MANAGING ALLEGATIONS OF ABUSE AND SAFEGUARDING CONCERNS AGAINST STAFF POLICY

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Our vision is to be stronger together, transforming lives and creating memories which are celebrated for a lifetime

MANAGING ALLEGATIONS OF ABUSE AND SAFEGUARDING CONCERNS AGAINST STAFF POLICY

Purpose and Scope

This policy applies to allegations and safeguarding concerns involving adults working in or on behalf of the Trust. Allegations may be raised by learners, parents, carers, employees, volunteers, governors, trustees, contractors, visitors, external agencies or members of the public. The Trust will investigate all allegations proportionately, ensuring that safeguarding responsibilities remain paramount where concerns relate to the welfare of a child.

This policy should be read in conjunction with the Trust Child Protection & Safeguarding policy, , Disciplinary policy, Whistleblowing policy and the individual school/college. Child Protection and Safeguarding policies, sections of which relate to allegations against staff that relate to matters of professional misconduct and that are unrelated to matters of abuse towards students.

In the event that an internal investigation is required, the procedures for investigation identified within the Trust's disciplinary process will be adopted. In circumstances where the involvement of external agencies is required for the investigation, advice will be sought from the Local Authority's Designated Officer (LADO), and the appropriate procedures will be used for the external investigation. However, this policy sets out the general principles to which the Trust will adhere in situations where an allegation against a member of staff has been made.

Given their contact with young people, members of staff can be vulnerable to allegations of abuse and therefore it is particularly important that staff remain continually aware of behaviour that is acceptable and behaviour that may leave them vulnerable. Such matters are addressed within the school/college's Child Protection and Safeguarding policy and included within the school/college's induction and training programmes.

The Trust recognises its collective responsibility to safeguard and protect the welfare of children and young people in accordance with its statutory responsibility under Section 175 of the Education Act 2002 and, where appropriate, under the Children Act 1989.

This policy applies to **all adults working in or on behalf of the trust/schools/colleges**, including:

- staff
- volunteers
- governors and trustees
- contractors
- agency and supply staff
- volunteers outside regulated activity

Procedures will be conducted in accordance with the statutory guidance 'Keeping Children Safe in Education' and the guidance provided by the Surrey Safeguarding Children Partnership (SSCP) and with regard to the appropriate legislation.

Reporting an allegation, safeguarding responsibilities and general principles

Any allegation or concern, regardless of who raises it, should be reported immediately to the Headteacher/Principal or, where the Headteacher/Principal is the subject of the allegation, the Chair of Governors.

An allegation may relate to a concern that a member of staff or volunteer has:

- Behaved in a way that has harmed a child, or may have harmed a child, or
- 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 would post a risk of harm to children or
- Behaved or may have behaved towards a child in a way that indicates they may not be suitable to work with children

The last bullet point includes behaviour that may have happened outside of school/college and is known as transferable risk. It may also be applied to behaviour described in KCSIE as 'low level' concerns.

Who may raise an allegation?

Allegations or concerns about the behaviour of a member of staff may be raised by a learner, parent, carer, member of staff, volunteer, governor, trustee, contractor, agency worker, visitor, external professional, member of the public or any other person with a safeguarding concern.

The Trust will ensure that all allegations are taken seriously and considered in accordance with this policy, regardless of the source of the allegation. The management process will differ depending on whether the concern relates to safeguarding and potential harm to a child.

Allegations may arise from a direct disclosure, a third-party report, a witnessed incident, information received from external agencies, online activity, a complaint, concerns raised through whistleblowing procedures, or any other information that gives rise to safeguarding concerns.

Allegations may be raised by learners, parents, carers, staff, volunteers, governors, trustees, contractors, visitors, members of the public or external professionals.

Low-Level Concerns

A low-level concern is any concern, no matter how small, that an adult working in or on behalf of the school/college may have acted in a way that:

- is inconsistent with the staff code of conduct, including behaviour outside of work; and
- does not meet the harm threshold; or
- may indicate a pattern of behaviour that could lead to harm.

The school/college will record all low-level concerns. These will be reviewed by the Headteacher/Principal and/or Designated Safeguarding Lead (DSL) to identify patterns of behaviour and to ensure appropriate action is taken.

Examples of such behaviour could include:

- Being over friendly with children
- Having favourites

Distinction of Concerns

The school/college recognises the importance of distinguishing between:

- allegations that meet the harm threshold;
- low-level concerns; and
- concerns that require management through conduct or disciplinary procedures.

Where an allegation of abuse towards a child or young person has been made against a member of staff, regardless of whether the allegation is raised by a learner, parent, carer, member of staff or another party the Trust Board/Governing Body recognise the requirement for the sharing of information in accordance with DFE guidance, because the need to promote the welfare and protect the safety of the students is paramount.

Should an allegation be made against a member of staff, the Trust /school/college should immediately notify the Surrey LADO (Local Authority's Designated Officer) for child protection. The allegation must be reported in accordance with the procedures identified below and the initial contact with the LADO will be made by the Trust school/college's Designated Safeguarding Lead, Child Protection Officer, the Principal/Headteacher or the Chair of Trustees or Chair of Governors.

The LADO will provide oversight of the individual case, advising and providing guidance to the Trust/ school/college in specific matters, including liaising with the police where necessary. The LADO should be informed within one working day of all allegations which have come to the Trust school/college's attention or which have been made directly to the Police, and which relate to the criteria above.

Allegations against a member of staff who is no longer working for the Trust or historical allegations of abuse should be referred to the police.

Our procedures for dealing with allegations will be applied with common sense and judgement.

Allegations may arise from a direct disclosure, a third-party report, a witnessed incident, information from external agencies, online activity, a complaint, or concerns raised through whistleblowing procedures.

Determining the outcome of an investigation into an allegation

In determining the outcome of an investigation into an allegation, the following definitions will be used in accordance with DFE guidance:

- Substantiated: there is sufficient identifiable evidence to prove the allegation.
- False: there is sufficient evidence to disprove the allegation.
- Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
- Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Full details of a substantiated allegation, how it was followed up and resolved, and a summary of the action taken and decisions reached will be retained on the confidential personnel file of the member of staff, and s/he will be provided with a copy.

The Procedure

The Trust Board and Local Governing Bodies take seriously the responsibilities of duty of care towards its employees. The process will be managed in such a way as to minimise the stress inherent in such circumstances, and appropriate levels of support will be discussed and agreed with any member of staff who is the subject of an allegation, and her/his representative where applicable.

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in the Trust is dealt with very quickly, in a fair and consistent way, and provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

In the event that an allegation against a member of staff is made, priority will be given to ensuring that a resolution to the allegation is reached as soon as possible. The procedures will be applied in a fair and consistent manner and in such a way as to protect the student.

The timeframe for bringing the matter to a conclusion will depend upon the nature, seriousness and complexity of the allegation, however, the school/college will aim to reach a resolution within one month where this is possible.

Initial considerations

The procedures adopted in relation to allegations made will be applied using common sense, reasonableness and judgement. It is recognised by the DFE that many cases 'may not meet the criteria (set out above) or may do so without warranting consideration of either a police investigation or enquiries by local authority (LA) Children's Social Care Services'. Under such circumstances, the Trust Board/Local Governing Body will adopt the appropriate procedures set out within the Disciplinary policy in order to bring the matter to a conclusion as soon as possible.

In circumstances where the allegations are serious, for example if a member of staff is deemed to be an immediate risk to children or there is evidence of a possible criminal offence, they will require immediate intervention by the Police. The LADO will be informed immediately and advice will be sought regarding contact with the appropriate local agencies.

The Trust/school/college will immediately appoint a Case Officer, normally the Child Protection Officer/Designated Safeguarding Lead, to handle matters in connection with the investigation into the allegation. There will be relevant consideration as to who should carry out the investigation and this may, on occasion, necessitate the appointment of an external investigator.

Following the initial contact with the LADO, the case officer will liaise with the LADO regarding the nature and context of the allegation in order to agree on the appropriate course of action. The LADO may seek additional information from the LA regarding previous history, for example whether a child or her/his family have made similar allegations and the individual's current contact with children in other roles. During such a process, the LADO may recommend the involvement of the Police.

Contact with the member of staff accused must be made as soon as reasonably practicable following consultation with the LADO. In response to an allegation, the Trust Board/Governing Body will consider all alternative options before taking any decision to suspend a member of staff. A suspension risk assessment should always be carried out.

Suspension is not considered the default option and such action will be taken only if there is no reasonable alternative. Reasonable alternatives may include the following; however any decision will be based on assessment of risk and the Trust/ school/college's ability to reasonably accommodate an alternative arrangement:

- Redeployment within the school/college so that the individual does not have direct contact with the child or children concerned
- Providing an assistant to be present when the individual has contact with children
- Redeploying the individual to alternative work in the school/college so that they do not have unsupervised access to children
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents have been consulted
- Temporarily redeploying the individual to another role in a different location, for example to an alternative Trust school/college

The individual is advised to contact her/his trade union representative, if they have one, or a colleague who can provide support.

Action will be taken in response to the allegation with due regard to the procedures identified within the Trust's Disciplinary policy. The member of staff against whom the allegation is made, will be provided with details in writing of the action taken, including suspension if deemed appropriate, and setting out the reasons and justification for the decision.

No case to answer

The process of sharing information and its evaluation may lead the Trust school/college, in consultation with the LADO, to the decision that there is no case to answer and therefore no further action will be taken against the member of staff facing the allegation or concern. In such circumstances, the decision and associated reasons will be recorded by the case officer and the LADO, who will agree on the content of a letter to the member of staff, setting out the relevant details.

Details of the action to be taken with regard to the member of staff, for example appropriate support, and in respect of the individual/s who made the initial allegation, will also be discussed and agreed in accordance with the confidentiality provisions referred to below.

Where it is clear an allegation is unfounded or malicious, the Trust/school/college will aim to resolve the matter within one week.

The investigation process and strategy discussion

Where the process of information sharing as specified above leads to a conclusion that there is a case to answer, an investigation process will be required. All appropriate cases will include consultation with the Local Authority Designated Officer (LADO). The rationale for decisions, including whether or not to refer to the LADO, will be clearly recorded. Records will include details of any LADO consultation.

The case officer will inform the member of staff regarding the allegations against her/him as soon as possible and following consultation with the LADO.

The member of staff will be provided with as much information as possible at that time. Advice should be sought from the LADO on what information the school/college/college is permitted to disclose to the member of staff, based on the agreement of any other agencies involved. Individuals should be given an explanation of the likely course of action, unless there is an objection by the Children's Social Care Services or the Police.

If the allegation is 'not demonstrably false or unfounded', and the Trust/ school/college has cause to suspect a child is suffering or is likely to suffer significant harm, the Case Officer, in consultation with the LADO will convene a 'strategy discussion' involving the appropriate agencies. Where an allegation concerns physical contact, the agencies will take into account the staff member's entitlement to use reasonable force to control or restrain students in certain circumstances.

Where it is clear that an investigation by the Police or the Children's Social Care Services is unnecessary, or the strategy discussion agrees that is the case, the case officer will agree with the LADO the appropriate way forward. In most cases this will involve the application of the investigation process within the Trust's disciplinary procedures (please refer to the Trust's Disciplinary policy for further details).

Keeping the member of staff informed and supported

Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is key to fulfilling this duty.

During the investigation, a process will be adopted to ensure that the member of staff who is the subject of the allegations is kept informed.

In cases of suspension, this will include the provision of a named contact at the school/college, appointed by the Case Officer, to aid communication throughout the investigation. Contact with the suspended employee will take place according to the timescales to be set out at the start of the investigation and this must include relevant updates on work-related issues.

Similar arrangements will be made by the Case Officer to appoint a contact to liaise with a member of staff who has remained in the workplace during the investigation.

The named contact will keep the member of staff informed of progress in relation to the case and will monitor the support arrangements in place and recommend additional or alternative support as necessary.

The member of staff who is the subject of the allegations will not be prevented from having social contact with colleagues and friends, unless there is evidence to suggest that such contact may be prejudicial to the investigation process.

Support will be offered by way of occupational health or local welfare arrangements as appropriate.

Supporting Those Affected by an Allegation

Parents or carers of a child or children involved will be notified regarding the allegation as soon as possible where they are not already aware of the matter. However, due regard is given to the need for a strategy discussion as appropriate, or the agreed involvement of other agencies, because the level of disclosure of details must be in accordance with DFE statutory guidance.

Parents or carers will be kept informed, through an agreed named contact, of the progress of the investigation, any relevant decisions made regarding the process and, in confidence, the outcome where there is no criminal prosecution. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed and careful consideration must be given to the relevant provisions of the Human Rights Act 1998 and the Data Protection Act 2018.

The named contact will make parents and carers aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002. Should parents or carers wish to apply to the court for the removal of reporting restrictions, they will be advised to obtain legal advice.

In circumstances where it is believed that a child may have suffered significant harm, or there may be a criminal prosecution, the LADO will liaise with the appropriate agencies to consider what support the child or children involved may need. This need will also be highlighted to the LADO by the Trust's Case Officer.

Malicious allegations

Details of allegations that are investigated and found to be malicious or unsubstantiated will be removed from personnel records and no reference will be made to the matter in employer references.

Where an allegation is determined to be malicious, the Trust will consider appropriate action in line with the relevant policy or procedure applicable to the individual concerned (for example Behaviour Policy, Staff Code of Conduct, Disciplinary Policy, Contractor Agreement or Visitor Management Procedures).

Confidentiality

The Trust/ school/college will make every effort to maintain confidentiality and to guard against unwanted publicity during an investigation or while an allegation is considered. Legislation regarding reporting restrictions will be adhered to at all times, in particular the reporting restrictions under the Education Act 2011 preventing the publication of material that may lead to the accused member of staff being identified until the accused is charged with an offence. The legislation imposing restrictions makes clear that 'publication' of material is prohibited that may lead to the identification of the member of staff who is the subject of the allegation. 'Publication' includes 'any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public'.

However the reporting restrictions cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so.

The Case Officer will take advice from the LADO and the Police in order to agree who needs to be informed and what information can be shared. Advice will also be sought on appropriate sharing of information with the wider community in order to reduce speculation and the management of any press interest, breaches of confidentiality or gossip.

Resignation during the Investigation

Should an employee resign during an investigation following an allegation, the Trust/ school/college will continue with the investigation process and every effort will be made to reach a conclusion, even in circumstances where the employee refuses to co-operate. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to co-operate with the process. However, the employee will be given the opportunity to remain fully involved in the process and to answer the allegation against them.

Settlement Agreements

Settlement agreements will not be used in circumstances where an allegation relates to abuse of a student. Such an agreement will not prevent a thorough Police investigation where that is appropriate and it cannot override the Trust Board/Governing Board's statutory duty to make a referral to the disclosure and barring service (DBS) where this is required.

Employer References

Should an allegation or allegations prove to be false, unsubstantiated, unfounded or malicious, it/they will not be referred to in employer references. Additionally, the history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious etc. should also not be included in any reference.

Allegations leading to a criminal investigation or a prosecution

The Police or the Crown Prosecution Service (CPS) should inform the Trust/ school/college and the LADO immediately when a criminal investigation and any subsequent trial is complete, if an investigation is closed without charge, or if there will be no prosecution after the person has been charged. In such circumstances, the Case Officer will discuss with the LADO whether any further action, including disciplinary action, is required and agreement will be reached as to how to proceed. Information received by the Police and/or Children's Social Care Services will be relied upon in order to inform the decision.

Action on conclusion of a case

Should the allegation be substantiated and the employee is dismissed, or s/he resigns, the LADO, the Case Officer and the Trust/ school/college's HR adviser will discuss and agree whether to refer the case to the DBS for consideration of inclusion on the barred lists, or to refer the matter to the Teaching Agency.

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

Professional misconduct cases should be referred to the relevant regulatory body and the referral will be made as soon as possible after the removal, or the resignation, of the member of staff involved.

Returning to Work

Where a member of staff has been suspended and the conclusion of the investigation is that s/he can return to work, the Case Officer, in consultation with the Principal/Headteacher, will consider the best way for the return to work. A meeting will be arranged with the member of staff concerned to agree how best this can be achieved and to understand what support will assist her/him in returning to the workplace following this stressful experience.

APPENDIX A

Summary of Child Protection Allegation/Concern

NAME **DATE**

Explanatory statement

This statement is made in accordance with the latest versions of Keeping Children Safe in Education (KCSIE 2025) and Working Together to Safeguard Children (latest edition)

This applies to all adults who work in the children's workforce whether in a paid or voluntary position, including those who work with children and young people on a temporary, supply or locum basis.

There is a requirement to keep a clear and comprehensive summary of allegations, how the allegation was followed up and resolved, and a note of any action taken and decisions reached. This should be kept on an employee's confidential personnel file, (or in the case of a volunteer, confidentially stored by the agency), and a copy provided to the person concerned.

The purpose of this record is to enable accurate information to be given in response to any future request for a reference. For those working in education settings - cases where an allegation was proven to be unsubstantiated, unfounded, malicious or false should not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious, unfounded or false should also not be included in any reference. This does not apply to the rest of the children's workforce.

It will provide clarification in cases where a future DBS Disclosure reveals information from the police about an allegation that did not result in prosecution or a conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.

This record should be retained at least until you have reached retirement age or for a period of 10 years from the date of the allegation if that is longer.

1 Summary of allegation:

2 How allegation was followed up:

3 Outcome of investigation:

4 Action taken and decisions reached:

5 Education Settings:
Please note that there was a change in statutory Guidance for Education settings in July 2011, regarding allegations management. This has now been replaced by Part 4 of Keeping Children Safe in Education. Only allegations which are deemed to be substantiated should be referred to in any future reference*

6 What learning has come from the allegation:
Please write what learning has been gained for the **organisation and the employee** such as training to be completed, amendments/changes to policies and procedures*

Employee Comments:

Signed by:

Responsible Manager **Date**

Name

LADO (where consulted) **Date**

Name

Employee **Date**

Name

APPENDIX B

Risk Assessment

Name of employee		Role	
Name of assessor		Date	

Outline nature of allegation(s) against employee.				
If substantiated, are the offence(s) of a nature to warrant consideration of summary dismissal?	Yes		No	

Assessment of Risk					
Potential hazard	Likelihood (tick one)				
	Very low	Low	Mod-erate	High	Very high
Is there a risk to the safety or welfare of others?					
Detail:					
Is there a risk to the individual's safety or welfare?					
Detail:					
Is there a risk to school/college premises or property?					
Detail:					
Is there a risk to the investigation (e.g. potential for interference)?					
Detail:					
Is there a risk to reputation if the individual is allowed to work?					
Detail:					
Other identified risk(s):					

Detail:						

Alternatives to Suspension				
Are there alternatives to suspension which would lessen the risk?	Yes		No	
Examples to consider might include: *Transfer to other duties* *Restriction of duties* *Transfer to another area of work / department* *Change to working hours* *Home-working*				

Overall Assessment				
Decision of manager/assessor	Suspend		Do Not Suspend	
If decision is not to suspend control measures / alternatives to suspension				

Signature of assessor		Date	

APPENDIX C – Notes for the Trust Board/Governing Body

General
Any instance of a student being abused by a member of staff is particularly serious. Equally, should an innocent person be subject to investigation, possible suspension and/or the threat of arrest, this is an extremely stressful and serious ordeal, which may lead to long-term damage to the person's health and career. Any allegation must be fair and dealt with as quickly as possible.

Resignation during investigation (see relevant section of policy)
It may be difficult to reach a conclusion in circumstances where a member of staff resigns during an investigation, and it may not be possible to apply disciplinary sanctions if her/his period of notice expires before completion of the process. Nevertheless, it is important to reach and record a conclusion wherever possible.

Determining the outcome of an investigation into an allegation (final paragraph)
The purpose of the record is to enable the provision of accurate information in response to any future request for an employer's reference. It may also be required where future DBS disclosures reveal information from the police about an allegation that did not result in a criminal conviction and it may help to prevent unnecessary re-investigation should a future allegation be made. The record should be retained at least until the individual has reached normal retirement age or for a period of 10 years from the date of the allegation if this is longer.

Suspension
Children's Social Care Services or the Police cannot require the governing board to suspend a member of staff or a volunteer, although the Trust/ school/college should give appropriate consideration to their advice. The power to suspend is vested in the Trust or Governing Board. Police involvement does not make it mandatory to suspend a member of staff and decisions should be taken on a case-by-case basis and with due regard to assessment of risk.

Disclosure and barring service (DBS)
Reporting a matter to the DBS does not mean the person will be automatically barred from working with children and vulnerable adults. Responsibility for reporting an individual to the DBS extends to a situation where the person has chosen to cease their employment in circumstances where they would have been removed had they not done so.

An organisation is breaking the law if it knowingly employs someone who is barred.

Teaching Regulation Agency (TRA)
In cases of teacher misconduct, the trust board or governing boards need to consider whether a referral to the TRA should be made. In making a decision, the following guidance should be used: Teacher misconduct: the prohibition of teachers (education.gov.uk).

Returning to work (see relevant section of policy)
Depending on the individual's circumstances, a phased return to work or the provision of a mentor to provide support may be helpful. The Trust/ school/college should also consider any contact the member of staff may have with the child or children who made the allegation and how this can be best managed.

Monitoring

At the conclusion of an investigation process, the Trust/ school/college should take the opportunity to review the circumstances and the process in order to establish whether improvements could be made to the procedures to help prevent similar events in the future, and to ensure future procedures are fit for purpose.

Unfounded or malicious allegations

Staff can be vulnerable to allegations of abuse and it is acknowledged that the allegations may be untrue. Whilst many allegations are raised by children and young people, concerns may also be raised by adults including parents, carers, colleagues, volunteers, visitors and members of the public.

If an allegation is determined to be unfounded or malicious, the LADO must refer the matter as appropriate in order to determine whether the child concerned is in need of services, or whether they have been abused by someone else. In such circumstances, the Trust/ school/college is advised to discuss this matter with the LADO to ensure the appropriate action is taken.