William Austin Junior School

Policy for Dealing with Allegations of Abuse against Teachers and Other Staff

Introduction – Adopted from LBC Policy

It is essential that any allegation of abuse made against a teacher, another member of staff, a school worker, an agency worker or a volunteer in an education setting 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.

This procedure complies with the statutory guidance about managing cases of allegations of abuse made against teachers and other staff that are set out in Keeping Children Safe in Education.

WHAT TO DO WHEN AN ALLEGATION IS MADE

This part of the guidance is about managing allegations that might indicate an individual would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers, contractor or people using the school premises) in a school or college that provides education for children under 18 years of age 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; or
- behaved towards a child or children in a way that indicates he or she would 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

Where the school or college identify a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency, they should contact local authority children's social care (Multi Assessment Safeguarding Hub) and, as appropriate, the police immediately.

The Headteacher should report the concern to the Local Authority Designation Officer (LADO) the same day. If the allegation is in relation to the Headteacher, then the Chair of Governors will undertake the role of Headteacher, as prescribed within the policy. Before contacting the LADO, the head teacher should conduct basic enquiries to establish the facts and to help them determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation. The purpose of these enquiries is not to investigate the allegation but to establish whether there is sufficient information to determine the appropriate next steps.

Examples of fact-finding questions include:
• was the individual in the school or college at the time of the allegations
• did the individual, or could the individual have come into contact with the child
• are there any witnesses, and
• was there any CCTV footage?

If the LADO is not available, the Headteacher should contact Luton Traded HR team.

Initial consideration

There may be up to 3 strands in the consideration of an allegation:

- a police investigation of a possible criminal offence;
- enquiries and assessment by the MASH team about whether a child is in need of protection or in need of services, under section 47 of the Children Act 1989;
- consideration by the school of disciplinary action in respect of the individual

The LADO will discuss the matter with the Headteacher and where necessary obtain further details of the allegation and the circumstances in which it was made. The LADO may ask the Headteacher/Chair of Governors to provide or obtain relevant additional information.

If the allegation is not patently false and there is cause to suspect that a child has suffered or is likely to suffer significant harm, the LADO will immediately refer to the **MASH** team to enquire whether a strategy discussion, in accordance with the statutory guidance "Working Together to Safeguard Children", needs to be convened (under section 47 of the Children Act 1989).

In those circumstances the strategy discussion should include the LADO, the Police Child Protection Officer, a HR representative and the Headteacher.

If there is not cause to suspect that significant harm is an issue, but a criminal offence might have been committed, the LADO should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion should also involve the school and any other agencies involved with the child.

If there is not cause to suspect that significant harm is an issue, but that the allegation was prompted by inappropriate behaviour, the LADO may undertake a Joint Evaluation Meeting (JEM) or recommend that the Headteacher will seek advice from HR regarding applying the school's disciplinary procedures.

Action following initial consideration

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 the decision, should be recorded by the LADO, who will provide the Headteacher with a confidential copy of the notes. An agreement should be reached on what information should be put in writing to the individual concerned and by whom. In such cases, if the nature of the allegation does not require formal disciplinary action, the Headteacher should institute appropriate action, where required, within 3 working days. The LADO should then consider with the Headteacher what action should follow both in respect of the individual and those who made the initial allegation.

In cases where the MASH team has undertaken enquiries to determine whether the child or children are in need of protection, the Headteacher should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action. HR and the LADO should continue to liaise with the school to monitor progress of the case and provide advice /support when required/requested.

Cases subject to police investigation

If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible, consistent with a fair and thorough investigation, and will keep the progress of the case under review. The review should take place no later than 4 weeks after the initial action meeting. Police investigations take precedence over internal disciplinary procedures. Formal disciplinary procedures will follow.

If the individual is convicted of an offence the police will inform the employer straight away so that appropriate action can be taken.

SUPPORTING THOSE INVOLVED

The pupil

The LADO's first step will be to discuss the allegation with the Headteacher to confirm details of the allegation. If the parents/carers of the child concerned are not already aware of the allegation, the LADO will also discuss when, how and by whom they should be informed. However, in some circumstances the school may need to advise parents of an incident involving their child straight away, for example if the child has been injured while at school or in a school related activity, and requires medical treatment. Keeping Children Safe in Education states that "parents or carers of the child or children involved should be:

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

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, should consider what support the child or children involved may need.

The Employee

The Headteacher should inform the person facing the allegation, about the allegation, but **only** after consulting the LADO. Where a multi-agency meeting is required, views of the police and the MASH team should be sought. The Headteacher should not do that until those agencies have consulted jointly, and have agreed what information can be disclosed to the individual. It is imperative that the Headteacher provides effective support to the employee by providing the employee with a contact name from the School (normally the investigating officer) and advises the employee contacts their union or professional association. The Headteacher should also provide the employee with the detail of the employee assistance programme and/or Occupational Health, where this is provided by the School. If the employee is suspended, the school should also keep the informed about relevant developments at school.

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. The employee should be advised that they must not discuss the allegation with colleagues.

Supply teachers and all contracted staff

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. Whilst schools are not the employer of supply teachers, they should ensure allegations are dealt with properly. In no circumstances should a 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.

The school should discuss with the supply agency or agencies where the supply teacher is working across a number of schools, whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation.

Agencies should be fully involved and co-operate with any enquiries from the LADO, police and/or local authority children's social care. The school will usually take the lead because agencies do not have direct access to children or other school or college staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process.

Supply teachers, whilst not employed by the school, are under the supervision, direction and control of the governing body when working in the school or college. They should be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting, which is often arranged by the LADO, should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency or agencies are considered by the school during the investigation. When using a supply agency, schools should inform the agency of the process for managing allegations but also take account of the agency's policies and the duty placed on agencies to refer to the DBS. This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.

Governors

If an allegation is made against a governor, schools should follow their own local procedures. Advice can be sought from the Governor Services Team, or from your Governor Services provider, should an allegation be made. Where an allegation is substantiated, they should follow the procedures to consider removing them from office.

Organisations or Individuals using school premises

Schools may receive an allegation relating to an incident that happened when an individual or organisation was using their school premises for the purposes of running activities for children (for example community groups, sports associations, or service providers that run extra-curricular activities). As with any safeguarding allegation, schools should follow their safeguarding policies and procedures, including informing the LADO.

SUSPENSION

Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children and/or work at the school or college or whether alternative arrangements can be put in place until the allegation or concern is resolved. Suspension should not be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step.

Where the Police or MASH team are involved in the case, the decision to suspend must be a multi-agency decision.

If the decision to suspend an employee is made, the rationale and justification for the decision must be agreed and recorded. This should also include what alternatives to suspension were considered and why they were rejected.

A Suspension Risk Assessment form can be found in appendix 2. This will help inform and record your decision in relation to whether suspension is required.

In cases where, on conclusion of the case, it is decided that an employee who has been suspended can return to work, the school should consider how best to facilitate the return. Most people will benefit from some help and support to return to work after what can be a very stressful experience. The Headteacher should contact HR to discuss the management of an employee's return to work. The school 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(s) at the school.

CONFIDENTIALITY

Every effort should be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated/considered. The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation).

The reporting restrictions apply until the point that the accused person is charged with a criminal offence, or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. The provisions commenced on 1 October 2012.

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

In accordance with the Association of Chief Police Officers' (ACPO) guidance the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police would like to depart from that rule,

for example an appeal to trace a suspect, they must apply to a magistrates' court to request that reporting restrictions be lifted.)

The LADO should discuss with the police and the MASH team 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.

RECORD KEEPING

Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, i.e. substantiated, unfounded and unsubstantiated 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.

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 (Disclosure and Barring Service) 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. The record should be retained at least until the accused retires or for a period of 10 years from the date of the allegation if that is longer.

OUTCOME OF ALLEGATIONS

The following definitions are used by the LADO when determining the outcome of allegation investigations:

Substantiated - Supported by proof.
Unsubstantiated - Insufficient evidence to prove or disprove. This is not the same as a false allegation and does not imply guilt or innocence.
Unfounded - Evidence was available to disprove the allegation or that information has been misinterpreted. This means there was no intent to harm or neglect.
Malicious - A deliberate act to deceive. For an allegation to be classified as malicious, it will be necessary to have evidence which proves malicious intent.
False – There is sufficient evidence to disprove the allegation

HISTORICAL ALLEGATIONS

Allegations against a teacher, staff member, agency worker or volunteer, who is no longer working at the school, should be referred to the police. Consideration should also be given to consulting with the LADO regarding any safeguarding implications this may present.

RESIGNATIONS AND "SETTLEMENT AGREEMENTS"

The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children including any in which the person concerned refuses to cooperate with the process. Wherever possible, the person should be given a full opportunity to answer the allegation and

make representations about it. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible. The person concerned should be notified of the conclusion of the allegations and sanctions that might be posed.

By the same token, so called "settlement agreements" by which a person agrees to resign, the school agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, must not be used where the allegations indicate the person poses a risk of harm to children or deemed not suitable to work with children. Nor can such agreements override the statutory duty to make a referral to the DBS where circumstances require that.

Other than where allegations are false, malicious, unsubstantiated, or unfounded, the outcome should be made clear when providing references to prospective employers. This is particularly important where the person moves into another position involving working with children. It is not appropriate to reach a settlement/compromise agreement if the person subject to the allegation resigns or their services cease to be used. However, in limited circumstances schools and colleges sometimes use settlement agreements to end the employment relationship on agreed terms, but not where there is an allegation that the individual poses a risk to children.

REFERRALS

If, on conclusion of the case, the school ceases to use the individual's services, or the individual ceases to provide his/her services, the school should consult with the LADO and HR about whether a referral to the DBS and Teacher Regulation Authority (TRA) is required.

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child or if a person otherwise poses a risk of harm to a child. DBS will consider whether to bar the person from working in regulated activity, which will include work in schools and other educational establishments. Local authorities, schools, academies, FE colleges and other bodies all have a statutory duty to make reports, and to provide relevant information to the DBS. Referrals should be made as soon as possible after the resignation or removal of the member of staff involved

TIMESCALES

It is in everyone's interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay.

WHISTLEBLOWING

All staff should be made aware of the organisation's whistleblowing policy and encouraged to voice any concerns they may have about the attitude and actions of colleagues. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, s/he should report the matter directly to the LADO.

REFERENCES

Other than where allegations are false, malicious unsubstantiated, or unfounded, the outcome should be made clear when providing references to prospective employers. This is particularly important where the person moves into another position involving working with children.

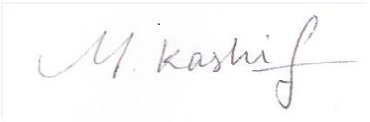
Please contact Luton Traded HR Team if you have any questions in relation to completing a reference request.

This policy will be monitored and reviewed by the Governing Body on an annual basis.

Policy updated: September 2026

Staff responsible: School Business Manager

This policy was ratified by the Governing body on: 16th September 2026

Signed on behalf of the Governing Body:  (signature)

M. Kashif - Chair of Governors (printed)

Appendix 1

Contact details

LADO – 01582 548069

MASH TEAM – 01582 547653 e-mail mash@luton.gov.uk

POLICE MASH TEAM – 01582 547674

HUMAN RESOURCES –01582 548190

Appendix 2

Safeguarding Risk Assessment

The following risk assessment should be completed whenever suspension of an employee is being considered.

DETAILS OF THE CASE UNDER CONSIDERATION	
NAME OF EMPLOYEE	
DATE OF ALLEGED INCIDENT	

Nature of the allegation against the employee

Risk	**Likelihood**				**Detail**
	High	**Medium**	**Low**	**N/A**	
Is there a significant safeguarding risk to children?					
Is there a risk that the investigation may be compromised if they stay on site?					
Could the allegation amount to Gross Misconduct?					
Is there a risk to other staff?					
Is there a risk to school property?					
Is there a Health & safety risk?					

What measures, short of suspension, can be put into place to enable the staff member to continue to work? (If any) Short term/Medium term/Long term

If no, please detail why measures short of suspension cannot be put in place.

Document decision made regarding suspension, providing details of why the decision has been made

Suspension review dates, where appropriate:

1st suspension review date and decision:

2nd suspension review date and decision:

3rd suspension review date and decision:

4th suspension review date and decision:

Occupational Health

Is there a requirement to refer to Occupational Health? **YES/NO**

Completed by …… Date ……