




Prepared by:

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Safeguarding Lead

Signature:

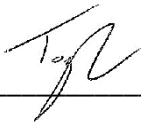


Date:

20th October 2023

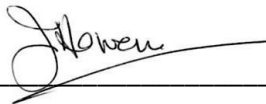
Approved by:

Tony Lacey
Chief Executive Officer



30th October 2023

Jane Owens
Chair of Trustees



30th October 2023

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1. Introduction

- 1.1. Oak Trees Multi Academy Trust recognises that people are a key resource and therefore fully accepts its responsibilities as an employer with regards to its Health, Safety and Well-being of its employees, pupils within its care, visitors to the premises and others who could be affected by its undertakings.
- 1.2. Oak Trees Multi Academy Trust understands its responsibilities under the Health and Safety at Work Act 1974 (HASAWA) and that the effective management of Health and Safety plays an important role in its overall performance as an educational establishment by the reduction in injuries, ill health, protecting the environment and by the avoidance of unnecessary losses and liabilities.
- 1.3. This policy should be read in conjunction with other key policies, not limited to but including Staff Code of Conduct, Staff Disciplinary Policy, Child Protection and Safeguarding Policy and Acceptable Use Policy. The [Use of Reasonable Force](#) document may also be pertinent to dealing with allegations against staff.
- 1.4. Part 4 of [Keeping Children Safe in Education](#) is pertinent to the principles of this policy and therefore this document should be read, understood and applied with this in mind. Additionally, reference should also be made to the statutory document, [Working Together to Safeguard Children](#).
- 1.5. The appendix of this policy details the most current process for contacting the LADO and a copy of the consultation and referral forms. Further guidance and digital downloads can be found [here](#).

2. Reporting Arrangements

- 2.1. For all schools within Oak Trees Multi Academy Trust, any person with concerns regarding any adult other than the Headteacher should report these concerns directly to the Headteacher. Where the concerns are in regard to the Headteacher, concerns should be reported directly to the Chair of Governors. These concerns must be shared without delay.
- 2.2. For all centrally employed staff within Oak Trees Multi Academy Trust, concerns must be reported directly to the CEO or in his absence, the Deputy CEO. Concerns about the CEO must be reported to the Chair of Trustees. These concerns must be shared without delay.
- 2.3. Oak Trees Multi Academy Trust may report allegations, as appropriate and proportionate to their severity, to the LADO, Wirral Children's Social Care and/or the Police. There must be no delay in reporting such allegations and this must be done within 24 hours of the allegation being received.
- 2.4. Pupils and other stakeholders not employed to work in schools or central offices are free to raise and report their concerns outside of the above channels. It is widely expected that any member of staff receiving concerns about an adult working with pupils will then share these in line with the above processes.

3. Key principles and initial considerations

- 3.1. Oak Trees Multi Academy Trust accepts that some professionals may pose a serious risk to pupils and is committed to responding appropriately to any allegation. A swift response and resolution to allegations made, for the benefit of all involved, must be a clear priority.
- 3.2. Staff who are the subject of an allegation have the right to have their case dealt with fairly, quickly and consistently and to be kept informed of its progress.
- 3.3. Suspension is not mandatory, nor is it automatic, but in some cases, staff may be suspended where this is deemed to be the best way to ensure that children are protected. The CEO and/or the Chair of Governors are the only bodies who can agree a suspension of a member of staff of the MAT, in line with the Disciplinary Policy and Procedure. If the Chair feels that suspension may be necessary, the CEO must be informed immediately and timely advice will be sought from the MAT HR provider and/or legal services. Suspension should not be the default option and this must only be the outcome when there is no other reasonable alternative. Where a suspension occurs, the justification for such should be recorded by the CEO and Headteacher/CoG and shared with the individual.
- 3.4. Oak Trees Multi Academy Trust has a duty of care to its employees. Effective support for anyone facing an allegation will be provided, including providing the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a member of staff or volunteer in the academy is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation. It is acknowledged that allegations may or may not be substantiated.
- 3.5. Oak Trees Multi Academy Trust also accepts that some allegations may be so serious and significant that they would require a direct referral to and intervention from the Police and/or Wirral Social Care. The LADO should be notified at the same time as any such referral. There is to be no delay in making such referrals.
- 3.6. Oak Trees Multi Academy Trust also accepts that many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, local arrangements should be followed to resolve cases without delay. The academy's Disciplinary Policy also details the procedure to be followed.
- 3.7. Allegations made against staff no longer employed by Oak Trees Multi Academy Trust will be referred to the Police and LADO. Referrals to Wirral Children's Social Care may also be pertinent at this time. This must be within 24 hours of an allegation being made.
- 3.8. The procedures for dealing with allegations need to be applied with common sense and judgement.
- 3.9. Oak Trees Multi Academy Trust will not accept resignations in order to avoid a disciplinary due to safeguarding concerns or matters relating to gross misconduct. In all cases, the disciplinary procedure will continue until an official outcome is reached. If a member of staff is subsequently dismissed due to gross misconduct, the Headteacher and/or CEO will consider/assess whether the case meets the threshold for referral to the TRA for consideration of a prohibition from teaching order or to the DBS for consideration of barring from working with children.

4. Allegations that may meet the harm threshold

- 4.1. Oak Trees Multi Academy Trust accepts that despite every effort made to safeguard all children, there may be circumstances that give rise to allegations being made that may meet the threshold for harm.
- 4.2. Examples of what may constitute harm in relation to children can be found [here](#).
- 4.3. Allegations that a person might pose a risk of harm to children if they continue to work in their present position, or in any capacity within a school or college, must be considered under the harm threshold if they have:
 - **behaved in a way that has harmed a child, or may have harmed a child and/or**
 - **possibly committed a criminal offence against or related to a child, and/or**
 - **behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children, and/or**
 - **behaved or may have behaved in a way that indicates they may not be suitable to work with children.**
- 4.4. The above applies to all persons working with children and includes volunteers, supply staff and contractors.
- 4.5. Behaviours that may meet the harm threshold and indicate that a person may be unsuitable to work with children could occur outside of the education setting. This is known as transferrable risk.

5. Actions

- 5.1. In the first instance, the CEO/Academy Headteacher or Chair of governors, in discussion with HR, should immediately discuss the allegation with the LADO (within 24 hours). The purpose of an initial discussion is for the LADO and HR to consider the nature, content and context of the allegation and agree a course of action. The LADO may ask HR to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and the individual's current contact with children. There may be situations when the CEO/Academy Headteacher and HR will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, HR should discuss the allegations with the LADO in order to help determine whether police involvement is necessary.
- 5.2. The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in which case this decision and a justification for it should be recorded by both HR and the LADO, and agreement reached on what information should be put in writing to the individual concerned and by whom. HR should then consider with the LADO what action should follow both in respect of the individual and those who made the initial allegation. An agreement will be reached if the academy's Disciplinary Policy is to be applied.
- 5.3. The CEO/Headteacher should inform the accused person about the allegation as soon as possible after consulting the LADO. Where a strategy discussion is needed, or police or children's social care services need to be involved, the member of staff should not be given

detailed information until those agencies have been consulted, and have agreed what information can be disclosed to the accused.

- 5.4. If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with [Working Together to Safeguard Children](#). If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.
- 5.5. Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with HR. In those circumstances, the options open to the academy depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to using the Disciplinary Policy to investigate which could lead to a dismissal or a decision not to use the person's services in future.

6. Supporting those involved

- 6.1. Oak Trees Multi Academy Trust has a duty of care to their employees. We act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty.
- 6.2. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by children's social care services or the police.
- 6.3. **The individual** should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where appropriate.
- 6.4. **HR or the Headteacher/CEO** should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual.
- 6.5. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.
- 6.6. **Parents or carers** of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers.
- 6.7. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken

into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence.

- 6.8. Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.
- 6.9. In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, should consider what support the child or children involved may need.

7. Outcomes of Allegations

- 7.1. The following definitions should be used when determining the outcome of allegation investigations following the Academy's Disciplinary Policy and Procedure:
- **Substantiated:** there is sufficient evidence to prove the allegation
 - **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
 - **False:** there is sufficient evidence to disprove the allegation
 - **Unsubstantiated:** there is insufficient evidence to either to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence

8. Substantiated Allegations

- 8.1. Oak Trees Multi Academy Trust has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.
- 8.2. Where referrals are necessary to agencies such as DBS or TRA, HR will act on behalf of Oak Trees Multi Academy Trust.
- 8.3. It may be necessary to consider exit arrangements. Any such arrangements will be in keeping with all relevant policies and with reference to Keeping Children Safe in Education.

9. Unsubstantiated, false or malicious allegations

- 9.1. Allegations that are found to be malicious should be removed from personnel records; and any that are unsubstantiated, are unfounded or malicious should not be referred to in employer references.
- 9.2. Malicious or false allegations – made by staff or children/parents/carers – are likely to be in breach of policies or procedures such as Staff Code of Conduct or Behaviour policies. Consideration must be given as to whether an appropriate sanction is required.

10. Low Level Concerns (Concerns that do not meet the harm threshold)

- 10.1. Low level concerns are not insignificant. Oak Trees Multi Academy Trust recognises the need to create a culture in all schools and central offices whereby all adults are enabled to share any concerns, no matter how small, for the benefit of safeguarding all stakeholders and ensuring that the ethos and values of the trust can be maintained at all times.
- 10.2. Low level concerns may include being over friendly with children, having favourites, taking photographs on personal devices as if this is against the acceptable use and e-safety policies, humiliating children or engaging with children in secluded areas. This is not an exhaustive list and such behaviours could exist because of an inadvertent level of thoughtlessness.
- 10.3. In keeping with other pertinent policies and guidance, staff are reminded of the need to report ALL concerns using the appropriate reporting mechanisms.
- 10.4. The number of low-level concerns reported in each school are reported to local governing bodies via the Headteacher's Safeguarding Report, a standing agenda item for each meeting. This ensures that there is regular discussion and challenge with regard to low level concerns and of equal importance, the culture within individual settings.
- 10.5. Low level concerns are recorded and stored in personnel files. Personnel files are kept securely and confidentially in keeping with GDPR requirements.
- 10.6. Records must be reviewed so that potential patterns of concerning or problematic behaviour can be identified and dealt with appropriately. This may result in a harm threshold being met.
- 10.7. Oak Trees Multi Academy Trust recognises the need to deal with any such concerns in a timely manner and understands that in doing so effectively, it will serve to protect those working in or on behalf of the trust.
- 10.8. Oak Trees Multi Academy Trust has policies and procedures in place that promote a working environment wherein its staff understand what appropriate behaviour is and looks like
- 10.9. Where there is any doubt as to whether a concern meets the low-level threshold or that of serious harm, advice will be sought from LADO within 24 hours of the concern/allegation being shared.

11. References

- 11.1. Oak Trees Multi Academy Trust will only provide substantiated safeguarding concerns/allegations (including a group of low-level concerns about the same individual) that meet the harm threshold in references. Low-level concerns will not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance.

Appendix

LADO: Pamela Cope

Contact details: pamelacope@wirral.gov.uk 07504738266 and 0151 666 4442

Referrals should also be sent to kerrywilliams@wirral.gov.uk

LADO Consultation Form

ALLEGATIONS AGAINST ADULTS WHO WORK WITH CHILDREN
 LADO CONSULTATION FORM TO REVIEW THRESHOLD

STRICTLY CONFIDENTIAL

The contents of this report are not to be reproduced, copied, or divulged in any way.

Information is not to be discussed with, or revealed to, persons who are not required in the interests of the child to have such information.

To be completed by the Senior Manager (or other designated person to provide the information) of the employing agency for the adult concerned.

Form to be completed in detail and emailed to: Wirral Safeguarding Service at SafeguardingUnit@wirral.gov.uk

DATE THE ALLEGED INCIDENT OCCURRED		DATE REFERRER BECAME AWARE OF CONCERN		DATE THE ALLEGED INCIDENT WAS REFERRED TO LADO	
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1. ADULT AGAINST WHOM THE ALLEGATION HAS BEEN MADE:

NAME					
ADDRESS					
DOB		GENDER		ETHNICITY	
JOB TITLE					
EMPLOYER			HOW LONG HAS THE ADULT BEEN EMPLOYED BY THE ORGANISATION?		

2. CHILD'S DETAILS:

NAME					
DOB		GENDER		ETHNICITY	
ADDRESS					

3. REFERRER:

NAME			
JOB TITLE			
ORGANISATION			
ADDRESS			
EMAIL		TELEPHONE NUMBER	

4. ALLEGATION DETAILS:

Please provide a factual detailed chronology about the allegation. This should include who has reported the allegation; where and when it occurred; who has witnessed (potentially witnessed) the incident; and what has been alleged. If the person's behaviour relates to their behaviour outside of their workplace, please state where the alleged behaviour occurred. Any previous issues or concerns should also be identified and recorded here.

IS THE ADULT IS AWARE OF THE CONSULTATION?	YES /NO	IF THE ADULT HAS NOT BEEN INFORM, WHO WILL INFORM ADULT	

5. INITIAL CONSULTATION OUTCOMES TO BE COMPLETED BY LADO/DUTY LADO

PLEASE INDICATE THE NATURE OF THE ALLEGATION (please select)	Physical	Sexual	Emotional	Neglect	Suitability
DOES THIS MATTER MEET THE CRITERIA FOR INVESTIGATION UNDER LADO?	YES/NO				
LADO DECISION					
IF THRESHOLD NOT MET DATE ALLEGATION CLOSED AT CONSULTATION STAGE:					
FORM COMPLETED BY:		DATE FORM COMPLETED			

LADO Referral Form

STRICTLY CONFIDENTIAL

The contents of this report are not to be reproduced, copied, or divulged in any way. Information is not to be discussed with, or revealed to, persons who are not required in the interests of the child to have such information.

All enquiries for the use of any such information should be made to the Local Authority Designated Officer.

To be completed by the Senior Manager (or other designated person to provide the information) of the employing agency for the adult concerned. **Form to be completed in detail and emailed to: Wirral LADO at SafeguardingUnit@wirral.gov.uk** within 24 hours of allegation being made.

DATE ALLEGED INCIDENT OCCURRED	
DATE EMPLOYING AGENCY BECAME AWARE OF CONCERN	
DATE REFERRING AGENCY HELD INITIAL CONSULTATION WITH LADO	

ADULT DETAILS AGAINST WHOM THE ALLEGATION HAS BEEN MADE

FULL NAME		
DATE OF BIRTH		
GENDER	ETHNICITY	
CURRENT ADDRESS		
ORGANISATION EMPLOYING AGENCY (Example -Education/Health etc)		
JOB TITLE OF ADULT		
PLACE OF WORK		
REGULATORY BODY DETAILS (For example, Teaching Regulation Agency)		
LINE MANAGER DETAILS		

DBS CERT NUMBER DATE OF CLEARANCE			
EMPLOYMENT HISTORY EMPLOYER / DATES / POSITION			
DOES YOUR AGENCY HOLD DETAILS OF ANY PREVIOUS COMPLAINT, CONCERN OR ALLEGATION AGAINST THIS ADULT?			YES/NO
IF YES, PLEASE PROVIDE DETAILS INCLUDING DATE, INVESTIGATION AND OUTCOMES INCLUDING ANY PREVIOUS REFERRALS TO THE CHILDREN'S SAFEGUARDING UNIT:			

REFERRER DETAILS

REFERRER NAME			
JOB TITLE			
ORGANISATION			
ADDRESS			
TELEPHONE NUMBER			
EMAIL ADDRESS			
NAME OF EMPLOYING AGENCY SENIOR MANAGER			

CHILD'S DETAILS

NAME			
DATE OF BIRTH			
GENDER		ETHNICITY	
CURRENT ADDRESS			

IS THE CHILD KNOWN TO WIRRAL SOCIAL CARE?	YES / NO / UNKNOWN
SOCIAL WORKERS/ KEY WORKER EMAIL ADDRESS:	

ALLEGATION DETAILS:

Please provide a factual, detailed chronology about the allegation including all your involvement to date.

This should include who has reported the allegation; where and when it occurred, who has witnessed (potential witness to be included) the incident and what has been alleged.

If the adult's behaviour related to their behaviour outside of their workplace, please state where the alleged behaviour occurred.

To be completed by LADO/Duty LADO ONLY

PLEASE INDICATE THE NATURE OF THE ALLEGATION	Physical	Sexual	Emotional	Neglect	Suitability
IF ALLEGED ABUSE WAS PHYSICAL, DID THE ALLEGATION FOLLOW AN AUTHORISED PHYSICAL INTERVENTION OF RESTRAINT?	YES / NO / UNKNOWN				
DOES THE ALLEGATION INVOLVE THE USE OF COMMUNICATIONS / TECHNOLOGY?	YES / NO / UNKNOWN				
IF YES, PLEASE INDICATE THE FORM OF COMMUNICATION USED					
IS A CSC STRATEGY MEETING TO BE CONVENED?	YES/NO				
IS A LADO MANAGEMENT of ALLEGATIONS MEETING TO BE CONVENED?	YES/ NO	DATE OF MEETING			
REFERRAL TO CHILDREN'S SOCIAL CARE FOR THE ADULT'S CHILDREN TO BE MADE?					
HAVE THE POLICE BEEN INFORMED?	YES/NO				
PLEASE PROVIDE FURTHER DETAILS:					
NAME AND CONTACT DETAILS OF INVESTIGATING POLICE IN CHARGE					
PLEASE DETAIL ANY INTERIM SAFEGUARDING MEASURES AGREED.					
RECORD OF INITIAL DISCUSSIONS AND ACTIONS					
NAME OF LADO/DUTY LADO					
DATE					