

## **Denefield School**

### **Policy for Dealing with Allegations of abuse against staff**

Approved by Trust Board on	21 May 2025
Date of next review	May 2026
Review cycle	Annual
Policy control sheet updated	Yes
Type of policy	Statutory
Policy owner	Headteacher

# Policy for Dealing with Allegations of abuse against staff

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## **1. Scope of this policy**

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, 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 in relation to behaviour that may have happened outside of school that might make the individual unsuitable to work with children.

Allegations that do not meet the harms threshold are known as 'low-level concerns' and are discussed in section 17.

For the purpose of this policy "allegation" refers to allegations that meet the harms threshold.

NB. 'Child' refers to anyone under the age of 18 although this policy will apply to all Denefield students, some of whom may be aged 18.

## **2. Staff covered by this policy**

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

In some cases, the school will have to deal with an allegation against an individual not directly employed by them, e.g. supply staff provided by an employment agency, where the school's disciplinary procedures do not fully apply because agencies will have their own procedures.

In these cases, the school 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.

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.

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

For the purposes of this policy "member of staff" refers to staff, supply staff, volunteers and contractors.

### **3. Role and responsibilities**

The Headteacher 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 Trustees 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 and/or the police where necessary.

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.

### **4. 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 Trustees
- Allegations regarding the Headteacher will be reported directly to the LADO

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 West Berkshire website.

Where a student 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 Trustees.

## **5. Allegations that may meet the harms threshold**

This section is based on 'Section 1: Allegations that may meet the harms threshold' in part 4 of Keeping Children Safe in Education.

This section applies to all cases in which it is alleged that a current member of staff, including a supply teacher, volunteer or contractor, has:

- 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 – this includes behaviour taking place both inside and outside of school

The school will deal with any allegation of abuse quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

An 'investigating officer' will lead any investigation. This will be the Headteacher or a member of the Senior Leadership Team, or the Chair of Trustees where the Headteacher is the subject of the allegation. The investigating officer will be identified at the earliest opportunity.

## **6. Suspension of the accused until the case is resolved**

Suspension of the accused will not be the default position and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that there might be grounds for dismissal. In such cases, an individual will only be suspended if the school has considered all other options available and there is no reasonable alternative.

Based on an assessment of risk, the school will consider alternatives such as:

- Redeployment within the school 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 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/carers have been consulted
- Temporarily redeploying the individual to another role

The investigating officer will seek views from the school's HR Manager and the designated officer at the local authority, as well as the police and children's social care where they have been involved.

## 7. Definitions for outcomes of allegation investigations

- **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 to cause harm to the 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 does not imply guilt or innocence).
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.
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## 8. Procedure for dealing with allegations

In the event of an allegation that meets the criteria above, the investigating officer will take the following steps:

1. Conduct basic enquiries to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below.
2. Discuss the allegation with the designated officer at the local authority (LADO). This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The investigating officer may, on occasion, consider it necessary to involve the police *before* consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the investigating officer will notify the designated officer as soon as practicably possible after contacting the police).
3. 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 social services will be convened. Strategy discussions will take place in line with the 'Working Together to Safeguarding Children' statutory guidance.
4. Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the LADO (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the investigating officer will only share such information with the individual as has been agreed with those agencies.
5. Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be

sought from the designated officer, police and/or children's social care services, as appropriate.

**If immediate suspension is considered necessary**, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day of the suspension taking place, and the individual will be given a named contact at the school and their contact details

**If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation.

**If it is decided that further action is needed**, take steps as agreed with the designated officer to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate.

Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate. Signpost the individual to their regional trade union representative, or a colleague, and to the school's Employee Assistance Programme or a designated councillor.

Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The investigating officer will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against employees (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of an employee will be advised to seek legal advice

Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member)

Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child

If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, the individual will immediately be suspended from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, wherever possible the school will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

## **9. Additional considerations for supply teachers and all contracted staff**

If there are concerns or an allegation is made against someone not directly employed by the school, such as a supply teacher or contracted staff member provided by an agency, the school will take the actions below in addition to our standard procedures.

- The school will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome.
- The school will discuss with the employer whether it is appropriate to suspend the individual, or redeploy them to another part of the school, while an investigation is carried out.
- The school will involve the employer fully, but where the allegation relates to the school or its students the school will take the lead in collecting the necessary information and providing it to the LADO as required.
- The school will address issues such as information sharing, to ensure any previous concerns or allegations known to the employer are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the employer where necessary)

## **10. Timescales**

The school will deal with all allegations as quickly and effectively as is reasonably possible.

## **11. Specific actions**

### **11.1 Action following a criminal investigation or prosecution**

The investigating officer will discuss with the local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

### **11.2 Conclusion of a case where the allegation is substantiated**

If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the school has a statutory duty to consider a referral to the DBS for consideration of whether inclusion on the barred lists is required.

If the individual concerned is a member of teaching staff, the school has a statutory duty to consider whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching. A referral is appropriate if the alleged misconduct is so serious that it warrants a decision on whether the teacher should be prevented from teaching.

### **11.3 Individuals returning to work after suspension**

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the investigating officer will consider how best to facilitate this.

The investigating officer, in consultation with others, will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending the school.

### **11.4 Unsubstantiated, unfounded, false or malicious reports**

If a report is:

- Determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate.
- Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it.

Details of any false or malicious reports, will not be kept on the accuser's file for the period of their employment.

### **11.5 Unsubstantiated, unfounded, false or malicious allegations**

If an allegation is:

- Determined to be unsubstantiated, unfounded, false or malicious, the LADO and investigating officer will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate
- Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it.

Details of any false or malicious allegations, will not be kept on the accuser's file for the period of their employment.

## **12. Confidentiality and information sharing**

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

The investigating officer will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality

- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises.

### **13. Record-keeping**

The investigating officer will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case.

The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file).

For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken, decisions reached and the outcome
- A declaration on whether the information will be referred to in any future reference

In these cases, the school will provide a copy to the individual, in agreement with children's social care or the police as appropriate.

Where records contain information about allegations of sexual abuse, the school will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. The school will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

### **14. References**

When providing employer references, the school will:

- Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious.
- Include substantiated allegations, provided that the information is factual and does not include opinions.

### **15. Learning lessons**

After any cases where the allegations are *substantiated*, the investigating officer will review the circumstances of the case with the local authority's designated officer to determine whether there

are any improvements that can be made to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. The school will consider how future investigations of a similar nature could be carried out without suspending the individual

For all other cases, the investigating officer will consider the facts and determine whether any improvements can be made.

## **16. Non-recent allegations**

Abuse can be reported, no matter how long ago it happened. The school will report any non-recent allegations made by a child to the LADO.

Where an adult makes an allegation to the school that they were abused as a child, the individual will be advised to report the allegation to the police.

## **17. Concerns that do not meet the harm threshold**

The section is based on 'Section 2: Concerns that do not meet the harm threshold' in part 4 of Keeping Children Safe in Education.

This section applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers and contractors, which *do not* meet the harm threshold set out in section 1 above.

Concerns may arise through, for example:

- Suspicion
- Complaint
- Disclosure made by a child, parent or other adult within or outside the school
- Pre-employment vetting checks

We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

### **17.1 Definition of low-level concerns**

The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the school may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, and
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority.

Examples of such behaviour could include, but are not limited to:

- Being overly friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Using inappropriate sexualised, intimidating or offensive language

### **17.2 Sharing low-level concerns**

The school recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to share low-level concerns so that they can be addressed appropriately.

We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- Empowering staff to share any low-level concerns
- Empowering staff to self-refer
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in the school's safeguarding system

### **17.3 Responding to low-level concerns**

- If the concern is raised via a third party, the Headteacher, or their representative, will collect evidence where necessary by speaking:
- Directly to the person who raised the concern, unless it has been raised anonymously
- To the individual involved and any witnesses

The Headteacher will use the information collected to categorise the type of behaviour and determine any further action, in line with the school's code of conduct and disciplinary policy.

#### **17.4 Record keeping: low-level concerns**

All low-level concerns will be recorded in writing. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

Records will be:

- Kept confidential, held securely and comply with the DPA 2018 and UK GDPR
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the school will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 1 of this appendix, we will refer it to the designated officer at the local authority
- Retained at least until the individual leaves' employment at the school.

Where a low-level concern relates to a supply teacher or contractor, the school will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

#### **17.5 References and low-level concerns**

The school will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance

#### **18. Relationship to other policies**

- Code of Conduct
- Whistleblowing Policy
- Fairness and Dignity at Work Policy
- E-Safety Policy
- Denefield School Dress Code for Staff Policy
- Safeguarding and Child Protection Policy
- Grievance Policy
- DfE Teachers' Standards July 2011 (update December 2021)
- KCSIE
- Disciplinary Policy

## **19. Contact details for the TRA**

<https://www.gov.uk/government/organisations/teaching-regulation-agency>  
[misconduct.teacher@education.gov.uk](mailto:misconduct.teacher@education.gov.uk)

Telephone 020 7593 5393

**Appendix 1: Summary Flow Chart for Allegations of Abuse Against Teachers and Other Staff**

