



Allegations of Abuse Against Adults Policy

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The Good Shepherd Trust Allegations of Abuse Against Adults Policy

Revision Record

Revision No.	Date Issued	Prepared By	Approved	Comments
1	20 th March 2019	AJ	Board	New Policy
2	September 2019	AJ		Updated to KCSIE 2019, new LSCP process and for allegations against the HT/EHT to go to the Trust Chair
3	September 2020	AJ		Updated to KCSIE 2020, including new fourth bullet paragraph 211 checklist and inclusion of supply teachers

Academies Office, Larch Avenue, Guildford, Surrey GU1 1JY

A multi-academy trust for schools in the Church of England Diocese of Guildford

(a charity exempt from registration and a company limited by guarantee no. [8366199](#))

Allegations of Abuse Against Adults Policy

This policy is prescribed by The Good Shepherd Trust and is statutory. All references to 'the Trust', includes all Trust schools and subsidiary organisations.

1. INTRODUCTION

- 1.1. These guidelines have been prepared for both the management of allegations against adults and for the timely reporting of the same to the Local Authority Designated Officer (LADO) for the 'management of allegations against staff members'.
- 1.2. For the purposes of this policy, the definition of 'staff' applies to the Trust central team, Headteacher, teachers, support staff, supply teachers, volunteers (including local governing committee members, Trust Directors and Members) and all other employees

2. STATUTORY GUIDANCE

2.1. Chapter 2 of "[Working Together to Safeguard Children](#)" (2018) sets out the guidance on safeguarding children from people in a position of trust and further detail is provided in Part Four of [Keeping Children Safe in Education 2020](#). (KCSIE)

Employers should have clear policies in line with those from the LSCP (in the context of this Policy, the [Hampshire](#) and [Surrey](#) LSCP's has been used), for dealing with allegations against people who work with children.

An allegation may relate to a person who works with children who 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; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

2.2. The framework for managing allegations applies to all who work with children and young people under 18 years of age, including those who work in a voluntary capacity. It also covers a wider range of allegations than child protection, including cases in which it is alleged that a person who works with children has:

1. behaved in a way that has harmed a child, or may have harmed a child;
2. possibly committed a criminal offence against or related to a child;
3. behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
4. behaved or may have behaved in a way that indicates they may not be suitable to work with children

Allegations against a staff member, who is no longer teaching, should be referred to the police. Historic allegations of abuse should also be referred to the police.

It is essential that any allegation of abuse made against a teacher or other member of staff, supply teacher or volunteer in a school is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and, at the same time support the person who is the subject of the allegation.

An integral part of the framework for managing allegations against staff is the role of the Local Authority Designated Officer (LADO). The LADO is responsible for the management and oversight of individual cases and must be informed of all allegations or concerns relating to staff or volunteers that may fit any of the four criteria, as outlined in 2.2 above.

The LADO will provide advice and guidance to any employer providing services for children. Where necessary they will liaise with Children's Services and other agencies, monitor the progress of cases and work to ensure that all allegations are dealt with appropriately.

Local Authority Designated Officer (LADO) - Monday to Friday from 9am to 5pm

The LADO Service manages allegations against individuals who work or volunteer with children in Surrey. If you have a concern regarding someone who works with children please contact the LADO on 0300 123 1650* or LADO@surreycc.gov.uk.

If appropriate, you may be asked to complete a LADO referral form as a method of making a written referral, within 24 hours of receiving an allegation. [Click here](#) for Hampshire form. [Click here](#) for Surrey form.

Accordingly, all safeguarding allegations about a member of staff, including supply teachers or volunteers (including LGC members or Trust Directors or Members) should be immediately discussed with the LADO in the first instance who will liaise, as necessary, with Children's Services and the police. This is regardless of whether the school or college is where the alleged abuse took place. You must then inform the [Trust HR Director](#) and [Amanda Johnston](#), Designated Safeguarding Lead for the Trust.

Note: [Keeping Children Safe in Education 2020](#), introduced a fourth bullet point as set out in 2.2, which is that someone who works with children may have:

- behaved or may have behaved in a way that indicates they may not be suitable to work with children

To support Headteacher/Trust CEO/Chair understanding of this criterion, the Trust has provided a Paragraph 211 checklist with supporting notes, which can be found on GVO in the safeguarding area and as an appendix to this policy.

If the LADO is unavailable for any reason, contact Out of hours phone: 01483 517898 to speak to our [emergency duty team](#).

3. TIME SCALES

3.1. IMMEDIATE REPORT

All allegations against staff should be reported to the Headteacher immediately unless the Headteacher is the subject of the allegation, in which case it should be reported to the Chair of the Trust Board, Dianna Gwilliams: chair@goodshepherdtrust.org.uk or 01482 910210.

In the absence of the Headteacher, staff or parents should contact: Mrs Sam Sawyer or Mrs Hanna Garrick.

If the allegation is about a Trust central officer, it should be reported to the Chief Executive Officer unless the Chief Executive Officer is the subject of the allegation, in which case it should be reported to the Chair of the Trust Board, Dianna Gwilliams: chair@goodshepherdtrust.org.uk or 01482 910210

In all instances, you must then inform the Trust HR Director and Trust Designated Safeguarding Lead.

3.2. LADO WITHIN ONE WORKING DAY

If the allegation meets any of the criteria as above in 2.2, the Headteacher should report to the LADO in writing within 24 hours, using the respective LADO referral form. If reporting against the fourth bullet point, the Trust Paragraph 211 checklist, should also be used and appended as supporting documentation.

3.3 The statutory guidance in Part 4 of '[Keeping Children Safe in Education](#)' 2020 includes indicative timescales for key stages of the process. It is important that allegations against staff or volunteers are dealt with in the shortest time possible, that is consistent with proper investigation and legally sound procedures. On that basis, the indicative times suggested by the DfE are as follows:

- All allegations should be investigated as a priority to avoid or eradicate 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, however the following **target timescales** will endeavour to be met.
- 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 should 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 school or in the case of the Headteacher/Trust central officer, the Trust Chair/CEO, to deal with it; although if there are concerns about child protection, the employer (as previously defined) should discuss with the LADO. In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should institute appropriate action within **three working days**. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held **within 15 working days**.

These timescales may be varied by agreement with the Trust HR Director, Police and/or LADO in specified cases where it is appropriate to do so in the interests of natural justice. It is more important to ensure that the issues are addressed fully and fairly than to try to meet timescales that may be unrealistic in specific cases. In cases where the Police are investigating, these timescales are likely to be significantly longer and beyond the control of the Trust.

4. INITIAL CONSIDERATION

4.1. Procedures need to be applied with common sense and judgement but some rare allegations are so serious as to require immediate referral to Children's Services and the police for investigation. Further guidance on when to call the police, can be found [here](#).

4.2. In cases where the child has been injured while in the care of the school and requires medical treatment, the parent should be informed immediately.

4.3. Children's Services / police will call a strategy meeting if the child is suffering, or likely to suffer, significant harm to which the Headteacher or representative will be invited to participate to share information about the circumstances and the context of the allegation.

4.4. In cases where a police investigation is required, but neither the threshold of significant harm nor a formal allegation meeting has reached the threshold criteria, the LADO officer should discuss by telephone or by meeting with the employer, police and other agency involved with the child, the evaluation of the circumstances prior to a decision on the way forward. This joint evaluation should consider whether matters can be taken forward in a fact-finding and possible disciplinary process in parallel with criminal proceedings, or whether the disciplinary action needs to wait for completion of the police enquiries and / or prosecution.

4.5. In any case in which Children's Services have undertaken enquiries to determine whether the child or children are in need of protection, the Headteacher (or Trust Board Chair/CEO in the case of the Headteacher/central team) should take account of any relevant information obtained in the course of these enquires when considering disciplinary action.

4.6. All allegations will be reported to the LADO to consider the nature, content and context of the allegation and to agree a course of action.

4.7. The Headteacher/Trust Chair/CEO/Trust DSL will establish in discussion with the LADO officer, whether the allegation is within the scope of 2.2 and has some foundation and that the individual has:

1. behaved in a way that has harmed a child, or may have harmed a child;
2. possibly committed a criminal offence against or related to a child;
3. behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
4. behaved or may have behaved in a way that indicates they may not be suitable to work with children (see Paragraph 211 checklist in Appendix 1)

4.8. In some cases, further investigation will be needed to enable a decision as to how to proceed. The LADO will discuss with the Headteacher/Trust Board Chair/CEO/Trust DSL how and by whom the investigation will be undertaken. The Trust may undertake the investigation within the school, use someone from another Trust school or from within the central team (e.g. Trust DSL) to investigate or reserve the right to commission an independent investigator.

4.9. In cases that do not merit joint evaluation by police or social care, the LADO will discuss with the Trust HR Director/Trust DSL, the options available to the Headteacher or in the case of the Headteacher the Trust Board, including, fact-finding, summary dismissal, decision not to use services in future to no further action.

4.10. The LADO should continue to liaise with the employer to monitor the progress of all cases and provide advice/ support when required or requested. The person who is dealing with the allegation should keep a chronology of events. The Trust provide a template chronology in the safeguarding area of GVO.

4.11 The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded by both the LADO and Headteacher/Trust CEO/Chair and agreement reached on what information should be put in writing to the individual concerned and by whom. The Headteacher/Trust CEO/Chair should then consider with the LADO, what action should follow both in respect of the individual and those who made the initial allegation.

4.12 The position of staff whose own children may be at risk

A number of cases have arisen where school staff have children who are assessed as being at risk and are placed on the Child Protection Register. There is no established correlation between this situation and other children being at risk. The potential risk should be discussed with Children's Services so they can offer a view on the potential risk to other children. Clearly there is an issue of credibility and the good name of a school/Trust if parents discover there is someone working in school whose own children are deemed to be at risk of abuse from the member of staff who is their parent or carer.

It is appropriate for Headteachers, in this situation, to give careful consideration and assess the risks that such an employee might pose to other children. It may be appropriate to undertake a risk assessment and to adjust the individual's role or to consider a stay at home instruction or suspension (see section 7). Advice must be sought from the LADO, Trust HR Director before this is undertaken, and the Chief Executive Officer of the Trust informed.

It will not be fair in law to take action against an employee whose children are on the Child Protection register without proper investigation of the circumstances and establishing that the individual employee has acted inappropriately.

4.13 Supply Staff

Whilst the Trust is not the employer of agency staff, we will ensure that any allegations made against supply staff are dealt with properly.

The Trust will not decide to cease using agency staff due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome. The Headteacher/Trust HR Director/DSL will discuss with the agency whether it is appropriate for the supply agency to suspend the member of supply staff or to redeploy them to another part of the school or another Trust school, whilst an investigation takes place.

The Trust will facilitate a supply agency undertaking an investigation, by providing access to documentation etc. as required. In some circumstances, it may be appropriate for the Trust to take the lead on an investigation. The LADO will be asked to support the decision making as to whether the Trust or supply agency would be most appropriate to lead an investigation (based upon the individual circumstances).

Agencies should be fully involved and co-operate in any enquiries from the Trust, LADO, police and/or Children's Services. Supply staff are reminded that whilst they are not employed by the Trust, they are under the supervision, direction and control of the Trust when working in any of our schools.

This policy will be provided to supply agencies that are used by the Trust from September 2020.

5. COMMUNICATION WITH THE STAFF MEMBER / PARENTS

5.1 Staff

The Headteacher/CEO/Chair of Trust Board should inform the accused person that an allegation has been made as soon as possible after consulting the LADO and provide them with as much information as possible, at that time. However, at this stage, it may not be possible to inform the accused person as to the specifics of the allegation/s as this may affect the investigation. The accused person should be advised to contact their trade union representative if they have one, or a colleague for support and be advised of the relevant employee assistance programme or [Education Support Partnership](#). They should also be given a point of contact within the organisation and the ability and means by which to request a referral to occupational health, should they feel that they require this. An information leaflet on the process such as the [one produced by Surrey](#), along with a copy of this policy, should also be provided.

It is extremely important that the Headteacher/CEO/Trust Chair provides the LADO with as much information as possible at that time. However, when a strategy discussion is needed, or police or children's services need to be involved, the Headteacher/CEO/Trust Chair should not inform the staff member until those agencies have been consulted and have agreed what information can be disclosed to the accused. A risk assessment should be made and suspension or 'stay at home' may be considered. See Section 7.

In some cases, it may be necessary for the Police to interview the member of staff or volunteer before the Headteacher/Trust DSL approaches him or her and instigates a fact-finding investigation. This will be determined by the Police. In cases involving the Police it is expected that:

- Police officers will be given every assistance with their enquiries
- Confidentiality about such enquiries will be maintained in the interests of the member of staff
- Arrangements will be made for the Headteacher to be kept informed of the progress of Police enquiries
- The Headteacher/Trust Chair will obtain advice from the Trust HR Director (who may also liaise with the Trust Designated Safeguarding Lead) and the LADO to determine what interim action may be appropriate

5.2 Parents

Support for the child/ren involved is paramount and should be considered and provided/commissioned by the school throughout and following the outcome any investigation, as appropriate.

The parent/s of any child involved in a potential allegation, will be told about the allegation as soon as possible if they do not already know about it. However, when a strategy discussion is needed, or police or children's services need to be involved, the parents should not be informed until those agencies have been consulted and have agreed what information can be disclosed and when.

The parent/s should be kept informed about the progress of the case and informed of the outcome in writing, where there is not a criminal prosecution, including the outcome of any disciplinary process, in confidence and with reference to the General Data Protection Regulations.

Parents/carers should also be made aware of the requirement to maintain confidentiality about any allegations made against Trust staff whilst investigations are ongoing as set out in section 141F of the Education Act 2002 (see paragraph 164). If parents/carers wish to apply to the court to have reporting restrictions removed, they should be informed that they should seek legal advice.

Parents must not publish details of an allegation, including on a social networking site for example, as this would be in breach of the reporting restrictions. 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.

6. NON CO-OPERATION / RESIGNATION / END OF CONTRACT

6.1. Where an employee leaves the Trust before the end of the process, through resignation or end of a fixed-term or temporary contract, it will still be essential for the Trust to continue to co-operate fully with the process and, where no prosecution is taking place, for the Trust to complete its own internal investigation, even without the co-operation of the individual.

It is essential that the outcome of such an investigation is shared with any potential employer as part of a reference process, in accordance with the principles of data sharing, as outlined.

If the accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement/compromise agreement. A settlement/compromise agreement which prevents the Trust from making a [Disclosure and Barring Service](#) (DBS) referral when the criteria are met, would likely result in a criminal offence being committed.

The Trust have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- the harm test is satisfied in respect of that individual;
- the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and
- the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left

The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual and must only be made by the Trust's DSL, or in their absence, the Trust HR department. Further guidance on DBS referrals can be found [here](#).

Where the Trust dismisses or ceases to use the services of a teacher because of safeguarding concerns, serious or gross misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State via the [Teacher Regulation Agency](#) (TRA). This referral must only be made by the Trust's DSL, or in their absence, the Trust HR department. Further guidance on TRA referrals can be found [here](#). The Secretary of State may investigate the case, and if s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person.

Wherever possible, the accused person should be given a full opportunity to answer the allegation and make representations about it in line with the relevant policies e.g. disciplinary. [See KCSIE 2020](#).

7. SUSPENSIONS/STAY AT HOME

[‘Keeping Children Safe in Education’ 2020](#) gives clear guidance on the approach that should be taken when considering whether or not an individual against whom an allegation has been made should be suspended.

The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations and a risk assessment undertaken. In some rare cases that will require the Headteacher/Trust Chair/CEO to consider asking the staff member to stay at home or suspending the accused until the case is resolved. Any such instruction will be dynamically reviewed as the investigation progresses and may be lifted at any time if there is sufficient evidence determined to do so.

Suspension is a neutral act and it should not be automatic. However, it will be considered in any case where:

- there is cause to suspect a child is at risk of harm; or
- the allegation is so serious that it might be grounds for dismissal; or
- to remain working could be prejudicial to the gathering and presentation of evidence

The Headteacher/Trust CEO/Chair must consider carefully whether the circumstances warrant suspension and should seek advice from the LADO, Trust HR Director and Chief Executive Officer/Trust DSL of the Trust before the employer (Trust) makes a decision to suspend.

The Trust must consider carefully whether the circumstances of the case warrant a person being suspended and all options to avoid suspension should be considered. Inappropriate and unjustified suspension resulting in an individual’s resignation can amount, in law, to constructive dismissal.

In cases where the school or college is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the school, it will be necessary to immediately suspend that person from teaching pending the findings of the Teacher Regulation Agency’s investigation.

The Headteacher/Trust CEO/Chair should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements e.g. stay at home, working at the central offices. In many cases, an investigation can be resolved quickly and without the need for suspension. If the LADO, police and Children’s Services have no objections to the member of staff continuing to work during the investigation, the Headteacher/Trust CEO/Chair should take advice from the Trust HR Director/Trust DSL and explore all possible options to avoid suspension. Based on assessment of risk, the following alternatives should be considered by the Headteacher/Trust CEO/Chair and Trust HR Director/Trust DSL before suspending a member of staff:

- redeployment within the academy 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 to alternative work in the academy so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or

- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or work within the Trust central office
- stay at home instruction

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The Headteacher/Trust CEO/Chair should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the HR Director and Headteacher/Trust CEO/Chair, involving the LADO. This should 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 should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. The Trust will provide effective support for anyone facing an allegation. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details. This may include occupational health services and the Trust employee assistance programme and/or [Education Support Partnership](#). They should be advised to contact their trade union representative, if they have one, or a colleague for support. Whilst suspended, the person should be kept informed of both the progress of their case (where it is possible to do so) and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

Children's Services or the police cannot require the Headteacher/Trust CEO/Chair 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 Headteacher/Trust CEO/Chair, as delegated by the Trust. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's services and/or an investigation by the police, the LADO should canvass police and children's services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform the Trust 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.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Headteacher/Trust CEO/Chair should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The Headteacher/Trust CEO/Chair should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still a pupil at the school. Contact the Trust's HR Director for further information.

8. CRIMINAL PROCEEDINGS

8.1. If the police or Crown Prosecution Service decide not to press charges; decide to issue a caution; or if the person is acquitted by the courts, the employers will request from the police and LADO all the information pertinent to disciplinary proceedings. The police should obtain consent from the individuals involved to share

their statements and evidence for use in an employer disciplinary process. If deemed necessary by the Trust, a DP5 (to the police) or FOI request may be made.

The Headteacher/Trust CEO/Chair, LADO and HR Director will discuss whether any further action is appropriate and if so, how to proceed taking into account the information from police and children's services, and bearing in mind the different standard of proof required in disciplinary and criminal proceedings.

8.2. If the person is convicted by the courts, the employer will be informed straightaway by the police so that appropriate action can be taken.

8.3 If a police investigation into a Trust employee or volunteer is commenced, the Trust will comply with all requests for data sharing from the Police, in line with [Working Together to Safeguard Children](#).

9. CONFIDENTIALITY

Media attention during an investigation can add to the problems for the member of staff or volunteer and may even hinder an investigation. Every effort must be made to maintain confidentiality and guard against unwanted publicity when an allegation is being investigated or considered.

The Education Act 2002 (subsequently 2011) introduced reporting restrictions preventing (prohibiting) 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 or college (whether that identification would identify the teacher as the subject of the allegation). 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. Early contact with the Chief Executive Officer for advice and support for dealing with media enquiries is therefore required. All media enquiries should be handled through the [Trust central team](#) (or their representative PR agency) and not the school directly.

Regrettably, it is often the case that the media do become aware of allegations through parents or pupils therefore any briefings to staff, local governing committee members and the Trust Board, must emphasise the need to avoid any direct contact with the media and to refer any such matters to the Trust central team.

Advising the member of staff or volunteer of any early indications of media coverage will be essential.

The Headteacher/Trust CEO/Chair should take advice from the LADO, police, Children's Services and HR Director, to agree the following:

- Who needs to know and, importantly, exactly what information can be shared
- How to manage speculation, leaks and gossip
- What, if any information can be reasonably given to the wider community to reduce speculation; and
- How to manage press interest if and when it should arise.

10. RECORD KEEPING

A timed and dated chronology should be kept from the moment that an allegation is received by the person dealing with the allegation. A proforma is provided within the safeguarding area of GVO. The Headteacher/Trust CEO/Chair must keep secure records of any concerns or incidents relating to individual

staff in an employee's confidential personnel file, unless the allegations are malicious. However, for all other allegations, it is important that:

- a clear and comprehensive summary of the allegation;
- details of how the allegation was followed up and resolved, and
- a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

Schools have an obligation to preserve records that contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the [IICSA website](#)). All records should be retained for at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

In the case of an allegation, which is proven to be malicious, the Trust/school documentation must be removed from personnel records immediately.

11. REFERRAL TO PROFESSIONAL BODIES

REPORTING TO THE DBS

The Trust have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- the harm test is satisfied in respect of that individual;
- the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and
- the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left

The DBS will consider whether to bar the person. Referrals should be made by the Trust DSL (or Trust HR team in their absence) as soon as possible after the resignation, removal or redeployment of the individual. Guidance on referrals can be found [here](#).

Where a teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious or gross misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State via the [TRA](#). The Secretary of State may investigate the case, and if s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person.

12. OUTCOMES OF ALLEGATION INVESTIGATIONS AND REFERENCES

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

- Substantiated: there is sufficient evidence to prove the allegation;
- Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- False: there is sufficient evidence to disprove the allegation;
- Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;
- Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

A summary of outcomes form must be completed and sent to the LADO and the staff member informed of the outcome of the investigation, via a letter. See Section 10.

12.2. When allegations are found to be unsubstantiated, the employer should refer the matter to children's services for assessment of the child's need for services or investigation whether someone else may have abused the child.

12.3. When an allegation is deliberately invented, false or malicious, the employer should ask the police whether any action might be appropriate against the person responsible, if the employee, who is accused, is in agreement to this.

12.4 All other matters should be dealt with through the associated policy e.g. complaints, grievance. Further advice can be sought from the Trust HR Director.

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

12.6 Where it is decided on the conclusion of a case that a person who has been suspended can return to work, Trust HR and the Headteacher/Trust CEO/Chair will advise how best to facilitate that considering how a person's contact with the child or children who made the allegations can best be managed if they are still at the school.

13. LEARNING LESSONS

13.1. At the conclusion of the case in which an allegation is substantiated, the LADO should review the circumstances of the case with the Headteacher/Trust CEO/Chair to determine whether there are any improvements to be made to the school or Trust's procedures or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not the suspension was justified. Lessons should also be learnt from the use of suspension where the individual is subsequently reinstated. The Trust may also determine to commission their own internal or external review, as deemed appropriate.

14. WHISTLEBLOWING

All staff should be made aware of the Trust's whistleblowing policy and feel confident to voice concerns about the attitude or actions of colleagues.

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 directly to the LADO.

This policy should be read in conjunction with the Child Protection and Safeguarding and Whistleblowing Policies.

Surrey Police (General Enquiries) Telephone 0845 045 45 45/101 (Emergency) Telephone 999



Keeping Children Safe in Education 2020 – Part 4

Paragraph 211 Checklist

This document should be used when determining whether the actions of an employee, a member of agency staff or a volunteer (including LGC members, Trust Directors and Members) meet the criteria set out in the **fourth bullet point of paragraph 211** of [Keeping Children Safe In Education](#) in that the individual:

- **Behaved or may have behaved in a way that indicates they may not be suitable to work with children.**

This checklist is not intended replace suspension/formal disciplinary investigations and should be retained securely in the individuals personnel file.

Name of individual	
Role	
Allegation/concern/conviction (give brief description)	
Date of allegation/concern/conviction	
Date of your assessment	
<u>Area of discussion</u>	<u>Summary of response</u>
LADO Advice (date, name of contact and advice given)	
Initial consideration to any policy breaches (Acceptable Use, Code of Conduct, Substance misuse, Teacher Standards etc)	
Initial evidence	
Individual's response to allegation/concern/conviction (have they	

been open and honest, did they come to you with the issue etc)	
What was the 'trigger/cause' of the concern/allegation/conviction (including any extenuating circumstances)	
Relevance of allegation/concern/conviction to individual and school setting Could the above 'trigger/cause' occur in a school setting?	
Is the allegation/concern/conviction being formally investigated under disciplinary procedures	YES / NO
Based on the above evidence and advice taken, do you believe the employee/volunteer: Behaved or may have behaved in a way that indicates they may not be suitable to work with children?	YES / NO Explain why/not and if applicable, follow-up action taken:

Decision made by:	Name	
	Position	
Signature:		
Advised by:	Name	
	Position	
Review date:		

Explanatory information for staff and volunteers:

The September 2020 version of [Keeping Children Safe in Education](#) has changed the way that schools manage allegations against staff and volunteers. This change affects all staff and volunteers.

Until now, we were expected to consider allegations made against staff and volunteers as a safeguarding concern only if the allegation related to how that staff member acted towards children. The guidance now requires us to treat as a safeguarding concern an allegation where it is alleged that a member of staff or volunteer behaved or may have behaved in a way that indicates they may not be suitable to work with children.

This addition is to ensure schools consider circumstances where there may be a transferable risk. A transferable risk is where a member of staff or volunteer is involved in an incident outside school that did not involve children but could have an impact on the suitability to work with children. For example, a member of staff is involved in domestic violence at home. No children were involved, but we would be expected to consider what triggered these actions and could a child in school trigger the same reaction, therefore being put at risk.

All staff and volunteers need to be aware of this change and keep in mind that, as well as being a potential breach of [other policies], such Teachers Standards or Code of Conduct, could result in a safeguarding investigation under Part 4 of Keeping Children Safe in Education 2020.