



Omega Multi-Academy Trust **Managing Allegations Against Staff Policy**

This policy uses The School Bus model and takes due consideration of all policies that transferred across to the Omega Multi-Academy Trust on conversion and in consultation with the Joint Consultative and Negotiation Committee.

Version Number	1.1
Date policy last reviewed	September 2026
Policy Type	Statutory
Owner	Director of Safeguarding and People Services
Approved By	Trust Board
Approval Date	October 2026
Next Review Date	September 2027

Review Date & Summary Changes

September 2025	No changes
September 2026	No changes

Signed by:

Chief Executive Officer Date: 6th October 2026

Chair of Trustees Date: 6th October 2026

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Managing Allegations Against Staff Policy

1. Purpose

- 1.1 The Omega Multi-Academy Trust ("the Trust") takes its responsibility of care for pupils seriously. We will thoroughly investigate allegations against staff – this will be done in a fair way that does not prejudice either the pupil or the member of staff. 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.

2. Applicability

- 2.1 This procedure applies to all employees within the trust, whether permanent or on a temporary/fixed term contract, as well as those working on supply and volunteers. Allegations against any ex-employees will be referred to the police, along with any historical allegations.

3. Roles and responsibilities

- 3.1 Headteachers, Senior Leaders and the Executive Team of the trust (or the person to whom they have delegated responsibility) are responsible for dealing with Allegations in accordance with this policy. Details of who will assume responsibility in certain situations can be found in Appendix 2.

4. Timescales

- 4.1 The timescales within this procedure are just an indication of expected timescales, however these will be determined by the individual needs and circumstances surrounding the case and therefore will likely differ on a case by case basis.
- 4.2 The trust will seek to ensure that all allegations are investigated and resolved as quickly as possible and as close to the source as possible to ensure minimal stress for the complainant and any other parties.

5. Initial Allegation/s Made to the Trust

- 5.1 For the purpose of this policy, 'allegation' refers to where a member of staff is accused of abusing a pupil. Allegations may be received in a variety of ways including:
- Direct complaint by a student to another staff member
 - Direct complaint by a parent/carer to another staff member
 - Concerns raised by third parties who may have been told about or witnessed abuse
 - Direct contact by parent / carer to the local authority, or other external agency
 - Anonymous referral
 - Direct complaint to the assessment team or the Police
- 5.2 All allegations against any adult working or volunteering within the Trust, including staff, supply staff, students on placements, volunteers, Trustees, Governors or Contractors, must be reported to the named Case Manager (See Appendix 2) and the HR Professional Services Team at the earliest opportunity.
- 5.3 The Case Manager will be responsible for deciding in conjunction with the HR Professional Services Team, and the Local Authority Designated Officer (LADO) the course of action of each allegation. If there is any doubt as to whether a concern meets the harm threshold, we will consult our Director of Safeguarding and People Services and/or the Local Authority Designated Officer (LADO). All allegations that meet the 'Harm' threshold must be reported to the LADO within 24 hours of receipt of

the concern.

- 5.4 Should the initial allegation first be made to any other member of staff, then that member of staff must ensure the person raising the allegation reports it to the Case Manager or, if that is not possible, must pass on details of the allegation to the relevant person themselves immediately. Failure to do this could lead to disciplinary action being taken against them.
- 5.5 Allegations should be reported to the LADO immediately if anyone working in the trust 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 that they pose or may pose a risk to children.
 - Behaved or may have behaved in a way that indicates they may not be suitable to work with children.
- 5.6 Where the allegation is extremely serious, e.g. where a pupil's life may be in danger, immediate intervention by the police or children's social care services will be required.
- 5.7 Allegations will be investigated in a fair and consistent way that provides effective protection for the child and, at the same time, supports the staff member (including supply staff) or volunteer who is the subject of the allegation. The Trust's Disciplinary Policy will be followed to ensure this.

6. Initial Consideration

- 6.1 The Case Manager will discuss the allegation in conjunction with the HR Professional Services Team, and the LADO, providing details of the allegation and the circumstances in which it was made. The discussion will also consider whether there is evidence or information that establishes whether the allegation is false or unfounded.
- 6.2 The right of staff to use reasonable force when dealing with instances of physical contact, such as disruptive behaviour, will be considered when determining a course of action.
- 6.3 If the allegation is not clearly false and there is cause to suspect that a child is suffering, or is likely to suffer, significant harm, the LADO will immediately refer it to LA children's social care or police and ask for a strategy discussion, in accordance with 'Working Together to Safeguard Children', to be convened straight away. In those circumstances, the strategy discussion will include the LADO and the Case Manager, and the HR Professional Services Team.
- 6.4 If there is not cause to suspect that 'significant harm' is an issue, but a criminal offence might have been committed, the LADO will immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion will also involve the trust and any other agencies involved with the child.
- 6.5 If the initial sharing of information and evaluation leads to no further action being taken, the decision and justification for it will be recorded by both the Case Manager, the HR Professional Services Team and the LADO. An agreement on what information should be put in writing to the individuals concerned and any follow-up actions will also be reached

7. Action Following Initial Consideration

- 7.1 All allegations will be investigated without delay and they will be resolved as quickly as possible.
- 7.2 Where the Case Manager and LADO decides that the allegation does not involve a possible criminal offence, the LADO will deal with it.

- 7.3 If the nature of the allegation does not require formal disciplinary action, the Case Manager in conjunction with the HR Professional Services Team will make a decision regarding appropriate action as soon as possible.
- 7.4 Where further investigation is required, the Case Manager, the HR Professional Services Team and LADO will discuss who will undertake the investigation and how it will be conducted. The Trust's Disciplinary Policy will be followed where an investigation is required.
- 7.5 The LADO will continue to liaise with the trust to monitor the progress of the case and provide advice or support when required or requested.

8. Referrals to Third Party Agencies

- 8.1 If, in conclusion of the case, the Trust ceases to use the person's services against whom the allegation was made, or the person ceases to provide their services, the Trust will consult the LADO about whether a referral to the DBS is required. If a referral is appropriate, the report will be made within one month.
- 8.2 The Trust will make a referral to the DBS where there is reason to believe that an individual has engaged in conduct that has harmed, or is likely to harm, a child, or if a person otherwise poses a risk of harm to a child. This duty applies to all individuals, irrelevant of whether they are working in regulated activity or not.
- 8.3 Referrals to the Teaching Regulation Agency (TRA) will also be made where appropriate within one month.

9. Keeping Records

- 9.1 A clear and comprehensive record of any allegation will be made even if police or disciplinary action is not taken or proven. This includes details of the allegation, how the allegation was followed up and resolved, and a note of any action taken, including any sanctions imposed. The record will be kept on the member of staff's confidential personnel file.
- 9.2 If an allegation is found to be malicious, it will be removed from the staff member's personnel file – all other allegations will be recorded. The purpose of this record is to enable accurate information to be given in response to any future reference request if the individual leaves the Trust.
- 9.3 It is also important that accurate and detailed information is held in the event that the DBS makes requests for further information. This information is given to the DBS, if requested, due to the nature of the allegation. A comprehensive record of all allegations will provide clarification in cases where a future DBS disclosure reveals information from the police about an allegation which did not result in a criminal conviction.
- 9.4 The record will be retained until normal retirement age or for 6 years from the date of the allegation; whichever is longer. The school is required to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse, for the term of the inquiry.

10. Confidentiality

- 10.1 Every effort is made to maintain confidentiality and guard against unwanted publicity whenever an allegation is made.

10.2 The Case Manager will have due regard to advice given by the LADO, police or children's social care services to agree to the following:

- Who needs to know about the allegation and what information can be shared.
- How to manage speculation, leaks and gossip.
- What, if any, information can be reasonably given to the wider community to reduce speculation.
- How to manage the press and any media coverage.

10.3 The Trust will adhere to the restrictions preventing publication of any material that may lead to the identification of a any employee in a school who has had an allegation made against them. A statement will be released if the accused decides to waive their right to anonymity by going public themselves or by giving written consent for another to do so.

10.4 If the judge lifts the restrictions, the trust will release a statement.

10.5 Publication of the case will only be made when the accused has been charged or the Secretary of State publishes information about the investigation.

11. False and Unsubstantiated Allegations

11.1 If an allegation made by a pupil is proved to be false, unsubstantiated and/or malicious, action will be taken to determine whether the person who made the allegation needs services or may have been abused by someone else.

11.2 In the case of a pupil deliberately inventing or making a malicious allegation, the Case Manager will consider action in accordance with the Behaviour Policy and whether the police should be asked if action may be appropriate against the person responsible.

11.3 If it is clear to the Case Manager and the LADO that the allegation is demonstrably false or unfounded, the member of staff will be informed orally and in writing of the allegation, that it is without foundation and that no further action will be taken.

11.4 Where appropriate, and if requested, support will be offered, which could include occupational health and counselling services.

11.5 If an allegation made by a member of staff is proved to be false and/or malicious, an investigation will take place in accordance with the Trust's Disciplinary Policy. The police may also consider taking action against the individual making the allegation.

11.6 Details of allegations that are found to have been malicious will be removed from the staff member's personnel file. Allegations that are proven to be false, unsubstantiated or malicious will not be included in references.

12. Non-recent allegations

12.1 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.

13. Learning Lessons

13.1 Where an allegation has been made against a member of staff, lessons can be learned, whether the

allegations are proven or not. At the conclusion of a case, relevant parties will discuss what can be learned and, therefore, lead to improved practice, either to the Trust procedures or to help prevent similar events in the future. The LADO and the Case Manager will review the case.

14. Returning to Work

- 14.1 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 HR Professional Services Team and the LADO where necessary.
- 14.2 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.
- 14.3 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. Information Sharing

- 15.1 In a strategy meeting or initial evaluation of the case, the agencies concerned will share all relevant information they have about the person who is the subject of an allegation, and about the alleged victim.
- 15.2 Staff attending the strategy meeting will be prepared with the appropriate information, e.g. full name, address, when their latest DBS check was completed, start date, involvement in youth activities, children of their own, and any other information that could be helpful.
- 15.3 As per procedures, the police will obtain consent from the individuals concerned to share the statements and evidence they obtain with the school for disciplinary purposes. This will be done as their investigation proceeds rather than after it has concluded. This will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.
- 15.4 Children's Social Care Services adopt a similar procedure when making enquiries to determine whether the pupil named in the allegation needs protection or services, so that any information obtained in the course of those enquiries, which is relevant to a disciplinary case, can be passed to the school without delay.

16. Resignations and Settlement Agreements

- 16.1 The fact that a person tenders their resignation, or ceases to provide their services, will not prevent an allegation being followed up in accordance with these procedures.
- 16.2 Every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including where the person concerned refuses to cooperate with the process.
- 16.3 Wherever possible, the accused will be given a full opportunity to answer the allegation and make representations about it.
- 16.4 The process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be regarded as substantiated, will continue even if representations cannot be given or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if the accused's notice period expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

16.5 'Compromise' or 'settlement agreements' will not be used in cases where the accused refuses to cooperate or resigns before their notice period expires – this will not prevent a police investigation if necessary.

16.6 In any event, such an agreement will not prevent a thorough police investigation where that is appropriate, nor can it override the statutory duty to make a referral to the DBS or the TRA where circumstances require that.

17. Supporting Those Involved

Supporting the accused

17.1 The trust has a duty of care to its employees and will act to manage and minimise the stress inherent in the allegations and disciplinary process. Support for the individual is vital to fulfilling this duty.

17.2 Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the Children's Social Care Services or the police.

17.3 The individual will be advised to contact their trade union representative, if they have one, or a colleague for support.

17.4 The accused will be given access to welfare counselling or medical advice.

17.5 The trust will appoint a named representative to keep the accused informed of the progress of the case and consider what other support is appropriate for the individual; this may include occupational health.

17.6 Particular care will be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues.

17.7 Social contact with colleagues and friends is not prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

Supporting the child

17.8 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, Children's Social Care Services or the police will consider what support the child or children involved may need.

Supporting parents

17.9 Parents involved with an allegation will be kept informed about the case; however, where a strategy discussion is required, or the police or Children's Social Care Services need to be involved, the Case Manager will not inform them until those agencies have been consulted and have agreed what information can be disclosed.

17.10 They will also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process.

17.11 The deliberations of a disciplinary hearing, and the information considered in reaching a decision, cannot normally be disclosed, but the parents of the child will be told the outcome in confidence.

- 17.12 In deciding what information to disclose, careful consideration will be given to the provisions of the GDPR and the Data Protection Act 2018, the law of confidence and, where relevant, the Human Rights Act 1998.
- 17.13 Parents will be reminded of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing.

18. References

18.1 References will be provided in line with the school's Safer Recruitment 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 of any substantiated safeguarding concerns or allegations that meet the harm threshold within any employment references.

19. Monitoring and Review

19.1 This policy will be reviewed annually and any changes made to this policy will be in joint negotiation with a consultation committee and be communicated to all employees.

Appendix 1

Definitions

The following definitions are to be used whilst following this policy:

Significant Harm: This is the threshold where compulsory social care intervention must take place – this was introduced by the Children Act 1989. Harm includes not only ill-treatment (including sexual abuse and non-physical forms of ill treatment), but also the impairment of physical or mental health and the impairment of physical, emotional, social or behaviour development.

Abuse: Abuse is a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. They may be abused by an adult or adults or another child or children, and abuse can be either physical, sexual, emotional harm, or a form of neglect. The definitions of different types of abuse are below:

Physical Abuse: A form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent fabricates the symptoms of, or deliberately induces, illness in a child.

Emotional Abuse: The persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless, unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

Sexual Abuse: Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, and rubbing and touching the outside of clothing. They may also include non-contact activities, such as involving children in looking at, or the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

Neglect: The persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate care-givers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

Position of Trust: Those working with children and young people should understand that they are in positions of power and trust in relation to these groups. There is potential for exploitation and harm to children and young people, and employees have a responsibility to ensure that an unequal balance of power

is not used for personal advantage or gratification. Employees should always maintain professional boundaries and avoid behaviour which might be misinterpreted by others.

The following definitions will be used when determining the outcome 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.

False: there is sufficient evidence to disprove the allegation.

Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

Publication: 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.

Appendix 2

Allocation of Case Manager

Allegation Made against	Responsible Case Manager
All adults working within a Trust school	Headteacher of the individual school or Nominated person
Headteacher	CEO of Trust or Nominated person
CEO of Trust	Chair of Trust Board or Nominated person
Members of the Trust Executive Team	CEO of Trust or Nominated person
Central Trust staff members	CEO of Trust or Nominated person

Appendix 3 – Information Guide for Employees Facing Allegations

The aim of this information guide is to explain the processes involved, and the support and guidance available, if it is alleged that you have:

- Harmed a pupil or put a pupil at risk of harm.
- Committed a criminal act towards a pupil.
- Behaved in a way that raises concern about the risk you may pose to children or young people.

1. Initial Action

- 1.1 As soon as possible after the allegation is made, the Case Manager should consult the LADO to discuss the next action points, taking advice from Children's Social Care Services and the police as needed. The police may advise that you are not told about the allegation immediately.
- 1.2 The Case Manager's decision in consultation with the LADO will be one, or a combination of, the following:
 1. The pupil is alleged to have suffered, or is likely to suffer, significant harm which requires immediate referral to Children's Social Care Services.
 2. A criminal offence is alleged – this requires referral to Children's Social Care Services and the police.
 3. The allegation represents poor or inappropriate behaviour – this should be considered under the Trust's disciplinary and/or capability procedures, including referral, if appropriate, to the school's occupational health provider.
 4. The allegation is clearly and demonstrably without foundation and no further action will be taken.
- 1.3 If the conclusions of the initial discussions are 1. or 2. above., a strategy discussion should take place involving police, Children's Social Care Services, the Case Manager, LADO and the Trust's HR Manager. You should not be present. The discussion will focus on the needs of the pupil(s) who may be at risk. It will determine what action should be taken regarding further investigation, but it is not part of any disciplinary procedures.
- 1.4 If the initial discussions conclude the situation is as outlined in 3., an investigation will be initiated under the Trust's disciplinary and/or Managing Employee Performance Policy
- 1.5 If the conclusion is as outlined in 4., you should be told orally and in writing that the allegation is without foundation and that no further action will be taken.

2. Types of Possible Investigation

- 2.1 The types of investigation that may be undertaken are:
 - Child protection inquiries by Children's Social Care Services.
 - Criminal investigation by the Police Disciplinary/ Managing Employee Performance Policy investigation.
- 2.2 A disciplinary investigation will usually be held in abeyance until external agency investigations are complete, unless prior agreement is reached. Whilst these investigations should be conducted as speedily as possible, they should also be balanced against the need to be thorough and fair, in line with natural justice. Statements taken in external investigations could be used in subsequent disciplinary proceedings.

3. Suspension

- 3.1 Suspension is a neutral act and should not be automatic. Where possible, the decision to suspend should be informed by the strategy discussion, and should only occur when the known facts relating to the allegation indicate:
- A pupil may be at risk.
 - The allegation is so serious that dismissal for gross misconduct is possible.
 - Suspension is necessary to allow the conduct of the investigation to proceed unimpeded.
- 3.2 Alternatives to suspension will be considered, e.g. leave of absence, transfer of duties, additional supervision.
- 3.3 Where suspension is being considered, please refer to the Trust's Disciplinary Policy for further information on how this will be managed.
- 3.4 Other people, including other staff, should only be told about the allegation/s on a 'need-to-know basis'. Notification may be delayed if the police think this could prejudice an investigation.
- 3.5 Those who will be told of the allegation and likely course of action, where it is felt appropriate, will include you, the pupil concerned, their parents, the person making the allegation, your direct line manager, the Case Manager, the Headteacher, the Director of Safeguarding and People Services, the CEO, the Trust's HR Manager and the LADO and the investigating agencies as above.
- 3.6 If you are suspended, those persons likely to be on a disciplinary panel, if convened, will be given limited information so any future disciplinary process is not prejudiced. If the matter becomes common knowledge, it may be necessary to issue a brief statement, agreed by the agencies concerned, to parents, pupils and the public.

4. Support

- 4.1 You should expect to be:
- Advised to contact your union representative.
 - Be allocated an appropriate person from within the Trust who will be your point of contact and filter any questions regarding the process. The role of the contact person is to provide updates regarding the investigation process where necessary, answer any procedural queries and keep them up-to-date with general school/trust information. The role does not include providing the employee with advice, or support. Support will be offered by the HR Professional Services Team where appropriate to do so.
 - Offered access to a staff counselling service and/or occupational health support,
- 4.2 This may be a stressful time, so in addition to contacting your union representative, you are advised to see your GP if you think your health may be affected.