

Safeguarding Concerns About Staff, Contractors, and Volunteers

Statement

Merton Music Foundation is committed to the safeguarding of children and young people through appropriate professional relationships between pupils and adults working or volunteering at MMF. The purpose of this policy is to create and embed a culture of openness, trust and transparency in which MMF's values and expected behaviour are constantly lived, monitored and reinforced by all staff and to ensure that all concerns, including low level concerns, are thoroughly investigated.

Disciplinary issues, that do not constitute a Safeguarding concern

Any staff, contractor or volunteer disciplinary issues that do not constitute a Safeguarding concern (e.g. persistent lateness) should be dealt with under the Foundation's Discipline, Capability and Grievance Policy.

The Harm Threshold

Part four of Keeping Children Safe in Education indicates two levels of concerns and allegations:

- 1) Concerns / allegations that **may** meet the harm threshold.
- 2) Concerns / allegations that **do not** meet the harm threshold – also known as 'Low Level Concerns'

Concerns that meet the Harm Threshold

Section 1 deals with allegations against staff which meets the threshold of being investigated by the Local Authority Designated Officer (LADO).

This procedure must be used in all cases in which it is alleged a member of staff, supply staff or volunteer at MMF, or another adult who works with children has:

- *behaved in a way that has harmed a child or 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 he or she would pose a risk of harm to children; or*
- *behaved or may have behaved in a way that indicates they may not be suitable to work with children.*

The last bullet point above includes behaviour that may have happened outside of MMF's working environment, that might make an individual unsuitable to work with children, this is known as transferable risk. Where appropriate, an assessment of transferable risk to children with whom the person works should be undertaken. If in doubt seek advice from the local authority designated officer (LADO).

It is important that allegations should be reported (as set out at paragraph 72 of Keeping Children Safe in Education 2023) and that this should be done without delay. A “case manager” will lead any investigation. This will be either the Chief Executive, or, where the Chief Executive is the subject of an allegation, the Chair of Trustees will be the proprietor.

In dealing with allegations or concerns against an adult, staff must:

- Report any concerns about the conduct of any member of staff, supply staff or volunteer to the Chief Executive (CE) immediately.
- If an allegation is made against the CE, the concerns need to be raised with the Chair of Trustees as soon as possible. If the Chair of Trustees is not available, then the LADO should be contacted directly.
- There may be situations when the CE or Chair of Trustees will want to involve the police immediately if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence.
- Once an allegation has been received by the CE or Chair of Trustees they will contact the LADO immediately and before taking any action or investigation.
- Following consultation with the LADO inform the parents of the allegation unless there is a good reason not to.

In liaison with the LADO, MMF will determine how to proceed and if necessary, the LADO will refer the matter to Children’s Social Care via the Children and Families Hub and/or the police.

What Is a Low Level Concern?

MMF has a culture in which **all** concerns about adults are shared responsibly and with the right person. Concerns are recorded and dealt with appropriately, ensuring:

- inappropriate, problematic or concerning behaviour is identified early
- the risk of abuse is minimised
- and that adults working in or on behalf of the Foundation are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of MMF.

The term 'low-level' concern does not mean that it is insignificant. 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 Merton Music Foundation 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 harm threshold or is otherwise not serious enough to consider a referral to the 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, contrary to school policy
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- humiliating children.

Reporting a Concern

Any adult engaged with the Foundation's activities, including but not limited to: staff, tutors, volunteers, visitors and trustees, is asked to report any concern they have about the behaviour or conduct of another adult at MMF.

All reports of concerns will be taken seriously, treated in confidence, and thoroughly investigated.

To report a concern about an adult at MMF, email safeguarding@mmf.org.uk with details of the concern, including the context in which the incident took place.

If your concern relates to a member of school staff, it should be reported to the school's DSL and/or Headteacher, in line with their own policies and then further reported to MMF's DSL as outlined above.

When You Should Report a Concern

Any concern, no matter how small, should be reported. Not all concerns lead to disciplinary action, but they may form part of a bigger picture or support organizational learning and development. Sometimes, only a very small supportive intervention is required to resolve the issue. However, on occasions the behaviour witnessed could be part of a wider pattern or of a serious nature – only by reporting the concern and enabling further investigation can we ensure a safe learning environment for all children and young people.

How Your Concern Will Be Handled

You will receive an acknowledgement of your concern and we will contact you for further information. You will then be kept appropriately informed of the action taken.

Recording Low-Level Concerns

All low-level concerns will be recorded in writing. The record will include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns will also be noted, unless the individual wishes to remain anonymous then this will be respected as far as reasonably possible.

Records will be held securely in compliance with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).

Records are reviewed regularly so that potential patterns of inappropriate, problematic or concerning behaviour can be identified. Where a pattern of such behaviour is identified, MMF will decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a low-level concern to meeting the harm threshold, in which case it will be referred to the Local Authority Designated Officer (LADO).

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Consideration will also be given to whether there are wider cultural issues within the Foundation that enabled the behaviour to occur and where appropriate policies could be revised, or extra training delivered to minimise the risk of it happening again.

Retention of Data

Data will be retained for a period as determined by the Foundation's Trustees in relation to the type of concern and for at least until the individual leaves their employment and/or withdraws their self-employed services with MMF.

References

Keeping Children Safe in Education (KCSiE) 2023 states that schools and colleges should 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 should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. It follows that a low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference.

Responsible Persons

Low level concerns should be reported to the Designated Safeguarding Lead (DSL), or one of the Deputy Designated Safeguarding Leads.

The DSL will relay any concerns about staff, tutors and volunteers to the Chief Executive.

The Designated Safeguarding Lead is: Elisabeth Wigley

The Deputy Designated Safeguarding Leads are: David Rees, Soo Bishop

Policy Review

This policy will be reviewed annually and in response to any significant incident, change of policy or government advice.

Last Reviewed: Nov 2023 DR EW