



Allegations of Abuse Against Staff Policy

Contents:

[Updated] [Statement of intent](#)

1. [Legal framework](#)
2. **[Updated]** [Scope of this policy](#)
3. **[Updated]** [Staff covered by this policy](#)
4. [Roles and responsibilities](#)
5. [Reporting concerns and allegations](#)
6. **[Updated]** [Initial response](#)
7. **[Updated]** [Confidentiality](#)
8. **[Updated]** [Suspension](#)
9. [Supporting those involved](#)
10. [Outcomes](#)
11. [Referral to the DBS](#)
12. [Criminal investigations](#)
13. [Unsubstantiated, unfounded, false or malicious allegations](#)
14. [Returning to work](#)
15. **[Updated]** [Resignations](#)
16. [Record keeping](#)
17. [References](#)
18. [Non-recent allegations](#)
19. [Monitoring and review](#)

[Updated] Statement of intent

Hillside Primary School takes its responsibility of care for pupils seriously. We will thoroughly and swiftly investigate allegations of abuse against staff – this will be done applying common sense and judgement, in a fair way that does not prejudice either the pupil or the member of staff, and with effective protection for the pupil and support for the person subject to the allegation.

[Updated] This policy will apply to concerns or allegations against those working in or on behalf of the school in a paid or unpaid capacity, including supply teachers, trainee teachers, volunteers and contractors.

Any investigation of an allegation of abuse will be made in line with this policy and we will provide both the accuser and accused with the support they require during the investigation.

[Updated] This policy does not address pupils who are considered to be absent from education, which is where a registered pupil is not attending regularly, including where they are persistently or severely absent from school, as they are not considered to be CME. Procedures for addressing instances where pupils are not attending regularly are instead set out in the school's Attendance and Absence Policy.

1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Children Act 1989
- Education Act 2002
- Children Act 2004
- Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- DfE 'Working Together to Safeguard Children'
- DfE 'Keeping children safe in education'

This policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy
- Low-level Safeguarding Concerns Policy
- Disciplinary Policy and Procedure
- Code of Conduct for all persons on school premises
- Data Protection Policy
- Positive Behaviour Policy
- Safer Recruitment Policy
- Reference Policy

2. [Updated] Scope of this policy

NB. "Child" refers to anyone under the age of 18.

[Updated] This policy covers the process for dealing with allegations that meet the harms threshold, which are allegations where it is alleged that anyone working in the school, including supply teachers, trainee teachers, volunteers and contractors, 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 they 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, including transferable risk, i.e. behaviour that may have happened outside of school that might make the individual unsuitable to work with children.

Procedures for managing allegations that do not meet the harms threshold (also known as ‘low-level concerns’) are not covered in this policy. The school’s Low-level Safeguarding Concerns Policy outlines the procedures for dealing with allegations that do not meet the harms threshold.

Low-level concerns will not be viewed as insignificant, but as any concerns that do not meet the harms threshold set out above. A low-level concern is any concern 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.
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LA designated officer (LADO).

If the school has any doubt as to whether information which has been shared about a member of staff as a low-level concern meets the harm threshold, the LADO’s advice will be consulted.

For the purpose of this policy “**allegation**” refers to allegations that meet the harms threshold.

3. **[Updated]** Individuals covered by this policy

[Updated] This policy covers allegations against those working in or on behalf of the school in a paid or unpaid capacity, including members of staff, trainee teachers, supply teachers, volunteers and contractors.

[Updated] For the purposes of this policy “**member of staff**” refers to staff, trainee teachers, supply staff, volunteers and contractors.

If an allegation is made against a governor, the school will follow its local procedures. Where an allegation is substantiated, the school will follow the procedures to consider removing the governor from office.

[New] Supply teachers, trainee teachers and all contracted staff

In some cases, the school will have to deal with an allegation against an individual not directly employed by them, e.g. supply staff, trainee teachers or contracted staff provided by an employment agency. Where this applies, the school shares safeguarding responsibilities with the employment agency or business and remains responsible for gathering the facts and managing the safeguarding process, while working closely with the employment agency or business, which will usually lead on any disciplinary action.

Whilst the school is not the employer of supply teachers, it will ensure allegations are dealt with properly and will often take the lead on dealing with the allegation as it has access to all of the necessary information. Under no circumstances will the school decide to cease to use a supply teacher due to safeguarding concerns without finding out the facts and liaising with LADO to determine a suitable outcome. The school will discuss with the supply agency or agencies where the supply teacher is working across a number of schools or colleges, whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst investigations are carried out.

Any supply agencies used by the school will be informed of the school’s process for managing allegations. The school will also take account of the agency’s policies and their duty to refer to the DBS as personnel suppliers. This will include inviting the agency’s HR manager or equivalent to meetings and keeping them up to date with information about the school’s policies.

Where concerns or allegations relate to a trainee teacher placed within the school, the expectations set out above also apply, and teacher training providers are expected to follow the same procedures as set out for supply agencies.

[New] Organisations or individuals using school premises

Where the school receives an allegation relating to an incident that happened when an individual or organisation was using the premises for the purposes of running activities for children, e.g. community groups or sports associations, the school will follow the Child Protection and Safeguarding Policy, inform the LADO, ensure appropriate steps are taken to keep pupils safe, and ensure that the allegation is subject to a proper investigation.

4. Roles and responsibilities

The Governing Body will be responsible for:

- Ensuring this policy is implemented consistently in the school.
- Ensuring welfare support is put in place for staff subject to allegations.
- Making the final decision of whether a member of staff subject to an allegation should be suspended.

The chair of governors will be responsible for acting as the case manager for allegations relating to the Headteacher.

The Headteacher will be responsible for acting as the case manager for allegations, unless the allegation relates to them or there would be a conflict of interest if they were the case manager.

The case manager will be responsible for:

- Conducting a basic enquiry as soon as an allegation is reported.
- Leading investigations into allegations.
- Working with the LADO when dealing with allegations.

The DSL will be responsible for:

- Making referrals to children's social care services (CSCS) and/or the police where necessary.
- Looking after the welfare of pupils involved in an allegation and ensuring they are not at risk.

The LADO will provide advice and guidance to the school when considering allegations. Their role is not to investigate the allegation, but to ensure that an appropriate investigation is carried out.

5. Reporting concerns and allegations

Staff must report allegations without delay, in line with the following reporting lines:

- Allegations regarding another member of staff will be reported to the Headteacher
- Allegations regarding the Headteacher will be reported to the chair of governors

Where there is a conflict of interest in reporting the allegation to the Headteacher, staff will report the concern directly to the LADO. Information regarding the identity of the LADO can be found on the LA's website.

Where a pupil makes a disclosure to a member of staff about the behaviour of another member of staff, staff must follow the reporting lines above.

Once an allegation has been made, a case manager will be assigned to lead the investigation. The case manager will be the Headteacher or, where the Headteacher is the subject of an allegation, the chair of governors.

6. **[Updated]** Initial response

CSCS and, as appropriate, the police will be contacted immediately if a child has been harmed, there may be an immediate risk of harm to a child, or the situation is an emergency. These reports will be made in line with the school's Child Protection and Safeguarding Policy.

[New] When an allegation is made the school will consider:

- Looking after the welfare of the child - the DSL (or a deputy) is responsible for ensuring that the child is not at risk and referring cases of suspected abuse to the CSCS
- Investigating and supporting the person subject to the allegation - the case manager should discuss with the LADO the nature, content and context of the allegation, and agree a course of action.

[New] When dealing with an allegation the school will apply common sense and judgement and deal with the allegation quickly, fairly and consistently.

Before contacting the LADO, the case manager will conduct a basic enquiry in line with local procedures to establish the facts to help them determine whether there is any foundation to the allegation. During this basic enquiry, the case manager will ensure they collect any information that will be required by the LADO and will be careful not to jeopardise any potential future police investigation.

[New] These basic enquiries may include whether:

- The individual was in the school at the time of the allegations.
- The individual did or could have come into contact with the child.
- There were any witnesses.
- There is any CCTV footage.

Once the case manager has conducted the basic enquiry, they will contact the LADO. The case manager and LADO will discuss the nature, content and context of the allegation and decide if:

- No further action is needed.
- A strategy discussion should take place.
- There should be involvement from the police and/or CSCS

Where the case manager is concerned about the welfare of other children in the community or the staff member's family, they will discuss these concerns with the DSL and conduct a risk assessment of the situation. Where necessary, the DSL will make a referral to CSCS.

If the allegation is about physical contact, e.g. restraint, the strategy discussion or initial evaluation with the LADO will take into account that teachers and other staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where the allegation includes behaviour outside of school, an assessment of transferable risk to children with whom the person works will be undertaken where appropriate; advice will be sought from the LADO where there is any doubt.

No further action

Where the initial assessment leads to no further action, the case manager and LADO will:

- Record the decision and justification for it.
- Agree on what information should be put in writing to the individual concerned and by whom.

[Updated] Strategy discussion

If there is cause to suspect a child is suffering, or is likely to suffer, significant harm, a strategy discussion involving the police and/or CSCS will be convened. Strategy discussions will take place in line with the DfE's 'Working Together to Safeguarding Children' statutory guidance. For allegations regarding physical contact, e.g. restraint, the right to use reasonable force in line with the school's Physical Intervention Policy will be taken into account.

CSCS will convene the meeting to determine the child's welfare and plan rapid future action if there is reasonable cause to suspect the child is suffering or likely to suffer significant harm. A representative of the school may be invited to the meeting.

[Updated] The discussion will be used to:

- [Updated] Share, seek and analyse available information.
- Agree the conduct and timing of any criminal investigation.
- Decide whether enquires under section 47 of the Children Act 1989 must be undertaken.

[Updated] Investigation

Where it is clear that an investigation by the police or CSCS is unnecessary, or the strategy discussion or initial assessment decides that this is the case, the LADO will discuss the next steps with the case manager.

Where further enquiries are required to enable a decision about how to proceed, the LADO and case manager will discuss how the investigation will be undertaken and who should conduct the investigation. In most cases, the investigation will be undertaken by a senior member of staff at the school. Where there is a lack of appropriate resources within the school to conduct the investigation, or the nature or complexity of the allegation requires it, the allegation will be conducted by an independent investigator.

[Updated] The case manager will monitor the progress of the investigation to ensure that it is dealt with thoroughly, fairly and as quickly as possible. The first review will take place no later than four weeks after the initial assessment where possible. Dates of subsequent reviews will be set at the review meeting if the investigation continues and will be conducted at least at fortnightly (and no longer than monthly) intervals.

Informing the member of staff

The decision of when to inform will be considered carefully on a case-by-case basis, considering guidance from the LADO as required and CSCS and the police if involved. The member of staff subject to an allegation should be informed of the allegation and given as much information as possible, unless there are good reasons not to. In cases where the allegation needs to be reported to CSCS and/or the police, the case manager will seek advice from the LADO, CSCS and police as appropriate regarding what information can be shared.

7. [Updated] Confidentially

[New] During an allegations management meeting or the initial assessment of the case, the agencies involved will share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

[New] Where the police are involved, wherever possible the school will ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer's disciplinary process.

[New] The school must make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

[Updated] The case manager will take advice from the LADO, the police and CSCS to agree the following:

7. **[New]** Who needs to know and exactly what information can be shared
8. **[New]** How to manage speculation, leaks and gossip
9. **[New]** What, if any, information can be reasonably given to the wider community to reduce speculation
10. **[Updated]** How to manage press interest if, and when, it should arise.

Reporting restrictions under the Education Act 2002 will be observed. Information regarding an allegation will only be shared with necessary parties. Every effort will be made to protect the privacy of all parties involved in an allegation. Confidentiality will also be maintained to ensure a fair investigation can be undertaken.

All parties involved in an allegation will be made aware of the requirement to maintain confidentiality and guard against unwanted publicity about any allegations made against teachers whilst investigations are in progress.

In circumstances where the school needs to make parents aware about an allegation, it will ensure parents and others are aware that there are restrictions on publishing information.

Breaches in confidentiality will be taken seriously and may warrant a separate investigation.

The school will not provide the media with any information regarding an allegation.

8. [Updated] Suspension

Suspension, e.g. remaining under the school's employment but being asked not to attend the school premises, will never be an automatic response when an allegation is reported – all options to avoid suspension will be considered prior to taking that decision.

The case manager will carefully consider whether the circumstances warrant suspension from contact with children at the school, or until the allegation is resolved. Suspension will be considered only in cases where there is cause to suspect a pupil at the school is at risk of harm, or the case is so serious that it might be grounds for dismissal.

[Updated] The case manager will seek advice from the school's HR provider and the LADO, as well as the police and CSCS where they have been involved. The following options will be considered by the case manager before suspending a member of staff:

- Redeploying the member of staff within the school so that they do not have direct contact with the pupil or pupils concerned
- Providing an assistant to be present when the individual has contact with pupils
- Redeploying the member of staff to alternative work in the school so the individual does not have unsupervised access to pupils
- **[Updated]** Moving the pupil or pupils to classes where they will not come into contact with the member of staff – this decision will only be made if it is in the best interests of the pupil or pupils involved and takes account of their views and it will be made clear that this is not a punishment and parents have been consulted
- Temporarily redeploying the member of staff to another role in a different location, e.g. to an alternative school, where available

[Updated] The power to suspend is vested in the governing body as the employer. . The school will consider the potential permanent professional reputational damage to staff that can result from suspension where an allegation is later found to be unfounded, unsubstantiated, malicious, or false. Where a strategy discussion, or initial assessment, concludes that there should be enquiries by CSCS, and/or an investigation by the police, they may give their views to the LADO regarding whether the member of staff should be suspended from contact with children. Police involvement does not make it mandatory to suspend a member of staff. The decision to suspend will be made on a case-by-case basis following a risk assessment of whether the person poses a risk of harm to children.

If immediate suspension is considered necessary, the case manager will record the rationale and justification for this decision, alongside the alternatives to suspension that were considered and why they were rejected.

[Updated] Where suspension is deemed necessary, written confirmation will be given to the member of staff within one working day, which will provide as much detail as appropriate for the reasons for the suspension. The member of staff will be told immediately who their named contact is within the school for the period of their suspension and provided with their contact details.

Where the school is made aware that the Secretary of State has made an interim prohibition order, in respect of an individual who works at the school, immediate action will be taken by the school to ensure the individual does not carry out work in contravention of the order, i.e. not carrying out teaching work, pending the findings of the TRA investigation.

The following pay arrangements will be implemented while a member of staff is suspended, or an interim prohibition order is in place:

Refer to LA Whole School Pay Policy

9. Supporting those involved

Pupils and parents

The welfare of the pupil(s) involved in an allegation will be paramount. Pupils involved will be fully supported in line with the Child Protection and Safeguarding Policy.

The parents of the pupil(s) involved in an allegation will be told about the allegation as soon as possible if they do not already know about it, unless notifying the parents would put the pupil at further risk. The case manager will work with the LADO to agree who should be informed about the allegation.

Parents will be made aware of the requirement to maintain confidentiality and guard against unwanted publicity about any allegations made against teachers whilst investigations are in progress.

Parents will be kept informed about the progress of the allegation, including the outcome and any action taken. Parents will be kept informed only in relation to their child - no information will be shared regarding the staff member.

Staff who report an allegation

The school will ensure that all staff feel equipped and supported to report any allegations or concerns.

Staff subject to an allegation

Any staff member subject to an allegation will be offered welfare support. The school has a duty of care to all staff and will:

- Manage and minimise the stress caused by the allegation.
- Inform the member of staff as soon as possible about the allegation, explaining the likely course of action, guided by the LADO, and the police where necessary.
- Advise the member of staff to contact their trade union representative, or a colleague for support.
- Appoint a named representative to keep the staff member informed about the progress of the case.
- Provide access to counselling or medical advice where appropriate.
- Not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence

10. Outcomes

The following definitions will be used when determining the outcome of an allegation:

- **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 or cause harm to the person subject of the allegation
- **False:** There is sufficient evidence to disprove the allegation

- **Unsubstantiated:** There is insufficient evidence to either prove or disprove the allegation – this term does not imply guilt or innocence
- **Unfounded:** There is no evidence or proper basis which supports the allegation being made

The options available to the school will depend on the nature and circumstances of the allegation and the evidence and information available.

11. Referral to the DBS

If an allegation is found to be substantiated and the member of staff is dismissed, resigns or otherwise ceases to provide their services to the school, or the school ceases to use the person's services, the school has a legal duty to make a referral to the DBS. For members of teaching staff at the school, the case manager will consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

The school will also make a referral to the DBS where it is considered an individual has engaged in conduct that harmed, or is likely to harm, a child, or if they otherwise pose a risk of harm to a child.

12. Criminal investigations

Some allegations may result in a criminal investigation taking place. The police will inform the school and the LADO when:

- A criminal investigation and any subsequent trial is complete.
- It is decided to close an investigation without charge.
- It is decided not to continue to prosecute after the person has been charged.

The case manager and LADO will discuss whether any further action against the member of staff is appropriate, including disciplinary action.

13. Unsubstantiated, unfounded, false or malicious allegations

If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager will consider whether the pupil and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. If this is the case, the DSL will decide whether a referral to CSCS needs to be made.

If a report is shown to be deliberately invented or malicious, the school will consider whether any disciplinary action is appropriate against the individual who made it, in line with the Disciplinary Policy and Procedure (for staff reporters) or Behaviour Policy (for pupil reporters).

Following an allegation concluded to be either unfounded, false, malicious or unsubstantiated, the case manager, in liaison with the LADO if they were involved, will consider the facts and determine whether any lessons can be learnt and if improvements can be made to the school's procedures.

14. Returning to work

Where a member of staff has been suspended and it is decided on conclusion of the case that they can return to work, the case manager will decide on the best course of action to facilitate the return to work, seeking advice from the school's HR provider and the LADO where necessary.

The individual's circumstances will be taken into account, and options such as a phased return and the provision of a mentor to provide assistance and support in the short term considered where appropriate.

The case manager will also consider how the staff member's contact with the child who made the allegation can best be managed if they are still attending the school.

The member of staff will be provided with support, including welfare support, during their return to work.

15. [Updated] Resignations

If the member of staff leaves, resigns or ceases to provide their services during an investigation, the school will not stop the investigation and will ensure its completion.

The staff member subject to the allegation will be given a full opportunity to answer the allegation and make representations about it. The process of recording the allegation and supporting evidence and reaching a judgement on the allegation will continue even if the member of staff does not cooperate. The member of staff concerned will be notified of the conclusion of the allegation and sanctions that may be posed.

[Updated] Settlement agreements

[Updated] In limited circumstances, it may be appropriate to use settlement agreements (also known as compromise agreements) to end the employment relationship on agreed terms. The school will not use settlement agreements where there are allegations that indicate a person is a risk or poses a risk of harm to children or is deemed not suitable to work with children.

[Updated] Where a settlement agreement is used, this will not prevent the school from:

- Fulfilling its legal duty to refer cases to the DBS where the referral criteria are met.
- **[Updated]** Providing a reference to potential employers when requested.
- Considering whether to make a referral to the Teaching Regulation Agency (TRA) where the criteria are met.

16. Record keeping

Any details of allegations that are found to be malicious or false will be removed from the staff member's personnel record, unless they give their consent for the information to be retained.

For all other allegations, the following information will be kept on the staff member's personnel file:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Details of any action taken, decisions reached and the outcome

- A copy provided to the person concerned, where agreed by CSCS or the police
- A declaration on whether the information will be referred to in any future reference

Records will be retained until the staff member subject to the allegation has reached normal pension age or for a period of 10 years from the date of the allegation, whichever is longer.

All records will be managed in line with the school's Data Protection Policy.

17. References

References will be provided in line with the school's Safer Recruitment Policy and Reference Policy.

The school will ensure that any information provided confirms whether they are satisfied with the applicant's suitability to work with children, and only provide the facts and outcome of any substantiated safeguarding concerns or allegations that meet the harm threshold within any employment references. References will not include opinions, and cases will not be included where an allegation was found to be false, unfounded, unsubstantiated or malicious; this applies for repeated concerns or allegations found to be false, unfounded, unsubstantiated or malicious.

18. Non-recent allegations

If a former pupil makes an allegation to the school that they were abused as a child, they will be advised to report the allegation to the police. Non-recent allegations made by a pupil will be reported to the LADO in line with the LA's procedures for dealing with non-recent allegations.

All pupils and staff will be made aware that abuse can be reported no matter how long ago it happened.

19. Monitoring and review

Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, the LADO will review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school's procedures to help prevent similar events in the future.

This policy will be reviewed annually by the Headteacher and Governing Body. Any changes to this policy will be communicated to all staff and other relevant stakeholders, e.g. supply agencies.