Inappropriate conduct with children or young people, including failing to maintain appropriate professional boundaries;

4.2.6 Serious failure to follow the school and trust child protection procedures;

▪ 4.2.7 Behaving in a way, either inside or outside of work, which could cause harm to a child, or could indicate that you pose a risk of harm to children/may not be suitable to work with children;

4.2.8 Serious misuse of the school's property or name;

4.2.9 Deliberately accessing internet sites at work or at home, using school equipment, which contain pornographic, offensive or obscene material;

4.2.10 Repeated or serious failure to obey instructions, or any other serious act of insubordination;

4.2.11 Bringing the school into serious disrepute;

4.2.12 Being under the influence of alcohol, illegal drugs or other substances during working hours or not being capable of fulfilling your duties because of the effects of alcohol or illegal drugs or other substances.

4.2.13 Causing loss, damage or injury through serious negligence;

4.2.14 Serious or repeated breach of health and safety rules or serious misuse of safety equipment;

4.2.15 Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure;

4.2.16 Acceptance of bribes or other secret payments;

4.2.17 Conviction or caution for a criminal offence that in the opinion of the school and trust may affect our reputation or our relationships with our staff, pupils, parents or the public, or otherwise affects your suitability to continue to work for us;

4.2.18 Possession, use, supply or attempted supply of illegal drugs;

4.2.19 Serious neglect of duties, or a serious or deliberate breach of your contract or operating procedures;

4.2.20 Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy;

4.2.21 Harassment of, or discrimination against, employees, pupils, parents or members of the public, related to any of the protected characteristics contrary to our Equal Opportunities Policy;

4.2.22 Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties;

4.2.23 Giving false information as to qualifications or entitlement to work (including immigration status);

4.2.24 Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith;

4.2.25 Making untrue allegations in bad faith against a colleague

4.2.26 Victimising a colleague who has raised concerns, made a complaint or given evidence information under the Whistleblowing policy, Grievance Procedure, Disciplinary Procedure or otherwise;

4.2.27 Serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of email and the internet contrary to our ICT user policy;

aa) Undertaking unauthorised paid or unpaid employment during your working hours;

bb) Unauthorised entry into an area of the premises to which access is prohibited.

4.3 This list is intended as a guide and is not exhaustive.

4.4 In some instances, offences which would normally constitute gross misconduct may be considered as misconduct because of mitigating circumstances. Similarly, issues which would normally be treated as misconduct may, in certain circumstances, be considered so serious that they constitute gross misconduct.

Appendix 2

Allegations and concerns raised in relation to staff, supply staff, contractors and volunteers

Introduction

DMAT is committed to providing the highest level of care for both its pupils and its staff. It is extremely important that any safeguarding concerns and allegations made about a teacher, any other member of staff, including supply staff, contractors or volunteers in our school are dealt with thoroughly and efficiently, maintaining the highest level of protection for the child whilst also giving support to the person who is the subject of the allegation or concern. Our policy is in line with statutory guidance from the Department for Education.

This policy is designed to ensure that all staff, pupils and parents or carers are aware of the procedure for the investigation and management of safeguarding concerns and allegations in order that all complaints are dealt with consistently and as efficiently as possible.

We hope that having a clear policy outlined will help pupils to feel comfortable that they can voice concerns about any member of staff.

This policy is in two parts. The first part deals with allegations made against teachers, any other members of staff, including supply staff, contractors or volunteers. The second part of the policy deals with low level concerns raised in relation to teachers, any other members of staff, including supply staff, contractors or volunteers.

Purpose

The procedure for dealing with allegations against staff, supply staff, contractors and volunteers depends on the situation and circumstances surrounding the allegation. This policy must be followed when dealing with allegations but may be adapted to each case. This policy will be used alongside the school's **disciplinary policy** and **child protection and safeguarding policy**.

This policy will be used in any case where it is suspected or alleged that a member of staff or a volunteer at the school has:

- behaved in a way that has harmed a child or may have harmed a child (our **child protection policy** outlines what it means to harm a child);
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children.
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

The fourth bullet point above includes behaviour that may have happened outside of work that might make an individual unsuitable to work with children. This is known as transferable risk.

Timescale

It is imperative that allegations against staff are dealt with as quickly as possible to:

- minimise the risk to the child
- minimise the impact on the child's academic progress

- minimise stress to the employee concerned
- ensure a fair and thorough investigation for all parties.

To enable this to happen, all staff, parents, and students should be aware of the procedures set out in this policy.

Actions to be taken

The person to whom an allegation is first reported should take the matter seriously and keep an open mind. S/he should not investigate or ask leading questions if seeking clarification. It is important not to make assumptions. Confidentiality should not be promised and the person should be advised that the concern will be shared on a 'need to know' basis only.

Making an immediate written record of the allegation using the informant's words - including time, date and place where the alleged incident took place, brief details of what happened, what was said and who was present. This record should be signed, dated and immediately passed on to the Headteacher or Deputy CEO/CEO .

Where there are concerns about the Headteacher this should be referred to the Chair of Local Committee and CEO. The name of the Chair of Local Committee is available on the school website or from the school. In the absence of the Chair of Local Committee, the Vice Chair should be contacted. Where there are concerns about the CEO this should be referred to the Chair of Trustees: Niki Thomas.

Contact with the Chair or the Vice Chair of Local Committee can be made through the school office. If for any reason this causes a delay (for example the office is closed) then the concerns should be referred to the LADO (see Appendix F of this document for contact details)

Staff who are concerned about the conduct of a colleague towards a pupil are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of the child is paramount and must report their concerns immediately.

When an allegation is made[the Headteacher/Chair of Local Committee will consider two aspects:

- looking after the welfare of the child; and
- investigating and supporting the person subject to the allegation.

In each case, the Headteacher/Chair of Local Committee will:

- 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.

Before contacting the LADO, the Headteacher/Chair of Local Committee will conduct basic enquiries to establish the facts to help determine whether there is any foundation to the allegation. The Headteacher/Chair of Local Committee will contact the designated officer at the local authority and a discussion will take place to decide whether:

- more information is required; or
- no further actions are needed; or
- a strategy discussion should take place; or
- there should be immediate involvement of the police or social care.

The school will share available information with the LADO about the allegation, the child, and the person against whom the allegation has been made and consider whether a police investigation or a strategy discussion is needed. Representatives from other agencies may be invited to the discussion and could include representatives from health, social care and police.

Upon receipt of an allegation:

The recipient of an allegation **must not** unilaterally determine its validity, and failure to report it in accordance with procedures is a potential disciplinary matter.

The Head Teacher or Chair will not investigate the allegation itself, or take written or detailed statements, but will assess whether it is necessary to refer the concern to the Local Authority Designated Officer (LADO) on 0330 222 3339.

If the allegation meets any of the four criteria set out at the start of this section, contact should always be made with the Local Authority Designated Officer without delay and a formal referral should be submitted within one working day. If it is decided that the allegation meets the threshold for safeguarding, the next steps will take place in accordance with section 8.2 of the Sussex Child Protection and Safeguarding Children Procedures.

The LADO determines that a strategy discussion is needed, or police or Local Authority's social care services need to be involved. The LADO will coordinate the appropriate arrangements and will inform the Headteacher. The Headteacher should not provide any further information to the employee. The strategy discussion will determine what action will be taken and by whom. The point at which the school and Trust can continue with its own disciplinary procedures will be determined. No further investigation should be carried out until agreed through this process.

Suspension

Suspension will not be an automatic response when an allegation is reported and alternative arrangements will be considered. The risks of the employee remaining in the school during any process of investigation will be carefully evaluated. In cases where there is cause to suspect children at the school are at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal the employee will usually be suspended.

Suspension will be managed as per the Disciplinary Procedure.

The Headteacher will consider the advice of the Local Authority children's social care services or the police with regard to suspension, but will make their own informed decision with regard to the suspension of any employee.

Support for Staff

Where an employee is the subject of an allegation of abuse the school and trust recognises that in most circumstances this will be a time of stress and anxiety. Employees are advised to seek support

from their trade union representative or an appropriate colleague. If the employee feels it is beneficial a referral to the school's occupational health provider and/or counselling service will be arranged.

The employee will be kept informed of the likely course of action as the case progresses unless there is an objection by the Local Authority social care services or the police.

Confidentiality

The school and trust will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties.

The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school. This applies to parents and carers as well as the press.

A breach of confidentiality will be taken seriously and may warrant its own investigation.

Investigations

Investigations under the Disciplinary Procedure will not usually commence until agreement from the LADO and any other external agencies involved in dealing with the allegations have agreed that the school can proceed. The provisions in the Disciplinary Procedure regarding investigations apply where allegations of abuse are made. Those undertaking investigations into allegations of abuse should be alert to any sign or pattern which suggests that the abuse is more widespread or organised than it appears at first sight, or that it involves other perpetrators or institutions. It is important not to assume that initial signs will necessarily be related directly to abuse, and to consider occasions where boundaries have been blurred, inappropriate behaviour has taken place, and matters such as fraud, deception or pornography have been involved.

Interviewing pupils. The Investigating Officer will avoid interviewing pupils unnecessarily. Information will be gathered from the Local Authority social services and the police where available and accessible.

Photographing pupils. The Investigating Officer or any other person at the school will not take photographs of pupils to support allegations of abuse. In cases where the Headteacher determines it appropriate to record injuries to a pupil they will use the appropriate procedure, eg. body mapping, or refer to the LADO, the Local Authority social services or the police for advice. Photographs and other information provided by external agencies may be used as a part of the investigation process if appropriate and authorised by the relevant agency.

Possible outcomes

On the conclusion of the investigation one of the following four outcomes will be determined:

- Substantiated: there is sufficient evidence to prove the allegation (on the balance of probability)
- Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
- False: there is sufficient evidence to disprove the allegation

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

Action in the case of false or malicious allegations

The School and Trust consider the making of malicious allegations to be unacceptable. Any allegations found to not have been made in good faith by a pupil, parent, other employee or any other person may result in action being taken. Any allegation that is found to be malicious will be removed from the file of the employee that has been accused, unless the individual gives consent for retention of the information, in line with 'Keeping Children Safe in Education'.

Where an allegation is proved to be false, the Headteacher and Chair of Local Committee may refer to social services to determine whether the child needs support or has been abused by someone else.

The school's behaviour policy sets out the disciplinary action that may be taken against pupils who are found to have made malicious allegations against school staff. The headteacher may consult the school governors when considering what action to take.

If the claim has been made by a person who is not a pupil, the school may pass the information to the police who may take further action against that person.

After the case

No matter what the outcome is of an allegation of abuse against staff, including supply staff, the school will review the case to see if there are any improvements that can be made in its practice or policy that may help to deal with cases in the future.

Records and references

A record of the allegations, any investigation and the outcome will be kept on the employee's file, in line with 'Keeping Children Safe in Education' and will include:

- 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.

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.

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. 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.

The employee will be provided with copies of any records held. Details of allegations that are proven to be false, unsubstantiated or malicious will not be referred to in any reference that the school provides for the employee concerned.

If, at the completion of the allegation's management process, the school dismisses an individual (or would have, had the person not left first) because the person poses a risk of harm to children, the school must make a referral to the Disclosure and Barring Service. This is a legal duty and failure to refer when the criteria are met is a criminal offence.

Action on conclusion of the case

If the allegation is substantiated and the employee is dismissed or resigns, or we cease to use the volunteer's services, the supply staff member's services or the contractor's services as a result of the allegation, the school will consider whether a referral must be made to the DBS and/or to the TRA as appropriate.

If it is decided that the employee may return to school after a suspension, then provisions will be put in place by the school to ensure that the transition is as smooth as possible. This may involve a phased return for a trial period or the use of another member of staff as a support system in the short term. If the child who made the allegation is still at the school, the school will consider what needs to be done to manage the contact between employee and child.

Where an allegation is made against a member of supply staff or a contractor, the outcome of the investigation will be shared with the supply agency and the LADO.

If it is decided that the allegation does not meet the threshold for safeguarding, it will be handed back to the employer for consideration, (or to the Chair of Local Committees) where the allegation made is against the headteacher) via the school's internal procedures.

Low level concerns

The procedure for dealing with low level concerns raised in relation to teachers, any other members of staff, including agency staff, contractors or volunteers depend on the situation and circumstances surrounding the concern.

This policy must be followed when dealing with low level concerns but may be adapted to each case. This part of the policy will be used alongside the school's **complaints policy, child protection and safeguarding policy** and **Staff discipline, conduct and grievance policy**.

DMAT promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the school (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately. This policy is designed to:

- promote and maintain a culture of openness, trust and transparency where staff are clear about the behaviours expected of themselves and their colleagues
- ensure staff feel comfortable to raise low-level concerns; and
- provide for efficient and proportionate handling of those concerns when raised.

Recognising low level concerns

This policy will be used to manage 'low-level' concerns, defined as 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 Local Authority Designated Officer (LADO).

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.

The importance of sharing low level concerns

For our culture of openness, trust and transparency to prevail, all staff should share any low level concerns they have. Serious case reviews and safeguarding practice reviews have all too often evidenced how low level concerns felt and/or expressed by staff relating to individuals who were later found to have sexually abused children at a school were not recorded. When they are not recorded, they cannot be reviewed or studied for patterns of behaviour.

To minimise and hopefully eradicate the risk of those opportunities being missed, it is critical that staff understand their role in identifying and reporting low level concerns.

How to share low level concerns

All staff are encouraged to report low level safeguarding concerns regarding colleagues so that the identified behaviours can be investigated and managed appropriately. The welfare of the child is paramount and so staff must report their concerns immediately.

All low level concerns in relation to staff, supply staff, contractors and volunteers should be reported immediately to the Headteacher. Concerns about the Headteacher should be reported to the Chair of the Local Committee.

The procedure for reporting low level concerns is deliberately the same as that for reporting allegations of abuse as set out in part one of this policy. Therefore, staff do not need to concern themselves with whether their concern meets the threshold set out in part one of this policy or is a low level concern. The Headteacher or Chair of Local Committee (as appropriate) will make this determination once the staff member has reported the issue.

Responding to low-level concerns

The Headteacher or Chair (as appropriate) will review the concern to confirm that it is not a more serious issue that should be dealt with under part one of this policy. An issue reported as a low level concern would be dealt under part one of this policy where it meets the threshold set out in part one or there is a pattern of low level concerns expressed about the individual or staff practices generally.

If necessary, the Headteacher or chair (as appropriate) will discuss the concern with the LADO to determine whether it should be dealt with under part one of this policy.

The Headteacher or Chair (as appropriate) will discuss the concern with the individual who raised it and will investigate it as appropriate.

Most low-level concerns are likely to be minor and will be dealt with by means of management support or additional training. Where necessary, action may be taken in accordance with the school's staff discipline, conduct and grievance policy.

If the concern has been raised via a third party, the Headteacher will 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.

Where a low level concern is raised about a member of supply staff or a contractor, the concern will be shared with supply agency so they can take appropriate steps in accordance with their own policies and statutory guidance.

Recording low-level concerns

All low-level concerns will be recorded in writing and will include details of the concern, the context and action taken. The records will be kept confidential and held securely in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation.

Records of low-level concerns will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. If such patterns are identified, the school will decide on an appropriate course of action and will refer the matter to the LADO where the behaviour moves from a concern to meeting the harms threshold set out in the first part of this policy.

The record of the low-level concern will be kept at least until the person leaves our school.

References

Low level safeguarding concerns will not be included in references except where they have met the threshold for referral to the LADO and found to be substantiated, in which case they should be referred to in a reference.

Record keeping will follow the same process in recording the exact details of the lower level concern and the actions taken. This will enable the school to establish whether there are any patterns of concern that will need further follow up and support, or a consideration for referral to the LADO.

Whistleblowing (confidential reporting)

Staff members and/or volunteers are encouraged to raise any concerns that they may have regarding poor or unsafe practice directly with the schools' leadership team. The Trust has a Whistleblowing Policy. This enables any member of staff or volunteers to make complaints about conduct within the school to a person outside the school on a confidential basis and without fear that their confidentiality will be breached. This policy will rarely be applicable where a referral of abuse or risk to a child needs to be reported unless that abuse or risk arises within the trust itself. Referrals in such cases should be made to the Headteacher or as indicated in this policy. Where the circumstances are such that a member of staff believes that a complaint can only safely be made to a person outside the school then reference should be made to the school's Confidential Reporting Policy.

Staff can contact the NSPCC whistleblowing helpline on 0800 028 0285.

Date of next review: October 2025