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# **Allegations against staff and volunteers procedure**

**This policy has been adapted by SCPS from the OCC template (version June 2024)**

**September 2026**

***Version 2.1***

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## 1 Introduction

- 1.1 Despite all efforts to recruit safely there will be occasions when allegations of abuse by staff or volunteers against children are raised.
- 1.2 It is essential that any allegation of abuse made against a teacher or other member of staff (including supply staff, volunteers or a governor of the school) is dealt with fairly, quickly and consistently, in a way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.
- 1.3 This procedure is drawn up taking account of the following prevailing guidance
  - *Working Together to Safeguard Children*
  - *The Children Act*
  - *Education Act*
  - *Keeping Children Safe in Education (KCSIE)*

## 2 Thresholds for allegations

- 2.1 These procedures should be applied when there is an allegation that any person who works in regulated activities with children, in connection with their employment or voluntary activity, with the children's workforce 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 he or she 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.*
- 2.2 Allegations can be made in relation to restrictive physical interventions and restraint but can also relate to inappropriate relationships between members of staff and children or young people, for example:
  - *Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see s16-19 Sexual Offences Act 2003).*
  - *'Grooming' i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003).*
  - *Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text/e-mail messages or images, gifts, socialising etc.*
  - *Possession of indecent images/pseudo-photographs of children.*

- 2.3 In addition, these procedures should be applied when there is an allegation that any person who works with children:
- *Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon or indecent images of children. As a parent or carer, their own child becomes subject to child protection procedures and/or they and their family become involved with social services for safeguarding reasons.*
  - *Is closely associated with someone in their personal lives (e.g. partner, member of the immediate family or other household member) who may present a risk of harm to child/ren for whom the member of staff is responsible in their employment/volunteering.*
- 2.4 This policy should be followed where a person's employment is covered by the Childcare Act 2006 (See definition in the statutory guidance) and:
- 2.5 Is living in the same household where another person who is disqualified lives or is employed - a person is disqualified if they are 'found to have committed' an offence which is included in the 2009 Regulations updated July 2018 (a 'relevant offence').
- 2.6 It is also important to note that, whilst not specifically covered by statutory guidance, the risks associated with the wider family and close associates of the member of staff may also need to be considered.
- 2.7 This policy should be followed where allegations are made against a 16 and 17-year-old who has been put in a position of trust by an organisation in relation to anyone under the age of 18. For example, where they might be involved in coaching a sport or in other school or out of school activities or undertaking training and work placements.
- 2.8 The policy for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above or may do so without warranting consideration of either a police investigation or Section 47 child protection enquiries by local authority children's social care services. In these cases, our school would follow their safeguarding and other relevant policies to resolve cases without delay.

#### **The difference between an allegation and a low-level concern**

- 2.9 It might not be clear whether an incident constitutes an 'allegation'. It is important to remember that in order to be an allegation the alleged incident has to be sufficiently serious as to suggest that harm has or may have been caused harm to a child/ren or that the alleged behaviour indicates the individual may pose a risk of harm to children. Issues that do not meet this threshold may constitute conduct, performance or disciplinary issues and should be

addressed by our school using the appropriate organisations policies. If in doubt, our school will consult with the Local Authority Designated Officer (LADO).

2.10 If it is difficult to determine the level of risk associated with an incident our school will consider:

- *Was the incident a disproportionate or inappropriate response in the context of a challenging situation?*
- *Where the incident involved an inappropriate response to challenging behaviour, had the member of staff had training in managing this?*
- *Does the member of staff understand that their behaviour was inappropriate and express a wish to behave differently in the future? For example, are they willing to undergo training?*
- *Does the child or family want to report the incident to the police, or would they prefer the matter to be dealt with by the employer?*
- *Have similar allegations previously been made against the employee – is there a pattern developing?*

2.11 Incidents which fall short of the threshold could include an accusation that is made second or third hand (by someone who did not witness the alleged incident) and the facts are not clear, or the member of staff alleged to have done this was not there at the time, or there is confusion about the account.

2.12 Whether an incident constitutes an allegation and hence needs to be dealt with through these policies, may need to be discussed between the LADO and our school. If it falls short of this threshold there may still be a role for the LADO to provide advice and support to our school. Where the matter constitutes a conduct or performance issue, our school should follow the appropriate disciplinary procedures and let the LADO know of the outcome.

2.13 Oxfordshire LADO have a consultation referral document that supports LADO in triaging whether the referral meets the allegation threshold or is a low-level concern. Our school will use the LADO consultation form to support our decision making.

### 3 Roles and Responsibilities

#### Roles and responsibilities for all organisations

- 3.1 Allegations about staff should be reported to the Headteacher and if that person is not available the matter should be referred to an Assistant Head. If the Headteacher wishes to delegate the allegation to another member of staff to investigate, this would need to be a staff member on the senior leadership team. Our school will:
- *Seek advice from the LADO regarding incidents where it is unclear whether it is an allegation or a low-level concern.*
  - *Report all allegations of harm to the LADO within 24 working hours of when the incident occurs and or when the disclosure is made.*

#### Organisations or individuals using school premises

- 3.2 If our school receives an allegation relating to an incident that happened within an external club or activity within the school premises, we will follow our safeguarding policies and procedures, including informing the LADO.

#### Whistleblowing

- 3.3 All staff at our school are made aware of the organisation's whistleblowing policy and feel confident to voice concerns about the attitude or actions of colleagues.

#### Roles and responsibilities for Local Authorities

- 3.4 Oxfordshire have a team of LADOs to:
- *Assess and review the referrals and decides if an Allegation Against Staff and Volunteer's threshold is met.*
  - *Manage and have oversight of individual cases.*
  - *Provide advice and guidance to employers and voluntary organisations.*
  - *Liaise with the police and other agencies.*
  - *Monitor the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.*
  - *Provide advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS), Teaching Regulation Agency (TRA) and regulatory bodies such as Ofsted, the General Medical Council (GMC), Health and Care Professions Council (HCPC) and Nursing and Midwifery Council (NMC) etc.*
- 3.5 It is important to be aware that LADOs do not carry out investigations into allegations and need to remain impartial. The responsibility for the investigation remains with the employer

(or whoever is commissioned by the employer to investigate the process) and/or the police. The LADO can provide advice and, where necessary, co-ordinate the process.

### **Supply teachers and contracted staff**

- 3.6 In some circumstances schools and colleges will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply because agencies will have their own policies and procedures, for example, supply teachers or contracted staff provided by an employment agency or business.
- 3.7 Whilst our school is not the employer of supply teachers, we will ensure allegations are dealt with properly. **In no circumstances** would our school decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome. This is in line with the guidance within KCSIE.

### **Roles and responsibilities for the Police**

- 3.8 An investigation into the allegation is normally carried out by the authority in which it sits e.g. criminal allegations will be investigated by the Police and non-criminal allegations will be investigated in the first instance by the School. This will be agreed at the initial evaluation stage. Where the School is not conducting the investigation, it will cooperate with investigative agencies. The investigation will be overseen by the Local Authority Designated Officer (LADO) who will record and be reported to by all other relevant agencies involved. Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

### **Police bail**

- 3.9 Police will make an informed decision on making an arrest based on the information known at the time. If an arrest is justified, and following the custody process, the officer in the case will consider if the threshold for bail conditions has been met and either release the suspect on bail with conditions or release under investigation (RUI) without conditions. The decision to arrest is not always an accurate reflection of the risk posed, and any decisions around management of the suspect and arrest/interview should be shared with the LADO for ongoing risk management.

## **4 Responding to an allegation or concern – the role of the employer**

- 4.1 An allegation or concern raised about a member of staff may arise from a number of sources, for example, a report from a child, a concern raised by another adult in the organisation or a complaint by a parent. It may also arise in the context of the member of staff and their life outside work or at home.

**Initial action by person receiving or identifying an allegation or concern**

4.2 The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind. They should not:

- *Investigate or ask leading questions.*
- *Make assumptions or offer alternative explanations.*
- *Promise confidentiality.*

4.3 They should follow our school procedures, which should include the following:

- *Making a written record of the information (where possible in the child's/adult's own words), including the time, date and place of incident/s, persons present and what was said.*
- *Signing and dating the written record.*
- *Immediately reporting the matter to the Head Teacher or the Deputy Head Teacher in their absence or where the Head Teacher is the subject of the allegation report to the Chair of Governors.*
- *A "case manager" will lead any investigation. The case manager will be appointed by the Head Teacher or Chair of Governors.*
- *Our school will undertake an immediate risk assessment which involves ensuring immediate safety of the child and/or children and seeking medical attention if required.*

**Initial action by the Head Teacher/employer**

4.4 When informed of a concern or allegation at our school, the Head Teacher/Case Manager will not investigate the matter but will gather initial information and liaise with the LADO. As part of the process the Head Teacher/Case Manager will:

- *Obtain written details of the concern/allegation, signed and dated by the person receiving it (not the child / adult making the allegation or the alleged person).*
- *Record any information about times, dates and location of incident/s and names of any potential witnesses.*
- *Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.*

**Notifying the LADO within one working day of an allegation**

4.5 The Head Teacher/Case Manager at our school will inform the LADO within one working day after an allegation is made and prior to any further investigation taking place. A failure to report an allegation in accordance with procedures is a potential disciplinary matter as this could place a child at further risk of harm.

- *If it is outside of normal working hours and there is an immediate risk to a child/ren our school will call the Local Authority Children's Social Care Emergency Duty Team and the Police, if necessary.*

- *Our school will carry out a risk assessment. This will include ensuring safety, identifying a safety plan and any potential organizational risk.*

### **Suspension – when it should be considered**

- 4.6 Our school will not suspend a member of staff without serious consideration and will not do it automatically when an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working. Our school is responsible for the decision to suspend an employee but will listen to the views of the police, other agencies and/or LADO regarding suspension. In the case of suspension, the employee will receive written confirmation within one working day and will be informed of the reason for the suspension. Our school will also liaise with our HR provider.

## **5 The Role of the LADO**

### **Initial consideration of an allegation by the LADO**

- 5.1 The LADO's role is statutory, whose responsibilities are set out in Working Together to Safeguard Children. The investigation will be overseen by the LADO who will record and be reported to by all other agencies. <https://national-lado-network.co.uk/the-role-of-the-lado-local-authority-designated-officer/>

### **Position of Trust Meeting (POT)**

- 5.2 This is a multi-agency meeting that seeks to agree a course of action following an allegation against a staff member. The POT meeting seeks to discuss and explore if there is enough information to suggest a child may have been harmed or a criminal offence may have been committed. This is decided on a case-by-case basis.
- 5.3 The purpose of the meeting is to scope, gather and share information, and plan and direct the investigation which could also end up as an internal management investigation.
- 5.4 The POT meeting will be chaired by the LADO and all appropriate professionals would be invited. The subject of the allegation does not attend the POT meeting.

### **Timescales for completing investigations of allegations**

- 5.5 It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Our school will investigate allegations as a priority to avoid any delay. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation.

### **Monitoring progress**

- 5.6 The LADO will monitor and record the progress of each case, depending on its complexity. This could be by way of review meetings/discussions or direct liaison with the police, LA children's social care, our school as appropriate.

### **Records of LADO Allegations Management**

- 5.7 Information of all allegations that meets LADO Threshold will be kept on a restricted and confidential LADO database.

## **6 Outcomes Following an Investigation**

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

### **Substantiated allegations**

There is sufficient evidence to prove the allegation that a child has been harmed or there is a risk of harm.

### **Malicious**

There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive. The police should be asked to consider what action may be appropriate in these circumstances.

### **False allegations**

There is sufficient evidence to disprove the allegation, however, there is no evidence to suggest that there was a deliberate intention to deceive.

### **Unsubstantiated allegations**

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

### **Unfounded**

The additional definition of 'unfounded' can be used to reflect cases where 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.

### **Outcome Letter**

- 6.2 Our school will put the outcome and recommendations in writing to the alleged person and send a copy of the letter to the LADO who will keep this on the LADO data base.

### **References**

- 6.3 It is noted in Keeping Children Safe in Education 2024 that cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious will not be included in our school 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.
- 6.4 Substantiated allegations will be included in references, provided that the information is factual and does not include opinions.

### **Record keeping in relation to the outcome of an investigation**

- 6.5 Details of allegations, following an investigation, that are found to have been malicious or false should be removed from personnel records unless the individual gives their consent for retention of the information. However, for all other allegations, it is important that the following information is kept on the file of the person accused:
- *a clear and comprehensive summary of the allegation*
  - *details of how the allegation was followed up and resolved*
  - *notes of any action taken, and decisions reached, and the outcome i.e substantiated, unsubstantiated etc*
  - *a copy provided to the person concerned, where agreed by children's social care or the police and*
  - *a declaration on whether the information will be referred to in any future reference.*
- 6.6 Where records contain information about allegations of sexual abuse, these will be preserved for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. Our 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.

### **Substantiated Outcomes**

- 6.7 If the allegation is substantiated and the individual is dismissed or our school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, our school will make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

- 6.8 If the individual concerned is a member of teaching staff, our school will consider whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

#### **Notifying Ofsted**

- 6.9 Ofsted should be informed of any allegation or concern made against a member of staff in any day care establishment for children under 8 or against a registered child minder. They should also be invited to take part in any subsequent meeting/discussion.
- 6.10 Ofsted should also be informed if there is an allegation against a teacher or worker in a reception class or an early year setting. Our school has a duty to inform Ofsted and the LADO.

## **7 Disciplinary or Suitability Process and Investigation**

- 7.1 7.1 The Designated Officer and the Head Teacher/Case Manager should discuss whether disciplinary action is appropriate in all cases where:

- *It is clear at the outset or decided in the POT meeting that a police investigation or local authority children's social care services enquiry is not necessary or*
- *Our school is informed by the police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued*

- 7.2 The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:

- *Information provided by the police and/or local authority children's social care services*
- *The result of any investigation or trial*
- *The different standard of proof in disciplinary and criminal proceedings.*

- 7.3 The investigation and any subsequent disciplinary hearing should be held in accordance with our school's disciplinary policy and procedure. Our school will liaise with HR.

- 7.4 For supply staff, the process described above will be the responsibility of the supply agency and not the school.

### **Resignations and settlement agreements**

- 7.5 Every effort should be made to reach a conclusion in all cases even if the individual refuses to co-operate, having been given a full opportunity to answer the allegation and make representations.
- 7.6 Settlement 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, 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.
- 7.7 Such an agreement will not prevent a thorough police and/or school or employer investigation where that is appropriate.
- 7.8 Our school will not cease our investigations if the person leaves, resigns or ceases to provide their services. We will ensure 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.

### **Returning to work**

- 7.9 Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Head Teacher/HR will consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. The Head teacher/HR will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school.

## **8 General responsibilities when investigating an outcome**

### **Support to the child and family involved**

- 8.1 Our school, together with LA children's social care and/or police, where they are involved, will consider the impact on the child concerned and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are addressed.

### **Keeping parents/carers and children informed**

- 8.2 Our school will inform the parents of the child/ren involved of the allegation and the process that is being followed unless this will impede the disciplinary or investigative processes.

- 8.3 The parent/s and the child, if sufficiently mature, should be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

#### **Responsibilities to employees/volunteers alleged to have caused harm**

##### **Support to the accused member of staff**

- 8.4 As soon as possible after an allegation has been received, the accused member of staff should be advised to contact their union or professional association. HR should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's occupational health or employee welfare arrangements.

##### **Keeping the accused member of staff informed**

- 8.5 Subject to restrictions on the information that can be shared, our school should, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g. disciplinary action and dismissal or referral to the DBS or regulatory body). If the matter is subject to police involvement, the police should always be consulted prior to any discussion with the accused so criminal investigations are not compromised.
- 8.6 The accused member of staff should:
- *Be treated fairly and honestly and helped to understand the concerns expressed and processes involved*
  - *Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process*
  - *If suspended, be kept up to date about events in the workplace.*

#### **Confidentiality**

8.5 Every effort should be made to maintain confidentiality while an allegation is being investigated or considered. This includes staff involved and parents/carers. Apart from keeping the child, parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know, in order to protect children, facilitate enquiries and manage related disciplinary or suitability processes.

#### **9. Non-Recent Allegations (historic)**

9.1 Where an adult makes an allegation of a non-recent nature to our school that they were abused as a child, our school will advise the individual to report the allegation to the police, and we will report the allegation to the LADO.

## **10. Low Level Concerns**

10.1 This section applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers and contractors, which do not meet the LADO threshold.

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

10.2 The term 'low-level' concern is any concern, no matter how small, that an adult working in or on behalf of our 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 LADO

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
- Sharing personal mobile numbers with children
- Social media use

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

10.3 Our school recognises 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.

10.4 All staff are required to report low level concerns to the Head Teacher.

## Responding to low-level concerns

10.5 The Head Teacher will collect all available 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

10.6 The information collected will then be used to categorise the type of behaviour and determine any further action, in line with the staff Code of Conduct.

10.7 If the concern is of a safeguarding nature, liaison with the LADO will be carried out, in line with the expectations from Oxfordshire LADO team. The LADO can be re-contacted at any time if the evidence that is gathered raises further concerns or meets the allegation thresholds.

## Record keeping

10.8 All low-level concerns at our school will be recorded. 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.

10.9 Our school records will be:

- Kept confidentially.
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we 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.
- Retained at least until the individual leaves employment at the school

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

- *Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 [Sexual Offences Act 2003](#));*
- *'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 [Sexual Offences Act 2003](#));*
- *Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text / e-mail messages or images, gifts, socialising etc);*
- *Possession of indecent photographs / pseudo-photographs of children.*

8.7 If concerns arise about the person's behaviour in relation to their own children, the police and/or Children's Social Care must consider informing the employer / organisation in order to assess whether there may be implications for children with whom the person has contact at work / in the organisation, in which case this procedure will apply.

- 8.8 Allegations of historical abuse should be responded to in the same way as contemporary concerns. In such cases, it is important to find out whether the person against whom the allegation is made is still working with children and if so, to refer to the Local Authority Designated Officer (LADO). Decisions regarding informing the person's current employer or voluntary organisation should be made in consultation with the LADO.

## **9 The difference between an allegation and concern**

- 9.1 It might not be clear whether an incident constitutes an 'allegation'. It is important to remember that to be an allegation the alleged incident has to be sufficiently serious as to suggest that harm has or may have been caused harm to a child/ren or that the alleged behaviour indicates the individual may pose a risk of harm to children (or otherwise meet the criteria above).
- 9.2 If it is difficult to determine the level of risk associated with an incident the following should be considered:
- *Was the incident a disproportionate or inappropriate response in the context of a challenging situation?*
  - *Where the incident involved an inappropriate response to challenging behaviour, had the member of staff had training in managing this?*
  - *Does the member of staff understand that their behaviour was inappropriate and express a wish to behave differently in the future? For example, are they willing to undergo training?*
  - *Does the child or family want to report the incident to the police or would they prefer the matter to be dealt with by the employer?*
  - *Have similar allegations been made against the employee – is there a pattern developing?*
- 9.3 Incidents which fall short of the threshold could include an accusation that is made second or third hand and the facts are not clear, or the member of staff alleged to have done this was not there at the time; or there is confusion about the account.
- 9.4 Where it is decided that the incident does not meet the threshold of harm/risk of harm and is a concern only, then the employer should take steps to ensure any conduct or behaviour issues are addressed with the member of staff through normal employment practices.
- 9.5 All references in this document to staff or members of staff' should be interpreted as meaning all paid or unpaid staff / professionals and volunteers, including for example foster carers, approved adopters and child minders and supply staff. This chapter also applies to any person, who manages or facilitates access to an establishment where children are present.

## 10 Roles and Responsibilities

10.1 The local authority have assigned a Local Authority Designated Officer (LADO) or team of Designated Officers to:

- *Receive reports about allegations and to be involved in the management and oversight of individual cases;*
- *Provide advice and guidance to employers and voluntary organisations and agencies;*
- *Liaise with the police and other agencies;*
- *Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process;*
- *Provide advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS) and regulatory bodies such as Ofsted, the GMC etc.*

10.2 SCPS will appoint:

- *A **designated senior manager** to whom allegations or concerns should be reported, this is the head teacher Mr Chris Hirst*
- *A deputy to whom reports should be made in the absence of the designated senior manager or where that person is the subject of the allegation or concern, this is the deputy head teacher Mrs Rachel Salmons*

10.3 The LADO for Oxfordshire is Jo Lloyd. The LADO and Assistant LADOs can be contacted via [lado.safeguardingchildren@oxfordshire.gov.uk](mailto:lado.safeguardingchildren@oxfordshire.gov.uk) or by calling 01865 810603.

## 11 General Considerations Relating to Allegations Against Staff

11.1 SCPS must inform the local authority designated officer (LADO) within **1 working day** when an allegation is made and prior to any further investigation taking place.

11.2 The LADO will advise SCPS whether or not informing the parents of the child/ren involved will impede the disciplinary or investigative processes. Acting on this advice, if it is agreed that the information can be fully or partially shared, the employer should inform the parent/s. In some circumstances, however, the parent/s may need to be told straight away (e.g. if a child is injured and requires medical treatment).

11.3 The parent/s and the child, if sufficiently mature, should be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

- 11.4 The school should seek advice from the LADO, the police and / or Children's Social Care about how much information should be disclosed to the accused person.
- 11.5 Subject to restrictions on the information that can be shared, the school should, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g. disciplinary action, and dismissal or referral to the DBS or regulatory body).
- 11.6 The accused member of staff should:
- *Be treated fairly and honestly and helped to understand the concerns expressed and processes involved;*
  - *Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;*
  - *If suspended, be kept up to date about events in the workplace.*
- 11.7 Ofsted should be informed of any allegation or concern made against a member of staff in any day care establishment for children under 8. They should also be invited to take part in any subsequent strategy meeting/discussion.

## **12 Confidentiality**

- 12.1 Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.
- 12.2 The police should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances (e.g. an appeal to trace a suspect). In such cases, the reasons should be documented and partner agencies consulted beforehand.
- 12.3 Section 13 of the Education Act 2011 introduced restrictions implemented in September 2012 on the publication of any information that would identify a teacher who is the subject of an allegation of misconduct that would constitute a criminal offence, where the alleged victim of the offence is a registered pupil at the school.
- 12.4 Such restrictions remain in place unless or until the teacher is charged with a criminal offence, though they may be dispensed with on the application to the Magistrates' Court by any

person, if the court is satisfied that it is in the interests of justice to do so, having regard to the welfare of:

- *The person who is the subject of the allegation; and*
- *The victim of the offence to which the allegation relates.*

12.5 There is a right of appeal to the Crown Court.

12.6 This restriction will apply to allegations made against any teacher who works at a school, including supply and peripatetic teachers.

12.7 There is a new offence of publishing any information in breach of these restrictions. Publication includes any communication, in whatever form, which is addressed to the public at large or any section of the public.

12.8 It is a defence to show that the person publishing was not aware of the allegation having been made as set out in section 141H 'Defences' of the Act.

## **13 Support**

13.1 The organisation, together with Children's Social Care and / or police, where they are involved, should consider the impact on the child concerned and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are addressed.

13.2 As soon as possible after an allegation has been received, the accused member of staff should be advised to contact their union or professional association. Human resources should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's occupational health or employee welfare arrangements.

## **14 Suspension**

14.1 Suspension is a neutral act and it should not be automatic. It should be considered in any case where:

- *There is cause to suspect a child is at risk of harm; or*
- *The allegation warrants investigation by the police; or*
- *The allegation is so serious that it might be grounds for dismissal.*

- 14.2 The possible risk of harm to children should be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staff's home, work or community life.
- 14.3 If a strategy meeting / discussion is to be held or if Children's Social Care or the police are to make enquiries, the LADO should canvass their views on suspension and inform the employer. Only the employer, however, has the power to suspend an accused employee and they cannot be required to do so by a local authority or police.
- 14.4 If a suspended person is to return to work, the employer should consider what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor), and also how best to manage the member of staff's contact with the child concerned, if still in the workplace.

## 15 Resignations and 'compromise agreements'

- 15.1 Every effort should be made to reach a conclusion in all cases even if:
- *The individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations;*
  - *It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete.*
- 15.2 Compromise agreements' must **not** be used (i.e. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed). A settlement/compromise agreement which prevents the employer from making a DBS referral when the criteria are met for so doing would likely result in a criminal offence being committed for failure to comply with the duty to refer. The organisation must make a referral to the Disclosure and Barring Service to consider whether to add the individual to the barred list. This applies irrespective of whether a referral has been made to local authority Children's Social Care and/or LADO. It is an offence to fail to make a referral without good reason.

### *Organised abuse*

- 15.3 Investigators should be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with complex abuse procedures which, if applicable, will take priority. See [Organised and Complex Abuse Procedure](#).

### *Whistle-blowing*

- 15.4 All staff should be made aware of the organisation's whistle-blowing policy and feel confident to voice concerns about the attitude or actions of colleagues.
- 15.5 If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the LADO.

### *Timescales*

- 15.6 It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided.

## **16 Initial Response to an Allegation or Concern**

- 16.1 An allegation against a member of staff may arise from a number of sources (e.g. a report from a child, a concern raised by another adult in the organisation, or a complaint by a parent). It may also arise in the context of the member of staff and their life outside work or at home.

### *Initial action by person receiving or identifying an allegation or concern*

- 16.2 The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.
- 16.3 They should not:
- *Investigate or ask leading questions if seeking clarification;*
  - *Make assumptions or offer alternative explanations;*
  - *Promise confidentiality, but give assurance that the information will only be shared on a 'need to know' basis.*
- 16.4 They should:
- *Make a written record of the information (where possible in the child / adult's own words), including the time, date and place of incident/s, persons present and what was said;*
  - *Sign and date the written record;*
  - *Immediately report the matter to the designated senior manager, or the deputy in their absence or; where the head teacher is the subject of the allegation report to the deputy or other appropriate senior manager.*

*Initial action by the designated senior manager*

- 16.5 When informed of a concern or allegation, the head teacher should **not** investigate the matter or interview the member of staff, child concerned or potential witnesses.
- 16.6 They should:
- *Obtain written details of the concern / allegation, signed and dated by the person receiving (not the child / adult making the allegation);*
  - *Approve and date the written details;*
  - *Record any information about times, dates and location of incident/s and names of any potential witnesses.*
  - *Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.*
- 16.7 The head teacher should report the allegation to the LADO and discuss the decision in relation to the agreed threshold criteria in [Section 1, Introduction and Criteria](#) within one working day. Referrals should not be delayed in order to gather information and a failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.
- 16.8 If an allegation requires immediate attention, but is received outside normal office hours, the head teacher should consult the Children's Social Care emergency duty team or local police and inform the LADO as soon as possible.
- 16.9 Similarly an allegation made to Children's Social Care should be immediately reported to the LADO.

*Initial consideration by the head teacher and the LADO*

- 16.10 There are up to three strands in the consideration of an allegation:
- *A police investigation of a possible criminal offence;*
  - *Children's Social Care enquiries and/or assessment about whether a child is in need of protection or services;*
  - *Consideration by an employer of disciplinary action.*
- 16.11 The LADO and the head teacher should consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is false. Care should be taken to ensure that the child is not confused as to dates, times, locations or identity of the member of staff.

16.12 If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO should refer to Children's Social Care and ask them to convene an immediate strategy meeting / discussion:

- *If a child is not believed to have suffered, or to be likely to suffer Significant Harm but a police investigation will continue, the LADO should conduct this discussion with the police, the head teacher and any other agencies involved to evaluate the allegation and decide how it should be dealt with;*
- *This Evaluation discussion should take place within one working day and must consider how to take matters forward in a criminal process parallel with a disciplinary process or whether any disciplinary action will need to await the completion of the police enquiries and/or prosecution. The progress should be reviewed by the police no later than four weeks after the initial evaluation meeting and thereafter at fortnightly or monthly intervals.*

## **17 Strategy meeting / discussion**

17.1 Wherever possible, a strategy meeting / discussion should take the form of a meeting. However, on occasions a telephone discussion may be justified. The following is a list of possible participants:

- *LADO;*
- *Social care manager to chair (if a strategy meeting);*
- *Relevant social worker and their manager;*
- *Detective sergeant;*
- *The Designated and/or named Safeguarding Children Health Professional (CCG); and always when an allegation concerns a health agency worker /professional;*
- *Consultant paediatrician;*
- *Head teacher;*
- *Human resources representative;*
- *Legal adviser where appropriate;*
- *Senior representative of the employment agency or voluntary organisation if applicable;*
- *Manager from the fostering service provider when an allegation is made against a foster carer;*
- *Supervising social worker when an allegation is made against a foster carer;*
- *Those responsible for regulation and inspection where applicable (e.g. CQC, GMC or Ofsted);*
- *Where a child is placed or resident in the area of another authority, representative/s of relevant agencies in that area;*
- *Complaints officer if the concern has arisen from a complaint.*

17.2 The strategy meeting / discussion should:

- *Decide whether there should be a Section 47 Enquiry and / or police investigation and consider the implications;*
- *Consider whether any parallel disciplinary process can take place and agree protocols for sharing information;*
- *Consider the current allegation in the context of any previous allegations or concerns;*
- *Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children (e.g. [section 93, Education and Inspections Act 2006](#) in respect of teachers and authorised staff);*
- *Consider whether a complex abuse investigation is applicable; see [Organised and Complex Abuse Procedure](#);*
- *Plan enquiries if needed, allocate tasks and set timescales;*
- *Decide what information can be shared, with whom and when.*

17.3 The strategy meeting / discussion should also:

- *Ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed;*
- *Consider what support should be provided to all children who may be affected;*
- *Consider what support should be provided to the member of staff and others who may be affected and how they will be kept up to date with the progress of the investigation;*
- *Ensure that investigations are sufficiently independent;*
- *Make recommendations where appropriate regarding suspension, or alternatives to suspension;*
- *Identify a lead contact manager within each agency;*
- *Agree protocols for reviewing investigations and monitoring progress by the LADO, having regard to the target timescales;*
- *Consider issues for the attention of senior management (e.g. media interest, resource implications);*
- *Consider reports for consideration of barring;*
- *Consider risk assessments to inform the employer's safeguarding arrangements;*
- *Agree dates for future strategy meetings / discussions.*

17.4 A final strategy meeting / discussion should be held to ensure that all tasks have been completed, including any referrals to the DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learnt.

17.5 The strategy meeting / discussion should take in to account the following definitions when determining the outcome of allegation investigations:

- **Substantiated:** *there is sufficient identifiable 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:** *this is not the same as a false allegation. It means that 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.*

## 18 Allegations against staff in their personal lives

- 18.1 If an allegation or concern arises about a member of staff, outside of their work with children, and this may present a risk of harm to child/ren for whom the member of staff is responsible, the general principles outlined in these procedures will still apply.
- 18.2 The strategy meeting / discussion should decide whether the concern justifies:
- *Approaching the member of staff's employer for further information, in order to assess the level of risk of harm; and / or*
  - *Inviting the employer to a further strategy meeting / discussion about dealing with the possible risk of harm.*
- 18.3 If the member of staff lives in a different authority area to that which covers their workplace, liaison should take place between the relevant agencies in both areas and a joint strategy meeting / discussion convened.
- 18.4 In some cases, an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family or other household member) may present a risk of harm to child/ren for whom the member of staff is responsible. In these circumstances, a strategy meeting / discussion should be convened to consider:
- *The ability and/or willingness of the member of staff to adequately protect the child/ren;*
  - *Whether measures need to be put in place to ensure their protection;*
  - *Whether the role of the member of staff is compromised.*

## 19 Disciplinary Process

### *Disciplinary or suitability process and investigations*

- 19.1 The LADO and the head teacher should discuss whether disciplinary action is appropriate in all cases where:

- *It is clear at the outset or decided by a strategy meeting / discussion that a police investigation or LA Children's Social Care enquiry is not necessary; or*
- *The employer or LADO is informed by the police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.*
- *The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:*
  - *Information provided by the police and / or Children's Social Care;*
  - *The result of any investigation or trial;*
  - *The different standard of proof in disciplinary and criminal proceedings.*

- 19.2 In the case of supply, contract and volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the LADO and employer should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services, or provide future work with children, and if not, whether to make a report for consideration of barring or other action. See [Section 8, Substantiated Allegations and Referral to the DBS](#).
- 19.3 If formal disciplinary action is not required, the employer should institute appropriate action within three working days. If a disciplinary hearing is required, and further investigation is not required, it should be held within 15 working days.
- 19.4 If further investigation is needed to decide upon disciplinary action, the employer and the LADO should discuss whether the employer has appropriate resources or whether the employer should commission an independent investigation because of the nature and/or complexity of the case and in order to ensure objectivity. The investigation should not be conducted by a relative or friend of the member of staff.
- 19.5 The aim of an investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and / or the individual's suitability to work with children. Its purpose is not to prove or disprove the allegation.
- 19.6 If, at any stage, new information emerges that requires a child protection referral, the investigation should be held in abeyance and only resumed if agreed with LA Children's Social Care and the police. Consideration should again be given as to whether suspension is appropriate in light of the new information.
- 19.7 The investigating officer should aim to provide a report within ten working days.
- 19.8 On receipt of the report the employer should decide, within two working days, whether a disciplinary hearing is needed. If a hearing is required, it should be held within 15 working days.

### *Sharing information for disciplinary purposes*

- 19.9 Wherever possible, police and Children's Social Care should, during the course of their investigations and enquiries, obtain consent to provide the employer and/or regulatory body with statements and evidence for disciplinary purposes.
- 19.10 If the police or CPS decide not to charge, or decide to administer a caution, or the person is acquitted, the police should pass all relevant information to the employer without delay.
- 19.11 If the person is convicted, the police should inform the employer and the LADO straight away so that appropriate action can be taken.

## **20 Record Keeping and Monitoring Progress**

### *Record keeping*

- 20.1 Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for ten years if longer.
- 20.2 The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification where a future DBS request reveals non convicted information, and will help to prevent unnecessary reinvestigation if an allegation re-surfaces after a period of time. In this sense it may serve as a protector to the individual themselves, as well as in cases where substantiated allegations need to be known about to safeguard future children.
- 20.3 Details of allegations that are found to be malicious should be removed from personnel records. For Education services see **[Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges](#)**.

## **21 Monitoring progress**

- 21.1 The LADO should monitor and record the progress of each case, either fortnightly or monthly depending on its complexity. This could be by way of review strategy meetings / discussions / initial evaluations or direct liaison with the police, Children's Social Care, or employer, as appropriate. Where the target timescales cannot be met, the LADO should record the reasons.

- 21.2 The LADO should keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. The records will also assist OSCB to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the [Department for Education \(DfE\)](#) as required.
- 21.3 If a police investigation is to be conducted, the police should set a date for reviewing its progress and consulting the CPS about continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than 4 weeks after the strategy meeting / discussion / initial evaluation. Dates for further reviews should also be agreed, either fortnightly or monthly depending on the complexity of the investigation.

## **22 Unsubstantiated and False Allegations**

- 22.1 Where it is concluded that there is insufficient evidence to substantiate an allegation, the Chair of the strategy meeting / discussion or initial evaluation should prepare a separate report of the enquiry and forward this to the head teacher of the school to enable them to consider what further action, if any, should be taken.
- 22.2 False allegations are rare and may be a strong indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO, should refer the matter to Children's Social Care to determine whether the child is in need of services, or might have been abused by someone else.
- 22.3 If it is established that an allegation has been deliberately invented, the police should be asked to consider what action may be appropriate.

## **23 Substantiated Allegations and Referral to the DBS**

### *Substantiated allegations*

- 23.1 The [Disclosure and Barring Service \(DBS\)](#) was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). The relevant legislation is set out in the [Protection of Freedoms Act 2012](#).
- 23.2 If an allegation is substantiated and the person is dismissed or the employer ceases to use the person's service or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether a referral should be made to the Disclosure and Barring Service (DBS).

- 23.3 If a referral is to be made; it should be submitted within one month of the allegation being substantiated.

*Bodies with a legal duty to refer*

- 23.4 The following groups have a **legal duty to refer** information to the DBS:

- *Regulated Activity suppliers (employers and volunteer managers);*
- *Personnel suppliers;*
- *Groups with a power to refer.*

*Bodies with the power to refer*

- 23.5 The following groups have a **power to refer** information to the DBS:

- *Local authorities (safeguarding role);*
- *Health and Social care (HSC) trusts (NI);*
- *Education and Library Boards;*
- *Keepers of registers e.g. General Medical Council, Nursing and Midwifery Council;*
- *Supervisory authorities e.g. Care Quality Commission, Ofsted.*

- 23.6 If the person being referred to the DBS is a teacher in England they should also be referred to the [Teaching Regulation Agency](#).

## **24 Learning Lessons**

- 24.1 The employer and the LADO should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice.

## **25 Dissemination**

- 25.1 The Policy is available on the school web site and a paper copy of the policy is available from the school admin office on request.

## **26 Reviewing the Policy**

- 26.1 This policy will be reviewed biannually by the Head teacher and monitored by the Governing Body to ensure that the Policy is relevant and up to date.