



# Allegations Against Staff Policy

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| <b>Last review date:</b> |                | July 2026                           |                                                                                                        |                              |
|--------------------------|----------------|-------------------------------------|--------------------------------------------------------------------------------------------------------|------------------------------|
| <b>Next Review date:</b> |                | July 2027                           |                                                                                                        |                              |
| <b>Review Cycle:</b>     |                | Annually                            |                                                                                                        |                              |
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| <b>Owner:</b>            |                | Business Manager                    |                                                                                                        |                              |
| <b>Date</b>              | <b>Version</b> | <b>Reason for change</b>            | <b>Overview of changes made</b>                                                                        | <b>Source</b>                |
| 29.09.20                 | 0.1            | Scheduled Review                    | Internal Lead review - Logo and name updated. LADO contact details updated. J Bowman                   | Original based on SCC policy |
| 29.09.20                 | 0.2            | Scheduled Review                    | Board Lead review - No changes made. C Humphries                                                       | Original based on SCC policy |
| 20.11.20                 | 1.0            | Scheduled Review                    | Ratified by Board                                                                                      |                              |
| 31.08.21                 | 1.1            | Scheduled Review - Internal Lead    | No changes made. JB                                                                                    |                              |
| 16.09.21                 | 1.2            | Scheduled Review - Board Lead       | Minor updates to procedure and language. Information regarding "low level concerns" added. C Humphries |                              |
| 05.11.21                 | 2.0            | Scheduled Review - Board            | Ratified                                                                                               |                              |
| 14.09.22                 | 2.1            | Scheduled Review                    | low level concerns added. J Bowman                                                                     |                              |
| 15.09.22                 | 2.2            | Scheduled Review                    |                                                                                                        |                              |

|          |     |                                  |                         |  |
|----------|-----|----------------------------------|-------------------------|--|
| 30.09.22 | 3.0 | Scheduled Review                 | Ratified by Board       |  |
| 20.09.23 | 3.1 | Scheduled Review - Internal Lead | No changes. J Bowman    |  |
| 19.09.23 | 3.2 | Scheduled Review - Board Lead    | No changes. C Humphries |  |
| 29.09.23 | 4.0 | Scheduled Review - Board         | Ratified                |  |

|              |     |                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |         |
|--------------|-----|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 1st October  | 4.1 | Scheduled Review - Internal Lead | No changes - JB                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |         |
| 9th October  | 4.2 | Scheduled Review - Board Lead    | Changes to language for consistency CH.                                                                                                                                                                                                                                                                                                                                                                                                                                               |         |
| 18th October | 5.0 | Scheduled Review - Board         | Ratified                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |
| 18.06.25     | 5.1 | Internal lead                    | Contact details updated. J Bowman                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         |
| 30.06.25     | 5.2 | Board lead                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |         |
| 18.07.25     | 6   | Board Review                     | Ratified                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |
| 20.05.26     | 6.1 | Internal lead                    | <ul style="list-style-type: none"> <li>• Inclusion of suitability/transferable risk threshold to criteria for reporting to LADO.</li> <li>• Replacing DSL with Headteacher as per KCSIE</li> <li>• Removal of Every Child Matters as outdated language.</li> <li>• Inclusion of information on Supply staff and Contractors, as per KCSIE.</li> <li>• Inclusion of reporting to the TRA if staff are dismissed or resign over safeguarding concerns as per statutory duty.</li> </ul> | The Key |
| 17.06.26     | 6.2 | Board lead                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |         |
| 10.07.26     | 7   | Board review                     | Ratified (further updates in Sept 26 to follow)                                                                                                                                                                                                                                                                                                                                                                                                                                       |         |

## Allegations of Abuse Against Staff Policy

### 1. Introduction

The Staffordshire Schools Multi Academy Trust takes its responsibility of care for its pupils seriously and fully endorses the principles and practice of the child centered safeguarding system outlined in KCSIE and Working Together to Safeguard Children. We recognise that any possibility that a member of staff may have hurt a pupil must be investigated thoroughly, but in a way that does not prejudice either the pupil or the member of staff. Any investigation of an allegation of abuse against a member of staff must follow the objective, professional standards and routines described here.

**Allegations of abuse by staff should not be dealt with under the Trust's general complaints procedure.**

The allegations of abuse by staff procedures are based on the following:

*Keeping Children Safe in Education (most recent version)*

The framework for managing cases of allegations of abuse against people who work with children is set out in:

*Working together to Safeguard Children: Statutory Guidance on multi-agency working to help protect and promote the welfare of children (2023)*

and

*What to do if you're worried a child is being abused: Advice for practitioners. DfE March 2015*

### 2. Initial allegation made to the school

Any allegation of abuse of a pupil by a member of staff or volunteer at a Trust school must be reported to the Headteacher. Should the initial allegation first be made to any other member of staff then that member of staff must either request the person raising the allegation to report it to the Headteacher, or if that is not possible to pass details of the allegation to the Headteacher immediately. If the allegation is against the Headteacher, it must be reported to the Chair of the LGC.

Should the allegation be made against a Designated Safeguarding Lead then this should be brought to the attention of the CEO immediately.

Should the allegation meet any of the following criteria then the Headteacher should report the allegation to the local authority designated officer (LADO) the same day that the allegation is received.

That a teacher or member of staff or volunteer at the school 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 s/he would pose a risk of harm if they work regularly or closely with children;
- behaved or may have behaved in a way that indicates they may not be suitable to work regularly or closely with children.

### **3. Initial Consideration**

The Headteacher will discuss the matter with the 'local authority designated officer' (LADO) at Staffordshire Social Services and provide any further details of the allegation and the circumstances in which it was made.

The contacts details are:

**Organisation:** Staffordshire County Council

**Telephone number:** 0300 111 8007

**Web address:** <https://www.staffsccp.org.uk/contact/>

The Headteacher should not investigate the allegation at this stage.

The discussion will also consider whether there is evidence or information that establishes that the allegation is false or unfounded.

If the allegation is not patently false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the local authority designated officer will immediately refer to children's social care 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 should include the local authority designated officer and a Designated Safeguarding Lead.

If there is no cause to suspect that "significant harm" is an issue, but a criminal offence might have been committed, the local authority designated officer should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed.

That discussion will also involve the school and any other agencies involved with the child.

Allegations which do not meet the threshold for referral, or are of "low level" or "nagging" concern, will be reported to the Headteacher and recorded on MyConcern. This will be discussed with the employee concerned, and kept in the personnel file. New concerns will be reviewed in light of any previous concerns, and the Headteacher will take action as appropriate. Only substantiated safeguarding concerns will be included in an employment reference.

### **4. Action following initial consideration**

Where the initial consideration decides that the allegation does not involve a possible

criminal offence it will be for the Headteacher to deal with it in consultation with the Trust Board. In such cases, if the nature of the allegation does not require formal disciplinary action appropriate action should be instituted within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

Where further investigation is required to inform consideration of disciplinary action the Headteacher and the Trust Board should discuss who will undertake that with the local authority designated officer.

The investigating officer should aim to provide a report to the employer within 10 working days. Any reasons for delay should be recorded and the relevant parties informed.

The following definitions should be used when determining the outcome of allegation investigations:

- a. **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- b. **False:** there is sufficient evidence to disprove the allegation;
- c. **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- d. **Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances;
- e. **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

On receipt of the report of the disciplinary investigation, the Headteacher and the Trust Board should consult the local authority designated officer, and decide whether a disciplinary hearing is needed within two working days. If a hearing is needed it should be held within 15 working days. Any reasons for delay should be recorded and the relevant parties informed. Where no formal action is required the matter should be concluded appropriately within three working days.

In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the Trust Board should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

The local authority designated officer should continue to liaise with the Trust to monitor progress of the case and provide advice or support when required or requested.

## ***4.1 Allegations Against Supply Staff, Agency Workers & Contractors***

### **Supply Staff and Agency Workers**

The Trust recognises its duty of care and safeguarding responsibilities extend to all children in its care, regardless of the employment status of the adult involved. When an allegation is made against a member of supply staff or an agency worker provided to a Trust school, the following procedures must be strictly followed:

- **The Trust as Lead Investigator:** Although the individual is not directly employed by the Trust, the school where the alleged incident occurred will take the lead role as "Case Manager" in managing the allegation.
- **LADO Consultation:** The Headteacher/Case Manager will discuss the allegation with the LADO exactly as they would for a permanent member of staff. The employment agency must also be notified immediately of the allegation.
- **No Summary Termination:** The Trust will **not** simply terminate the supply placement or request that the agency stop sending the individual as a shortcut to bypass the investigation. The allegation must be handled thoroughly and taken to a formal conclusion.
- **Joint Cooperation:** The Trust, the LADO, and the employment agency must work together jointly to manage the situation. The agency is expected to co-operate fully with any information gathering, interviews, and strategy discussions.
- **Determining Outcomes and Referrals:** The Trust will share the final outcome of the investigation with the supply agency. If the allegation is substantiated, the statutory duty to refer the individual to the Disclosure and Barring Service (DBS) and/or the Teaching Regulation Agency (TRA) applies to both the Trust and the agency.

### **Contractors**

Where an allegation is made against a contractor working on Trust premises (e.g., catering staff, cleaners, maintenance workers, or external builders):

- **Immediate Reporting:** The allegation must be reported to the Headteacher/Case Manager immediately, who will initiate the standard LADO consultation process.
- **Employer Notification:** The Case Manager will promptly inform the contractor's direct employer so that they can take appropriate action in line with their own procedures (such as internal suspension).
- **Removal from Site:** While the investigation is ongoing, the Trust will cooperate with the LADO and the contractor's employer to ensure the individual does not have access to Trust pupils. The Trust reserves the right to ban the contractor from all Trust sites pending the outcome of the investigation.
- **Investigative Support:** The Trust will work collaboratively with the contractor's employer to investigate the matter, ensuring a child-centered approach is maintained throughout.

## **5. Case subject to police investigation**

If the police and/or Crown Prosecution Service decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should wherever possible aim to pass all information they have which may be relevant to a disciplinary case to the Headteacher within three working days of the decision. In those circumstances the Trust and the local authority designated officer should proceed as described above.

In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, any information obtained in the course of those enquiries which is relevant to a disciplinary case should also be passed to the Trust and the CEO should request this information.

## **6. Supporting those involved**

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. Individuals should 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.

The person who is the subject of the allegation should be kept informed of the progress of the case and consideration should be given to what other support is appropriate for the individual. Particular care needs to 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. The Trust will appoint a contact within school to ensure the employee is updated with progress, and to answer any questions the employee may have.

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parent or carers should also be kept informed about the progress of the case, and when the process is concluded, but not if and what level of sanction has been issued.

The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the matter is concluded when appropriate. Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice. 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 as appropriate, should consider what support the child or children involved may need.

## **7. Resignations and Compromise or Settlement Agreements**

If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. 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 cooperate with the process.

Wherever possible the accused should be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done 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 a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

So-called 'compromise agreements', by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in these cases. 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 Disclosure and Barring Service where circumstances require that. Furthermore, where the allegation relates to a teacher and involves serious professional misconduct or a significant safeguarding concern, the Trust has a statutory duty to consider a referral to the Teaching Regulation Agency (TRA) for a prohibition order. As with the DBS referral, a resignation or settlement agreement will not prevent the Trust from making a formal referral to the TRA where the threshold for professional misconduct has been met.

## **8. Record keeping**

Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, the employee should receive a letter confirming the outcome including the details of any action, or re-training required. A copy of this will be held on the employee's personnel file and a copy provided to the LADO.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS Disclosures reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical

advice on employment retention.

## **9. References**

Cases in which an allegation was proven to be false, unsubstantiated, unfounded or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious etc. should also not be included in any reference.

## **10. Relevant Policies**

- Staff Code of Conduct
- Disciplinary Policy
- Grievance Policy
- Employee Handbook