



Education Trust

‘Inspiring the individuals of today, for a better society tomorrow,
“Aspire, Belong, Collaborate”

**DEALING WITH ALLEGATIONS OF ABUSE
AGAINST / CONCERNS RAISED IN RELATION TO
MEMBERS OF STAFF,
VOLUNTEERS AND CONTRACTORS’ POLICY**

Review Frequency	Annual
Reviewed	February 2025
Next Review	February 2026
Agreed by Trustees	11 th March 2025



INTRODUCTION

The schools in the Riviera Education Trust are committed to safeguarding all children.

In line with the statutory guidance (Keeping Children Safe in Education – Part 4) this policy provides a framework for Managing Allegations against staff

It sets out the procedure that will be followed in response to allegations that may meet the 'harms threshold', i.e. 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 s/he 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

NOTE: The Trust has a separate procedure in place for dealing with low-level concerns against staff, volunteers and contractors, which can be accessed via the link below:

https://drive.google.com/file/d/1StNUNMSCeFzg26fuLK_GF1R9Vr4aZjer/view?usp=share_link

This separate policy outlines the procedure for sharing and responding to low-level concerns. The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the 'harms threshold' as set out above.

A '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.

IMPORTANT: All staff must be aware of their duty to report concerns about staff conduct, even if they are unsure whether the behaviour meets the threshold for harm.



SCOPE

These procedures apply to all people working in or on behalf of the Trust / School in a paid or unpaid capacity, this includes, members of staff, supply teachers, volunteers and contractors.

In addition, if the Trust receives an allegation relating to an incident that happened when an individual or organisation was using school premises for the purposes of running activities for children it will follow normal safeguarding procedures, which include informing the Local Authority Designated Officer (LADO).

WHISTLEBLOWING

All staff should feel confident in reporting concerns about the attitudes or actions of colleagues. However, if a member of staff is worried about the conduct of the Head of School, or believes that a reported allegation or concern is not being dealt with properly, they should report the matter to

LADO – Ivan Sullivan, Email: ivan.sullivan@torbay.gov.uk, Tel: 01803208541, Mobile: 07920247310
The Chair of Governors, see school website for Chair contact
The Whistleblowing helpline

You can whistle blow to Ofsted by: Telephone: Whistleblowing Hotline 0300 1233155 (8:00 am – 8:00 pm, Monday – Friday).

Email: whistleblowing@ofsted.gov.uk

Post: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD

You can also contact the NSPCC Whistleblowing Advice Line on 0800 028 0285 or help@nspcc.org.uk

ALLEGATIONS THAT MAY MEET THE HARM THRESHOLD

The following procedure will be used in respect of 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 s/he 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

These behaviours should be considered within the context of the four categories of abuse i.e., physical, sexual and emotional abuse and neglect, and include concerns relating to conduct at or outside work,



and inappropriate relationships between members of staff and children or young people. **Please note that abuse can take place online, and technology can be used to facilitate offline abuse. The indicators of abuse and neglect contained within the statutory guidance 'Keeping Children Safe in Education' are included as Appendix A to this procedure.**

In addition, the procedure also applies if a concern arises about a member of staff in his/her personal life which indicates that they may be unsuitable to work with children.

The school is mindful of its duty of care to staff and will ensure that effective support is provided for anyone facing an allegation, including providing the employee with a named contact if they are suspended from work. Any allegation of abuse made against a teacher or other member of staff, volunteer or contractor will be dealt with as quickly as possible, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

A 'case manager' will lead any investigation. This will be the headteacher or the chair of governors [or equivalent] where the headteacher is the subject of the allegation. The case manager will be identified at the earliest opportunity.

These procedures for dealing with allegations will be applied with common sense and judgment.

PROCEDURE

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

- Conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below
- Discuss the allegation with the Local Authority Designated Officer (LADO). This is to consider the nature, content and context of the allegation and agree on 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 case manager 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 case manager will notify the designated officer as soon as practicably possible after contacting the police)
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved,



the case manager will only share such information with the individual as has been agreed with those agencies.

- Where appropriate, carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements can be put in place (see the section on suspension below). Advice will be sought from the designated officer, police and/or children's social care services, as appropriate.
- Where the case manager is concerned about the welfare of other children in the community or the individual's family, they will discuss these concerns with the DSL and make a risk assessment of the situation. If necessary, the DSL may make a referral to children's social care.
- 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, 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 regarding 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. Individuals in this situation should be advised to contact their trade union for advice and support and be given contact details for the school's counselling service.
- 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 the designated officer and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher 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 Disclosure and Barring Service 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 Trust is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, wherever possible the Trust 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 an internal disciplinary process, should this be required at a later point.

Children's social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of 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 Trust without delay.

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, we will take the actions below in addition to our standard procedures.

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

When using an agency, we will inform them of our process for managing allegations, keep them updated about our policies as necessary, and invite the agency's HR manager or equivalent to meetings as appropriate.

SUSPENSION



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 are at risk of harm, or the case is so serious that there might be grounds for dismissal. The decision to suspend an individual should only be used when necessary to protect children, or if there is no reasonable alternative.

Based on an assessment of risk, we 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 in a different location, for example to an alternative school or other work for the Trust.

If immediate suspension is considered necessary, the rationale and justification for such a course of action will be agreed upon and recorded by both the case manager and the LADO. This will also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation will be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person will be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

Children's social care services or the police cannot require the case manager to suspend a member of staff or a volunteer, although they should give appropriate weight to their advice. The power to suspend is vested in the proprietor of the school, or governing bodies of the school who are the employers of staff at the school. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the LADO will canvass police and children's social care services for views about whether the accused member of staff needs to be suspended from contact with children to inform the school consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

SUPPORTING THOSE INVOLVED



Duty of Care

The welfare of a child is paramount and this will be the prime concern in terms of investigating an allegation against a person in a position of trust. However, when an allegation or safeguarding concern is being investigated it is likely to be a very stressful experience for the adult subject of the investigation, and potentially for their family members. The Trust will offer appropriate welfare support at such a time and recognise the sensitivity of the situation. Information is confidential and will not ordinarily be shared with other staff or with children or parents who are not directly involved in the investigation.

The Trust has a duty of care to its employees and will:

- Manage and minimise the stress caused by the allegation;
- inform the individual as soon as possible, explaining the likely course of action, guided by the LADO, and the police where necessary;
- advise the individual to contact their trade union representative or a colleague for support;
- appoint a named representative to keep the person informed about the progress of the case;
- provide access to counselling or medical advice (occupational health support) 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.

Parents or carers of the child or children involved will be:

- Formally told about the allegation as soon as possible. The case manager will consult the LADO and where involved children's social care and/or the police on what information can be disclosed;
- kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member; and
- made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress as set out in section 141F of the Education Act 2002.

TIMESCALES

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations will be investigated as a priority to avoid any delay. Target timescales are shown below: the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.



For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they will be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the Trust to deal with it, although if there are concerns about child protection, the Trust will discuss them with the LADO. In such cases, if the nature of the allegation does not require formal disciplinary action, the school will institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing will be held within 15 working days.

SPECIFIC ACTIONS

Action following a criminal investigation or prosecution

The case manager 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.

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 will make 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 will consider whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

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 case manager will consider how best to facilitate this.

The case manager 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.

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 needs 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 Trust will consider whether any disciplinary action is appropriate against the individual(s) who made it.



Unsubstantiated, unfounded, false or malicious allegations

If an allegation is:

- Determined to be unsubstantiated, unfounded, false or malicious, the LADO and case manager will consider the appropriate next steps. If they consider that the child and/or person who made the allegation needs 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 Trust will consider whether any disciplinary action is appropriate against the individual(s) who made it.

CONFIDENTIALITY

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

The case manager 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 concerning 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.

Important note

The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so.

The legislation imposing restrictions makes clear that "publication" of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public". This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the



reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

RECORD KEEPING

The case manager 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, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We 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.

REFERENCES

Cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious will not be included in employer references. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious will also not be included in any reference.

Substantiated allegations will be included in references, the information provided will be factual and will not include opinions. If an individual resigns during an investigation process, all reasonable endeavours will be sought to draw the investigation to a conclusion.

LEARNING LESSONS



After any cases where the allegations are substantiated, the case manager will review the circumstances of the case with the LADO to determine whether there are any improvements that we can make to the Trust'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. We will consider how future investigations of a similar nature could be carried out without suspending the individual.

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

NON-RECENT ALLEGATIONS

- Abuse can be reported, no matter how long ago it happened.
- We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations.
- When an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.
- The School/Trust will support individuals making a report if needed.

RESIGNATIONS & 'SETTLEMENT AGREEMENTS'

'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree on a form of words to be used in any future reference, will not be used where there are allegations that indicate the person is a risk or poses a risk of harm to children or deemed not suitable to work with children.

The Trust will not cease investigations if the person leaves, resigns or ceases to provide their services. Every effort will be 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.

Wherever possible, the accused will be given full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated or otherwise based on all the information available will continue even if 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 an outcome



wherever possible. The person concerned will be notified of the conclusion of the allegations and sanctions that might be posed.

Other than where allegations are false, malicious, unsubstantiated, or unfounded, the outcome will be made clear when providing references to prospective employers.



Appendix A: INDICATORS OF ABUSE AND NEGLECT

Abuse: 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. Children may be abused in a family or an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults or by another child or children.

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 or carer 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 or 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 from participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), 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, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue in education.

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, for example, 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.



DETAILS OF AMENDMENTS

September 2021

- Policy adopted

October 2021

- Section 2 removed; this has been replaced by the Low-Level Concerns Policy & Guidance

December 2022

- Section 2 not removed fully from introduction - updated and signposted to Low-Level Concerns Policy & Guidance

August 2023

- Policy updated to include allegations by third-party organisations or individuals using the school premises in line with changes to KCSIE 2023/24 update
- Amendment to whistleblowing section

September 2024

- LADO contact details added

September 2025

- Reviewed against KCSIE 24/25 updates – no change

February 2025

- Minor clarity around suspension
- Clarity around references for substantiated claims

