

STAFF BEHAVIOUR AND CODE OF CONDUCT

(Extracted from the Policy for Safeguarding & Promoting the Welfare of Children, September 2022)

18 STAFF BEHAVIOUR AND CODE OF CONDUCT

The nature of the interactions between staff and students is central to the ethos at d'Overbroeck's. At the heart of this ethos lie trust, mutual respect and an emphasis on being true to oneself and on encouraging open and honest communication. We want this to be a school community that values and promotes individuality, enthusiasm and personal commitment, and flexibility. We want to get to know our students and to work with them as individuals, each with her or his own personality, talents, interests, needs and aspirations. However, staff need to take care to ensure that their behaviour does not inadvertently lay them open to allegations of abuse. Our Code of Conduct for staff is designed to accommodate and promote this ethos while ensuring that our working practices are thoughtful and well-considered and that they are designed with the safety and protection of staff and students in mind.

Please also refer to the Nord Anglia Education Code of Conduct and Ethics, which can be found on the d'Overbroeck's [website](#).

18.1 Making a professional judgement

It is important to stress that this guidance cannot provide a complete checklist of what is or is not appropriate behaviour for staff in all circumstances. There may be occasions and circumstances in which staff members may have to make decisions or take action in the best interests of a child or young person which could contravene the guidance given in this Code, or where no guidance exists.

In such circumstances, judgements and actions taken should always be recorded and shared with a senior member of staff as soon as possible after the event.

At all times, members of staff are expected to make judgements about their behaviour in order to secure the best interests and welfare of the children in their charge. They should always consider whether their actions are warranted, proportionate and safe, and whether they are applied equitably.

18.2 Propriety and behaviour

All staff in a school have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people. It is therefore expected that members of staff at d'Overbroeck's will adopt high standards of personal conduct in order to maintain the confidence and respect of the public in general and all those with whom they work.

Staff should be aware that safe practice also involves using judgement and integrity about behaviours in contexts other than the work place.

There may be times, for example, when an adult's behaviour or actions in their personal life may come under scrutiny from local communities, the media or public authorities. This could be because their behaviour is considered to compromise their position in the workplace or to indicate an unsuitability to work with children or young people. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.

All staff are required to adhere to the Acceptable use of IT Policy for Staff.

18.3 Position of trust

As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people in education are in positions of trust in relation to the young people in their care.

It is an offence under Section 16 of the Sexual Offences Act, 2003, for a person in a position of trust, such as a teacher, to engage in a sexual relationship with a young person under the age of 18 even if, in the case of those over the 16, the relationship is consensual. d'Overbroeck's policy goes beyond this in stating that members of staff must not under any circumstances engage in a relationship with any student at d'Overbroeck's, regardless of whether or not they are under the age of 18. Failure to adhere to this policy would result in the school's disciplinary procedures being invoked.

Staff must take all reasonable steps to ensure that their actions and behaviour do not place them or students at risk of harm or of allegations of harm to a student. Interactions and communications between staff and students at d'Overbroeck's should remain professional in nature at all times.

18.4 Communication with students

Communications with students must always be professional in nature and in motivation. Communication should always take place via the designated school email address or on Microsoft Teams. Staff should not write personal messages to students in any medium – including letters, notes, text messages, emails, messages left on social networking websites, or any other form of private messaging service. They should not accept students as friends on social media.

Communication with students should not be from a personal phone or email address; if a member of staff needs to contact a student by telephone or email, s/he should do so using a school telephone and/or the d'Overbroeck's email system. Staff must not communicate with students using text messages, nor give their personal mobile phone numbers or personal email addresses to students.

The group leader on all school trips and visits involving an overnight stay should take a school mobile phone with him/her and may ask the students for their mobile numbers before allowing them out in small, unsupervised groups. The school mobile should be used for any contact with students that may be necessary. The group leader must then delete any record of students' mobile phone numbers at the end of the trip or visit and should ensure that students delete the school trip mobile number if they stored this on their own devices during the trip.

The only exception to the above is if a staff member holds a school mobile as part of their role. In this case, the member of staff may use the school mobile for communication (via text or

WhatsApp). However, if they do so, they should retain all the messages on the phone so that they have a record of conversations with the students should it be required.

It is strongly recommended that staff do not communicate with former students on personal social media for one calendar year after that student leaves the school (and even then, only when they student is also older than 18 years of age). If staff need to contact former students for work purposes in the first year, it is strongly recommended that this is via the staff member's d'Overbroeck's email or d'Overbroeck's MS Teams account. It is worth noting that a student leaving d'Overbroeck's at the end of an academic year may be on the School Roll until the end of August of that year.

18.5 One-to-one situations

Members of staff at d'Overbroeck's are likely to find themselves in one-to-one situations with a student from time to time. In our Sixth Form in particular, one-to-one meetings between students and their Director of Studies (who is their personal and academic tutor) are a key feature of our pastoral and mentoring approach. In addition, teaching staff at d'Overbroeck's will often take the time to give extra support to a student who needs it; there are some instances where a subject may need to be taught in one-to-one lessons; the School Counsellors need to see students in private, as may boarding Heads of House and other staff with pastoral responsibilities from time to time.

We all have a responsibility to ensure that our behaviour is totally beyond reproach, and that it is not likely inadvertently to lay us open to allegations of abuse. It is good practice to: avoid one-to-one meetings with students in remote or secluded areas of the school; wherever possible, ensure that others are within earshot; use a room with a visual panel and / or leave the door open (unless there are good reasons why the conversation has to be had in confidence); avoid the use of 'Engaged' or equivalent signs, as they may create an opportunity for secrecy or the interpretation of secrecy.

It is important always to report to a member of the designated safeguarding team any one-to-one situation in which a student may show signs of becoming uncomfortable or ill at ease (see also Section 20, 'Low level concerns').

Pre-arranged meetings with students away from the school premises are not permitted unless approval has obtained from their parent and the DSL or other senior colleague with delegated authority.

18.6 Physical contact with students

There are occasions when it is entirely appropriate and proper for staff to have physical contact with students, but it is crucial that they do so only in ways which are appropriate to their professional role. Staff should, therefore, use their professional judgement at all times.

Staff should not have unnecessary physical contact with students and should be alert to the fact that minor forms of friendly physical contact can be misconstrued by students or onlookers. A member of staff can never take the place of a parent in providing physical comfort and should be cautious of any demonstration of affection. Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority.

If a member of staff believes that an action could be misinterpreted or that it may have been misinterpreted, s/he should record the incident and circumstances and inform the DSL or one of

the other colleagues with designated responsibility who will advise on the best course of action in the circumstances.

18.7 Physical restraint

Any physical restraint is only permissible when a child is in imminent danger of inflicting an injury on himself/herself or on another, and then only as a last resort when all efforts to diffuse the situation have failed. Another member of staff should, if possible, be present to act as a witness. All incidents of the use of physical restraint should be recorded in writing and reported immediately to the DSL who will decide what to do next.

Please refer to the d'Overbroeck's Physical Restraint Policy for more detailed information.

18.8 Physical education and other activities requiring physical contact

Where exercises or procedures need to be demonstrated, great caution should be used if the demonstration involves contact with students and, wherever possible, contact should be avoided. It is acknowledged that some staff, for example, those who teach PE and games, or who offer music tuition, will, on occasions, have to initiate physical contact with students in order to support a student so they can perform a task safely, to demonstrate the use of a particular piece of equipment/instrument or assist them with an exercise. This should be done with the student's agreement.

Contact under these circumstances should be for the minimum time necessary to complete the activity and take place in an open environment. Staff should remain sensitive to any discomfort expressed verbally or non-verbally by the child.

18.9 Transporting students

It is inadvisable for a member of staff to give a lift in a car to a student alone. Wherever possible and practicable it is advisable that transport is undertaken other than in private vehicles, with at least one adult additional to the driver acting being present.

That said, there will inevitably be circumstances in which a member of staff, in their professional capacity and in the normal course of their duties, is required to transport a student unaccompanied in a car. It is not unusual, for instance, in cases where a boarding student needs to move from one host family to another for one of the colleagues from the Boarding Office to help them do so. Another example may be a member of the PE department needing to accompany a student to A&E following a sporting injury. In all such situations, the journey should be made known to a senior member of staff and a note made of the journey, its purpose and the time, date and destination. The member of staff concerned should retain this note in case it needs to be referred to at a later date.

18.10 Confidentiality

Staff members should never give absolute guarantees of confidentiality to students or adults wishing to tell them about something serious. They should guarantee only that they will pass on information to the minimum number of people who must be told in order to ensure that the proper action is taken to sort out the problem and that they will not tell anyone who does not have a clear need to know. They will also take whatever steps they can to protect the informing student or adult from any retaliation or unnecessary stress that might be feared after a disclosure has been made.

Staff may have access to confidential information about children and young people in order to undertake their responsibilities. In some circumstances they may have access to, or be given, highly sensitive or private information. These details must be kept confidential at all times and shared only when it is in interests of the child to do so. Such information must not be used to intimidate, humiliate, or embarrass a child or young person concerned. It should never be shared casually in conversation or passed to any person other than on a strictly need-to-know basis.

There may be circumstances in which a member of staff may be expected to share information about a child, for example if abuse is suspected. In such cases, staff have a duty to pass such information on without delay, but only to those with designated responsibilities for child protection.

If a member of staff is in any doubt about whether to share information or keep it confidential s/he should seek guidance from a senior member of staff or from one of the colleagues with designated responsibility for safeguarding and child protection.

18.11 Photography and videos

Many school activities involve the taking or recording of images. Any such work should take place with due regard to the law and the need to safeguard the privacy, dignity, safety and well-being of students. Informed consent from parents and agreement from the student should always be sought before an image is taken for any purpose.

Careful consideration should be given to the question of how these activities are organised and undertaken. Care should be taken to ensure that all parties understand the implications of the image being taken, especially if it is to be used for any publicity purposes or published in the media or on the Internet.

Staff should:

- Act in accordance with the school's Taking, Storing and Using Images of Children Policy;
- Be clear about the purpose of the activity and what will happen to the images when the lesson/activity is concluded;
- Ensure that a senior member of staff is aware of the use and its purpose;
- Avoid making images in one-to-one situations, or ones which show a single child with no surrounding context;
- Ensure students are aware that they are being photographed and that they have agreed to this; also that they understand why the images are being taken, and that they are appropriately dressed;
- Use only equipment provided or authorised by the school;
- Remain sensitive to any students who, for whatever reason, appear uncomfortable and recognise the potential for such activities to raise concerns or lead to misunderstandings.
- Any photographs involving students taken on an authorised personal device should be deleted from the personal device as soon as they have been downloaded onto the school system;
- Seek permission from parents where appropriate;
- Be able to justify any images of children in their possession.

It is totally unacceptable for any member of staff at d'Overbroeck's to take photographs of students for their personal use.

18.12 Home visits

All work with students and parents should, wherever possible, be undertaken in school or other recognised workplace. There may, however, be occasions where, in response to urgent or specific situations, it is necessary to make one-off or regular home visits. While we recognise that staff at d'Overbroeck's are highly unlikely to have to make such visits, we think it advisable to set out a code of conduct that should be applied if and when relevant.

Where a member of staff has to visit a student's home, it is essential that a senior member of staff has approved the visit, or sequence of visits, and that an appropriate risk assessment is in place to safeguard students and the adults who work with them. A risk assessment should include an evaluation of any known factors regarding the child/young person, parents and others living in the household.

Specific consideration should be given to visits outside of 'office hours' or in remote or secluded locations. Following an assessment, appropriate risk management measures should be in place before visits are agreed. Where little or no information is available, visits should not be made alone.

Where a programme of work is to be undertaken in the home, an appropriate work space should be provided and a written work plan/contract should be agreed with the student and parent. This should include: clear objectives; content; timing; and duration of sessions; ground-rules; child protection and confidentiality statements. The plan should take into account the preferences of student and parent.

There should also be an agreement that the parent or other suitable adult will remain in the home throughout the session. Where the situation is such that changes in agreed work arrangements are required, a quick assessment will be necessary to determine if the session can continue. The DSL or another appropriate senior member of staff should then be informed as soon as is practically possible.

18.13 Actively promoting fundamental British values

In common with all schools, we are required to 'actively promote the fundamental British values of democracy, the rule of law, individual liberty and respect and tolerance for others, including those with different faiths and beliefs'. We also need to be able to demonstrate that we do this.

These values are entirely in keeping with the ethos at d'Overbroeck's and should therefore be inherent in everything that we do. Nevertheless, it is important always to bear these in mind and to ensure that they infuse every aspect of our school life, in the classroom, in extra-curricular activities, etc.

18.14 The Prevent Duty

The Counter-terrorism and Security Act 2015 places a duty on schools to take active steps to prevent their students from being radicalised or drawn into extremism and terrorism. In line with government guidance, we consider our responsibilities under The Prevent Duty to be part of our broader responsibilities to safeguard and promote the welfare of our students. To this end, a concern that a student is at risk of being radicalised or drawn into extremism should be treated in exactly the same way as a concern relating to physical, emotional, sexual or any other sort of abuse. Such concerns must be communicated at a very early stage to the DSL or any of the other staff with designated responsibility for child protection.

We also have a duty to ensure that any speakers we invite to speak in school are suitably vetted in advance, and supervised while they are speaking or otherwise interacting with students, to ensure that such talks can never present an opportunity for extremist or partisan views to be promoted in our school.

18.15 A non-partisan approach to political, ethical and religious issues

A healthy understanding of the world around us is an important part of the educational experience that we want to provide for our students. In doing so, the emphasis should always be on open-mindedness, tolerance and critical evaluation – encouraging students to appreciate that, where moral, ethical, religious or political questions are concerned, there is always likely to be a multiplicity of viewpoints, and stressing the need to respect the views of others.

When such issues arise, in subject teaching or in the context of co-curricular or extra-curricular activities (such as Debating Club) staff must always ensure that they offer a balanced presentation of opposing views which precludes the promotion of partisan (ie, one-sided) opinions or dogma.

ISI guidance also stipulates that ‘pupils should not be actively encouraged by teachers or others to support particular political viewpoints’.

18.16 Whistleblowing

Safeguarding in a school is everyone’s responsibility. All staff and volunteers should feel able to contribute to, and help improve, the school’s safeguarding and child protection arrangements and policy.

By the same token, all staff and volunteers should also feel able to raise concerns about what they may consider to be inadequate or unsafe practice or about potential failures in the school’s safeguarding policy and practice. Such concerns should be addressed directly to the DSL or to one of the other member of the Safeguarding team. They will always be taken seriously and given careful consideration by the senior leadership team. Low-level concerns should also be reported (see Section 20).

If a member of staff has concerns about the behaviour or another member of staff towards a student, then s/he should report these concerns at once to the Principal, and in their absence to the Chair of the Board of Governors (as outlined in Section 19.1 below).

To report such a concern, a member of staff may, in the first instance, go and talk to the Principal to make a verbal report. In such instances, the Principal will ask the member of staff concerned to make a written note of their concerns and submit them to him/her immediately after the meeting. If the initial report is made in writing (by note or email for instance), the Principal will ask to see the member of staff as soon as practically possible after receipt of the report to hear the concerns in more detail.

It cannot be overemphasised that such concerns must be reported at once. And no-one who reports a genuine concern in good faith needs to fear retribution. A member of staff or a student reporting a child protection issue, allegation or concern will suffer no adverse consequences, regardless of the status of the person against whom the allegation was made and of whether the allegation or concern prove founded over time, provided the report was made in good faith. The NSPCC whistleblowing helpline (tel: 0800 028 0285, from 8 am to 8 pm Monday to Friday, or email: help@nspcc.org.uk) is also available for staff in schools who, for whatever

reason, do not feel able to raise concerns regarding any child protection failures internally or feel that their safeguarding concerns are not being addressed.

The Nord Anglia Education Whistle Blower Protection Policy can be found on the d'Overbroeck's [website](#), and provides further information about whistle blowing in broader context, eg, how an employee can report any breach of the Nord Anglia Education Code, Compliance Policies, laws or regulations. The policy includes contact information for an independently run ethics hotline.

19 ALLEGATIONS AGAINST STAFF AND VOLUNTEERS

19.1 Dealing with an allegation of abuse against a member of staff

This section sets out the school's policy in any case in which it is alleged that a member of staff has:

- behaved in a way that has harmed a child, or that may have harmed a child;
- possibly committed a criminal offence against or related to a child;
- behaved towards a child or children in a way that indicates that 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.

KCSIE (September 2022) gives detailed guidance on how schools should deal with allegations of abuse by teachers and other staff. We would, of course, be guided by this if and when such a situation arose. The following is a summary of the salient points.

An allegation of abuse made against a member of staff will always be treated with the greatest care. Our response has to be considered and sensitive to all parties. It must aim for a quick resolution to the benefit of all concerned, avoiding all unnecessary delays. It must also aim to strike a balance between the need to protect children from abuse on the one hand, and the need to protect staff from false or unfounded accusations on the other.

An allegation may be received in one of various ways: it may be a direct complaint made by a student or a parent to another member of staff or directly to a relevant external agency; it may come from another party that may have been told about or witnessed abuse; or it may come as an anonymous referral.

If a member of staff is informed about a possible allegation, s/he should **immediately report the matter to the Principal**, who will discuss it with the LADO (Local Authority Designated Officer) as soon as possible and, in any case, within 24 hours of receiving the allegation. In the absence of the Principal, the matter should be reported to the Chair of the Board of Governors, who will seek to report the allegation to the Principal at the earliest possible opportunity and assume responsibility for contacting the LADO if the Principal is unavailable. If the member of staff feels that there is a conflict of interest in reporting the matter to the Principal, they should report it directly to the LADO.

If the allegation is **against the Principal**, then it must be **reported directly to the Chair of the Board of Governors** (see Section 21 of this document for contact details) without informing the Principal first. The Chair will inform the LADO as soon as possible.

If the Chair cannot be contacted immediately, the allegation should be reported directly to the LADO, tel: 01865 815956). Out of office hours, call the Emergency Duty Team on 0800 833408.

19.2 What happens next?

Each situation will be assessed on its own merit and with due regard to the welfare of the child in question while at the same time supporting the person who is the subject of the allegation.

Under no circumstances should the school's senior management, or indeed any member of staff at the school, conduct their own investigation without prior consultation with the LADO or, in more serious cases, the police, so as not to jeopardise statutory investigations.

The timescale required to deal with a particular issue will depend on the nature, seriousness and complexity of the allegation. However, in all cases, the aim will be to try resolve the issue as quickly as possible while, of course, ensuring a fair and thorough investigation.

All allegations will be investigated as a priority and without delay. If, after initial consideration and discussion with the LADO, it is concluded that the allegation does not involve a possible criminal offence, it will be for the school to deal with it. This will be done quickly and with due regard to the school's disciplinary procedures. We will aim to follow the recommendations relating to timescales given in Part Four of 'Keeping Children Safe in Education (September 2022)', which are as follows. 'For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it, although if there are concerns about child protection, the employer should discuss them with the designated officer(s). In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.'

Where further investigation is required, the nature, content and context of the allegation will be discussed with the LADO and a course of action agreed with him, including how an investigation should be carried out and by whom, whether the police should be informed, and what should be said to the individual concerned and the parents of the child / children involved.

Where the allegation concerns a member of staff, a volunteer or another student, the subject of the allegation would normally be informed as soon as possible after the result of any initial investigation authorised or conducted by the LADO is known. A member of staff will normally be appointed to keep the person informed of the likely course of action and the progress of the case.

Where an allegation relates to a member of supply staff provided by an agency, the agency should be fully involved.

19.3 Suspension

The possible risk of harm to the child needs to be effectively evaluated and managed, both in respect of the child involved in the allegations and of any other children who may be directly or indirectly involved. In some cases, this may lead the school to consider suspending the person until the case is resolved. However, before doing so, the school will consider very carefully whether the circumstances of the case warrant the member of staff to be suspended from contact with students or whether alternative arrangements can be put in place until the allegation or concern are resolved. A member of staff will be suspended only if it is judged that there is no reasonable alternative. The advice and guidance of the LADO will always be sought in such instances.

Where the decision is taken to suspend a member of staff, the reasons and justification will be recorded and the member of staff notified of the reasons.

As part of its duty of care to its staff, the school will seek to provide effective support for a colleague who may be facing an allegation. S/he will be provided with a named contact at the school if they are suspended.

If a member of boarding staff is suspended pending an investigation of a child protection nature, then the school will make arrangements for the member of staff concerned to be housed away from the boarding house such that s/he will have no direct contact with students until the matter is resolved.

19.4 False allegations

If an allegation is determined to be false or unsubstantiated, the Principal will, after conferring with the LADO, determine whether the student should be given a sanction, which could include temporary or permanent exclusion, as well as a referral to the police if there are grounds for believing that a criminal offence may have been committed. In such cases the DSL will also refer the matter to children's social care services to determine whether the child concerned is in need of help or support, or may have been abused by someone else.

In the rare event that an allegation is shown to have been deliberately invented or malicious, the Principal should consider whether any disciplinary action is appropriate against the student who made it, or, if the person concerned was not a student, whether the police should be asked to consider if any action might be appropriate.

19.5 Record keeping

The outcome of investigation of an allegation will record whether it is:

- Substantiated – there is sufficient evidence to prove the allegation;
- Unsubstantiated – there is insufficient evidence either to prove or disprove the allegation. The term therefore implies neither guilt nor innocence;
- Unfounded – to reflect cases where there is no evidence or proper basis which supports the allegation being made;
- False – there is sufficient evidence to disprove the allegation; or
- Malicious – there is sufficient evidence to disprove the allegation – and that there has been a deliberate act to deceive.

If it is established that the allegation is malicious, no details of the allegation will be retained on the individual's personnel records. In all other circumstances a comprehensive record of the allegation, details of how it was followed up and resolved, and a note of any action taken and decisions reached will be kept on the confidential personnel file of the member of the staff concerned, and a copy provided to him or her, in accordance with DfE advice.

19.6 References

KCSIE (September 2022) states that:

‘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 [...] Substantiated allegations should be included in references, provided that the information is factual and does not include opinions.'

19.7 Confidentiality and reporting restrictions

During the course of the investigation the school, in consultation with the LADO, will decide what information should be given to parents, staff and other students and how press enquiries are to be dealt with.

Due consideration will be given to the provisions in the Education Act 2011 relating to reporting restrictions identifying teachers who are the subject of allegations from students. With effect from 1 October 2012, restrictions have been in place regarding the reporting or publication of any material that that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). Schools are required to make every effort to maintain confidentiality and to guard against unwanted publicity.

These restrictions apply up to the point where the teacher concerned is charged with an offence or the Secretary of State (see below) publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves.

19.8 Reporting staff departures to the Disclosure and Barring Service

The school is obliged, in common with all other schools in the UK, to make a referral to the Disclosure and Barring Service (DBS) if the two main conditions below are both met:

Condition 1 – Any person, whether employed, contracted, a volunteer or a student, who has been permanently removed from a regulated activity because s/he is considered unsuitable for work with children. This would include instances of dismissal or non-renewal of a fixed-term contract; instances of re-deployment to a non-regulated activity that involves no unsupervised contact with children; instances where the school is unwilling to engage a supply teacher provided by an employment agency; the termination of the placement of a student teacher or other trainee; no longer using staff employed by contractors; no longer using volunteers; and resignation, retirement or voluntary withdrawal from supply teaching, contract working, a teacher training course or volunteering.

Condition 2 – The person being referred has:

- engaged in 'relevant conduct', ie, harmed, or poses a risk of harm, to a child or vulnerable adult through their action or inaction (eg, emotional, psychological, physical, sexual, neglect);

or

- satisfied the 'harm test', ie caused actual harm or presented a significant risk of harm to a child, corroborated by tangible or at least credible evidence;

or

- received a caution for, or been convicted of, a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence. A relevant offence for the purposes of referrals to DBS is an automatic inclusion offence as set out in the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009 (amended) and the Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) Regulations (Northern Ireland) 2009.

The school is also under a duty to refer, through the TRA, to the Secretary of State, under sections 141D and 141E of the Education Act 2002, any instance where a teacher has been dismissed (or would have been dismissed had s/he not resigned) because of serious misconduct. The Secretary of State may, following an investigation, decide to make a prohibition order in respect of that person. The reasons for such an order to be considered are 'unacceptable professional conduct', 'conduct that may bring the profession into disrepute' or a 'conviction, at any time, for a relevant offence'.

The address for DBS referrals is:

Disclosure and Barring Service
PO Box 3961
Royal Wootton Bassett
SN4 4HF

The address for TRA referrals is:

Teacher Misconduct Unit
Teaching Regulation Agency (TRA)
53-55 Butts Road
Earlsdon Park
Coventry CV1 3BH

19.9 Review following the conclusion of a case

As soon as practically possible after the conclusion of a case in which an allegation is substantiated, the DSL will review the circumstances of the case with the LADO to determine whether any improvements need to be made to the school's procedures or practice to avoid similar events from occurring in the future. The DSL will ensure that the review is thorough and takes into account all aspects of the case and of the way in which the school dealt with it, including a review of the decision to suspend where this was the case.

20 LOW LEVEL CONCERNS (CONCERNS THAT DO NOT MEET THE HARM THRESHOLD)

Concerns that do not meet the harm threshold may arise in several ways and from a number of sources, eg, suspicion; complaint; disclosure made by a child, parent or other adult within or outside of the school; or as a result of checks undertaken. 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 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 serious enough to consider a referral to the LADO.

Examples of such behaviour could include:

- being over friendly with students;
- having favourites;
- having photographs of students on their mobile phone, contrary to school policy;
- engaging with a student on a one-to one basis in a secluded area or behind a closed door;
- humiliating students.

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.

It is very important that low level concerns are shared, to embed a culture of openness, trust and transparency in which the expected behaviour set out in the Staff Code of Conduct is lived, monitored and reinforced by all staff. This should also protect staff from potential false allegations or misunderstandings.

Staff should **share low level concerns responsibly with the Principal**, who will handle and respond to such concerns sensitively and proportionately. The Principal will collect as much information as possible by speaking directly to the person who has raised the concern, to the individual involved and any witnesses. The Principal is the ultimate decision maker in respect of all low-level concerns but may wish to consult with the DSL. The information collected with help them to categorise the type of behaviour and determine what further action may need to be taken (eg, supporting the individual to correct unprofessional behaviour at an early stage, identifying any weaknesses in the school's safeguarding system, etc). A record will be kept of the details of the concern, the context in which the concern arose and the action taken, along with the rationale for the decisions and the actions taken. The name of the individual sharing their concerns should also be noted, though if the individual wishes to remain anonymous then that will be respected as far as reasonably possible. If there is any doubt as to whether the information which has been shared about a member of staff as a low-level concern in fact meets the harm threshold, the Principal will consult the LADO.

KCSIE (September 2022) is clear that schools should only provide substantiated safeguarding concerns/allegations that meet the harm threshold in references. Low level concerns should not be included in references unless they relate to issues which would normally be included in a reference, eg, misconduct or poor performance, or where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated. Low level concerns which are shared about supply staff and contractors should be notified to their employers, so that any potential pattern of inappropriate behaviour can be identified.

*