DIOCESE OF SOUTHWELL & NOTTINGHAM
MULTI ACADEMY TRUST

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MANAGING SAFEGUARDING ALLEGATIONS POLICY & PROCEDURE

(SAFEGUARDING RISKS AND ALLEGATIONS/CONCERNS OF HARM AND ABUSE MADE AGAINST STAFF)

Approved by the MAT Board of Directors – May 2026

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1 Introduction

The Trust takes the safeguarding of its pupils very seriously and recognise that it is extremely important that any allegation made against a member of staff, supply staff, contractors or volunteer is managed quickly and effectively. It is also important that low safeguarding concerns are recognised and reported so behaviours can be appropriately managed.

It is a statutory requirement for academies to have in place procedures for dealing with allegations of abuse against members of staff including supply staff, volunteers and contractors which complies with the requirements set out in the current version of Keeping Children Safe in Education (KCSIE), Working together to Safeguard Children 2018 and the Nottinghamshire Safeguarding Children Partnership (NSCP) or the Lincolnshire Safeguarding Children Partnership (LSCP).

This policy sets out how the Trust/Academies will manage allegations and low level concerns raised in relation to a member of staff, supply staff, contractors or volunteers at our academy. It meets the requirements of the Department for Education statutory guidance for managing allegations set out in Part 4 of Keeping Children Safe in Education 2023. It also works alongside the Trust's Safeguarding Policy.

This policy complements and should be read alongside our Disciplinary Policy and specifically sets out the additional procedures for managing allegations of harm/concerns raised against those working in or on behalf of our academies in a paid or unpaid capacity.

This policy is reviewed annually by the Trust in consultation with the recognised trade unions. The application and outcomes of this policy will be monitored to ensure it is working effectively. This policy has been formally adopted by the SNMAT Board of Directors.

2 Scope

This policy is set out in two parts, covering the two levels of allegations/concerns:

Part One: Allegations that may meet the harms threshold.

Part Two: Allegations/concerns that do not meet the harms threshold (low level concerns).

3 Legal Framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Children Act 1989
- Education Act 2002
- Children Act 2004
- Data Protection Act 2018

- The UK General Data Protection Regulation (UK GDPR)
- DfE (2023) 'Keeping children safe in education 2025'

DfE (2018) 'Working Together to Safeguard Children 2018'
This policy operates in conjunction with the following Trust/Academies policies:

- Safeguarding Policy
- Disciplinary Policy
- Staff Code of Conduct
- Data Protection Policy
- Complaints Policy
- eSafeguarding Policy

4 Staff covered by Policy

This policy covers allegations against those working in or on behalf of the academy in a paid or unpaid capacity, including members of staff, supply teachers, volunteers and contractors.

In some cases, the academy will have to deal with an allegation against an individual not directly employed by them, e.g. supply staff provided by an employment agency, where the academy's disciplinary procedures do not fully apply because agencies will have their own procedures.

In these cases, the academy will notify the agency immediately and ensure allegations are dealt with properly and will often take the lead on dealing with the allegation as it has access to all of the necessary information. Under no circumstances will the academy decide to cease to use a supply teacher due to safeguarding concerns without finding out the facts and liaising with LADO to determine a suitable outcome.

Any supply agencies used by the academy will be informed of the academy's process for managing allegations. The academy will also take account of the agency's policies and their duty to refer to the DBS as personnel suppliers.

If an allegation is made against a governor, the academy will follow its local procedures. Where an allegation is substantiated, the academy will follow the procedures to consider removing the governor from office.

For the purposes of this policy "member of staff" refers to staff, supply staff, volunteers and contractors.

5 Non recent allegations

Allegations made against a teacher who is no longer teaching should be referred to the police and any historic allegations of abuse should also be referred to the police.

Where an adult makes an allegation to the Trust that they were abused as a child, that adult will be advised to report the allegation to the police.

Non recent allegations made by a child will be reported to the LADO in line with the appropriate procedures for dealing with non-recent allegations.

6 Roles and Responsibilities

For all the roles undertaken in this policy it is important that confidentiality is maintained through out the process.

Headteacher/Principal
It is the responsibility of the Headteacher/Principal to:

- Ensure that all relevant senior leaders understand their role and have access to appropriate support, advice and training in the application of this policy and procedures.
- Be the case manager for allegations, unless the allegation relates to them or there would be a conflict of interest if they were the case manager.

Case Manager
The case manager will normally be the Headteacher/Principal (where the allegation is against the Headteacher/Principal the CEO/Trust Safeguarding Consultant will take on this role alongside the Chair of Governors). The case manager is responsible for ensuring:

- A basic enquiry is conducted as soon as an allegation is reported.
- Investigations into allegations take place.
- The Academy works with the LADO when dealing with allegations.

Trust Safeguarding Consultant
The Trust Safeguarding Consultant is responsible for:

- Being the first point of contact for the Headteacher/Principal when an allegation or low-level concern is raised against a member of staff
- Providing advice, guidance and training
- Working with the CEO and Chair of Governors when an allegation or low-level concern is raised against the Headteacher/Principal
- Attending strategy meetings

Local Authority Designated Officer (LADO)
The LADO will:

- provide advice and guidance to the academy when considering allegations
- Ensure that an appropriate investigation is carried out, their role is not to investigate the allegation

The academy must contact the LADO immediately (as a minimum within 24 hours) for advice and guidance following an allegation of abuse / harm and before taking any action against or sharing any information with the employee.

Chair of Governors
The Chair of Governors will be responsible for:

- Ensuring this policy is implemented consistently in the academy.
- Working with the CEO/Trust Safeguarding Consultant to put welfare support in place for a Headteacher/Principal subject to allegations.
- Assisting the CEO/Trust Safeguarding Consultant for allegations relating to the headteacher.

Trust HR Team
The academy nominated HR contact should be informed after discussing the case with the LADO/Trust Safeguarding Consultant. They will:

- Provide advice and guidance about the personnel implications of such an allegation
- Provide guidance on the procedure to follow for an allegation
- Support the case manager where required i.e. suspension process, disciplinary process

7 Part One: Managing allegations that may meet the harms threshold

This part of the policy should be followed when it is alleged that a member of staff has:

- behaved in a way that has harmed a child or may have harmed a child; and/or
- possibly committed a criminal offence against or related to a child; and/or
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children. (This may include behaviour outside of the workplace that might make an individual unsuitable wo work with children – known as 'transferable risk').

If there is any doubt as to whether a concern meets the harm threshold advice should be sought from the Trust Safeguarding Consultant and/or LADO.

It is essential that any allegations are dealt with quickly, in a fair and consistent manner that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

7.1 Reporting an allegation

The safety and welfare of our pupils is of paramount importance so where a safeguarding concern or allegation is made against a member of staff this should be reported to the Principal/Head Teacher immediately.

Allegations involving the Principal/Head Teacher should be reported to the Chair of Governors who will in turn inform the CEO/Trust Safeguarding Consultant immediately.

The Principal/Head Teacher/CEO will then act as the case manager.

For allegations involving staff not directly employed by academy i.e. agency staff, the headteacher/Principal must immediately notify the individuals' direct (agency) employer.

In these situations, it remains the responsibility of the academy to ensure that allegations of harm are dealt with properly. Agencies should be fully involved and co-operate in any enquiries made by the local authority designated officer (LADO), the police, social care and the academy. KCSIE makes it clear that, although not the employer, the academy is expected to take the lead investigating and resolving the matter as the agency will not have direct access to any children involved.

7.2 Initial Consideration

When an allegation is reported initially the Headteacher/Principal will immediately discuss the matter with the Trust Safeguarding Consultant and provide details of the allegation and the circumstances in which it was made. The Headteacher/Principal should not investigate the allegation at this stage or disclose any information to the member of staff at this point.

The Trust Safeguarding Consultant will then quickly establish the next course of action which could be any of the following:

1) Contact the LADO
The case manager should contact the LADO and discuss the nature, content and context of the allegation. A decision will then be taken in conjunction with the LADO regarding appropriate courses of action. The discussion will also consider whether there is evidence or information that establishes that the allegation is false or unfounded.

2) Conduct a basic enquiry
The case manager should conduct a basic enquiry to establish the facts to help them determine whether there is any foundation to the allegation (this is not an investigation). During this basic enquiry, the case manager will ensure they collect any information that will be required by the LADO and will be careful not to jeopardise any potential future police investigation. No information should be disclosed to the member of staff at this point. Once the case manager has conducted the basic enquiry, they will update the Trust Safeguarding Consultant who may advise to contact the LADO (as per point 1 above).

3) Low Level Concern
Following a discussion with the Trust Safeguarding Consultant the case manager may be advised that the allegation is a Low Level Concern. If this is the outcome then Part 2 of this policy should be followed.

When dealing with allegations or concerns the discussions with the LADO will ensure that the academy:

- Are supported to apply common sense and judgement. The LADO will advise on basic enquiries which will include determining if there is any foundation to the allegation, whilst being careful not to jeopardise any future police investigation. The initial evaluation with the LADO should take into account that teachers and other academy staff are entitled to use reasonable force to control or restrain children in certain circumstances;
- Deal with allegations quickly, fairly and consistently in line with the appropriate procedures;
- Provide effective protection to the child and support to the person subject to the allegation.

7.3 Managing Communication

When safeguarding concerns or allegations are made against members of staff, it is very important to manage and coordinate communication to the member of staff and other parties, when the LADO agrees this can happen. All communication should be discussed and agreed in advance with the LADO, children's social care, the police, the Trust Safeguarding Consultant and CEO as appropriate to the management of the case.

In terms of confidentiality and the use of information to and from the police/social care, The academy **must** make every effort to maintain confidentiality and guard against unwanted publicity whilst an allegation is being investigated.

7.4 Outcomes from Initial Consideration when LADO involved

If following the initial consideration stage the case manager has contacted LADO there are five possible outcomes which will then inform the next stage to follow. LADO will advise and guide on what to do next:

a) Where the pupil has suffered, is suffering or is *at risk of harm*, or in need of protection, there should be an immediate referral to children's social care.

b) If a child makes an allegation that is considered to be a *potential criminal act* or indicates that they have suffered, are suffering or are likely to suffer significant harm, this must be referred immediately via the LADO to the police or children's social care officers.

c) Where it is considered that the allegation was prompted by *inappropriate, unprofessional behaviour or bad practice* by the employee (which does not fall into either of the above categories), it should be dealt with under the Trust's disciplinary procedures.

d) Where it has been demonstrated that the safeguarding concern/allegation is *without foundation* consideration must be given as to what other appropriate action needs to be taken. (See 7.15 –Outcome of Internal Investigation). In such cases, the DFE recommends that the head teacher should take any further appropriate action, where possible, within 3

working days.

e) Where the allegations does not meet the harms threshold “Lower-level” concerns should be managed in accordance with Part B of this procedure.

Where the case manager is concerned about the welfare of other children in the community or the staff member’s family, they will discuss these concerns with the Designated Safeguarding Lead (DSL) and conduct a risk assessment of the situation. Where necessary, the DSL will make a referral to CSCS.

If the allegation is about physical contact, e.g. restraint, it will be taken into account that teachers and other staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where the allegation includes behaviour outside of academy, an assessment of transferable risk to children with whom the person works will be undertaken where appropriate; advice will be sought from the LADO where there is any doubt.

7.5 Joint Agency Strategy Meeting

When deemed necessary, a strategy meeting will be convened (usually within one working day of the referral being made) to determine the appropriate action to be taken. For example:

- If the allegation is not patently false and there is cause to suspect that a child is suffering, or is likely to suffer, significant harm, the LADO will immediately refer it to children’s social care and ask for a strategy discussion, to be convened straight away.
- If there is not cause to suspect that “significant harm” is an issue, but a criminal offence might have been committed, the LADO would immediately inform the police and convene a strategy discussion to decide whether a police investigation is needed.

Strategy meetings will take place in line with the ‘Working Together to Safeguarding Children’ statutory guidance. The LADO and all relevant personnel should attend this meeting in order to share information and participate in the planning of any enquiries.

The purpose of a strategy meeting is to:

- Consider the risk to the child and other children.
- Share all relevant information about the person who is the subject of the allegation and about the alleged victim.
- Determine the need for investigation and by whom.
- Plan the investigation/enquiries and set timescales for tasks to be undertaken.
- Consider whether any other children are affected by the allegations e.g. the person’s own children, grandchildren, or other children in the agency setting such as children placed with foster carers, child-minders, or youth clubs.
- Ensure that the person who is the subject of the allegation is kept informed and supported (see section 7.5).

- Decide how regular information and support will be provided to the child and family and by whom (see section 7.6).
- Plan all interviews and agree who should undertake them so that there is no confusion between a criminal investigation and disciplinary processes.
- Consider the need to inform relevant parties.
- Jointly consider how to manage any media interest.
- Consider whether the circumstances require the person who is subject to the allegation to be suspended from contact with students; this may change as the investigation progresses and should be reviewed regularly.
- Consider the appropriate course of action if the allegation is against a governor, a temporary member of staff or a supply teacher.
- Consider any appropriate action to be taken by the academy in relation to the member of staff such as whether suspension is necessary (see section 7.5) and whether an internal investigation should be conducted.

The member of staff who is the subject of the allegation will not be invited to attend the meeting; however, the strategy meeting will agree when and how the member of staff will be informed. The minutes of the strategy meeting will be circulated by the Chair of the meeting to relevant parties.

Any subsequent strategy meetings should be held fortnightly, or at a maximum, monthly, to review progress.

The LADO should regularly monitor the progress of cases, either via review, strategy meetings, or by liaising with the police and/or children's social work services colleagues or the academy as appropriate. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

7.6 Supporting the Employee

The Trust has a duty of care to their employees and will act to manage and minimise the stress inherent in the allegations and disciplinary process. Support for the individual is key to fulfilling this duty. When an allegation is made, investigated or where an employee is suspended it is likely to be stressful for the employee and their family members.

Where an allegation is made against a member of supply staff, the supply agency should provide an additional support to that member of supply staff.
Under the employer's duty of care, the academy will make appropriate offers of welfare support to the employee which recognises the sensitivity of the situation. The following should be considered:

a) Manage and minimise the stress caused by the allegation through provision of support measures agreed with the employee;

b) Inform the individual as soon as possible, explaining the likely course of action, guided in what can be said to the individual by the LADO, children's social care and the police

c) Advise the individual to contact their trade union representative, or a colleague for additional support

d) Appoint a named person within the academy with responsibility to arrange support. This will usually be the head teacher / Chair of Governors (where the head teacher is subject to allegations/concerns)

e) Appoint a named person within the academy to keep the person informed about progress of the case. This will normally be the head teacher or the CEO/Chair of Governors (where the head teacher is subject to allegations/concerns). Updated information provided at any time must be agreed in advance with LADO and other agencies involved.

f) Provide access to counselling and occupational health service

g) Consider any additional health and or wellbeing support (especially if injured in any altercation).

Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work related issues.

Social contact with colleagues and friends must not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

An Information Guide for Employees Facing Allegations is available from HR and should be shared with the employee at the appropriate time.

7.7 Supporting the Parents/carers of the child(ren) involved

In deciding what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 2018 the law of confidence and, where relevant, the Human Rights Act 1998.

Parents or carers of the child involved will be told about the allegation if they do not already know of it. Where a strategy discussion is required, or police or children's social care need to be involved, the academy will not tell the parents or carers until it has been agreed with those agencies what information can be shared.

The academy will keep parents or carers informed about the progress of the investigation. Where there is no criminal prosecution the academy will tell parents or carers the outcome of the investigation. The deliberations of any disciplinary hearing, and the information taken into account in reaching a decision, will not normally be disclosed.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, local authority social care services or the police, as appropriate, should

consider what support the child or children involved may need.

7.8 Suspension

During the initial consideration, discussions with LADO or at a strategy meeting suspension of the accused person may be considered. The HR Team will provide advice on the suspension process.

Suspension is not an automatic response to an allegation being made. The academy will only suspend a member of staff following careful consideration of whether there is cause to suspect the child or other children is/are at risk of harm or the case is so serious that it might be grounds for dismissal. A person should not be suspended automatically, or without careful thought being given to the particular circumstances of the case. In many cases, it may be possible for alternative arrangements to be made so that the individual can continue working.

The academy/Trust (as appropriate) will make the decision whether or not to suspend a member of staff. Where the police or children's social care are involved in the case, the academy will listen to their views regarding suspension.

The academy/Trust (as appropriate) has no authority or power to suspend a staff from an agency where an allegation is made against them. Instead, the academy/Trust (as appropriate) can immediately cease to use the services of that member of supply staff. Options should be discussed with the agency to decide an appropriate course of action.

Where the member of staff is suspended, they will receive written confirmation within one working day and will be informed of the reason for the suspension. The person should also be informed at that point who the named contact is within the organisation and be provided with their contact details.

Guidance on suspension, alternatives to suspension, actions following a suspension and the reviewing of a suspension are outlined in Appendix A.

7.9 Investigations

Depending on the outcome from the initial consideration and any strategy meetings, there are three types of formal investigations that may arise from the allegation(s):

- An enquiry conducted by the Children's Social Care Services
- A police investigation into possible criminal offences
- An internal investigation, which would follow the Trust's disciplinary procedures

7.10 Investigations by Police or Children's Social Care Services

Any investigation by the police or child protection agencies will normally take priority over an internal disciplinary investigation by the academy. Therefore, any internal investigations will normally be held in abeyance pending either the completion of the external enquiries or an agreement by all parties that the academy can proceed with

a disciplinary investigation.

Updates in regards to investigations by the police or child protection agencies will be provided by the LADO to the case manager.

In some cases the police will want to interview the member of staff against whom the safeguarding, child protection allegation of harm/concern is made before the designated person makes any contact with the employee. The police may need to act independently, particularly where the alleged offence does not arise from the individual's professional duties in the academy. Police Officers should be given every assistance with their enquiries and, in the interest of the individual and the academy, confidentiality must be maintained. Where the police have confirmed it is appropriate to do so, the employee concerned should be advised and given every opportunity to contact their recognised trade union who will arrange for the appropriate support to be available, or from a colleague.

In terms of confidentiality and the use of information to and from the police/social care, The academy **must** make every effort to maintain confidentiality and guard against unwanted publicity whilst an allegation is being investigated. The Education Act 2011 amended the Education Act 2002 and introduced reporting restrictions which make it an offence for a person to "publish" information that may lead to the identification of a teacher who is the subject of an allegation by a child. Publication of information includes, any speech, writing, relevant communication in whatever form which is addressed to the public. A parent publishing information on any social media platform would be in breach of the reporting restrictions if what was published leads to the identification of the teacher.

It is for this reason that the academy must seek advice from the LADO and agree who needs to know what information; how to manage gossip and leaks; what information can be given to the wider academy community to reduce speculation and how to manage the press interest, should that happen.

These restrictions remain in place until an accused person is charged with a relevant offence or the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from an allegation. In any initial assessment or at an allegations management meeting, all agencies involved should share relevant information about the person who is subject to the allegation and the alleged victim.

Statements or other evidence made available to the police, can only be provided to the academy as part of a disciplinary investigation with the consent of the police and the signatories. Undertakings of confidentiality should not be given to any person raising the concerns/allegations of harm or to anyone who is likely to be interviewed as a witness. Where the police or children's social care are involved, the LADO/ academy should ask each agency to obtain consent from the individuals interviewed to share their statements and evidence for use in the academy's disciplinary process. The police and social care should be asked to do this as the investigation proceeds to enable the police to share relevant information with the academy without delaying the conclusion of their investigation or any court case.

Evidence compiled in the investigation should be made available to the parties in any subsequent disciplinary proceedings or child protection investigation and those giving evidence in the investigation should be so informed and be asked to provide their consent at or prior to interview.

If statements are made during a academy internal investigation then they may be passed to the police, should the matter become the subject of a police or children's social care investigation. As a matter of good practice, the authors of such statements should be informed of this before the interview takes place and before the statements are provided to the police or children's social care.

The police should inform the LADO and the employer immediately when:

- a criminal investigation and any subsequent trial are complete
- it is decided to close an investigation without charge
- it is decided not to continue to prosecute after the person has been charged.

In those circumstances, during the joint assessment meeting the LADO should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or local authority children's social care should also inform that decision. The options will depend on the circumstances of the case and the consideration should take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings

7.11 Internal Disciplinary Investigations

Where agreed with the LADO that an internal investigation can start, it is conducted by the academy, or other delegated investigating officer, in line with the Trust's disciplinary procedures. It may be conducted:

- following an initial assessment and/or preliminary investigation of the situation where it is agreed that there is no requirement for a police investigation or children's social care enquiry;
- as a result of a joint agency strategy discussion/meeting concluding that the matter should be investigated and dealt with under the academy's internal disciplinary procedures;
- following a police investigation which has led to the matter being addressed by a court of law, regardless of the outcome.

7.11.1 Investigating officer

In most cases it will be appropriate for the Headteacher/Principal or an appropriate manager in the academy to conduct the investigation. In other more serious or complex cases, or where there is a lack of appropriate resource within the academy, it may be appropriate for the investigation to be conducted by an headteacher/Principal or senior leader from another academy within the Trust.

7.11.2 Planning the investigation

The investigating officer should seek specialist advice from the LADO and the HR Team regarding appropriate procedures and practicalities. Following this, the person investigating should:

- establish a provisional timescale for the investigation
- define areas to be investigated, as far as possible at this stage. The scope of the investigation may change as more evidence / information becomes available.
- draw up a provisional list of those to be interviewed; a list of topics to be discussed and questions to be asked of each witness as required during the investigation
- Investigate and gather the facts, check corroborative evidence with individual witnesses
- assess the credibility of the person raising the concern/allegation and witnesses providing evidence
- the accused employee should be invited to identify any persons who may have information relevant to the investigation. These names should be added to the list of those to be interviewed

7.11.3 Interviews

Once the LADO agrees that the internal investigation can proceed, interviews should be timetabled and carried out as soon as possible. A statement should be taken from each person, signed and dated. The person carrying out the investigation should have access to assistance as necessary to record the interview. A suitable venue and time should be selected to encourage co-operation and the opportunity to be accompanied by a trade union representative or colleague should be offered.

If, at any stage during the investigation, new evidence emerges which suggests that a referral may be necessary under local child protection procedures or to the police, the investigation should be held in abeyance immediately pending the outcome of such a referral. The LADO and HR Team should be consulted immediately if there is concern as to appropriate action to take at this stage. Consideration should also be given as to whether suspension should be either rescinded or re-considered in such circumstances.

The disciplinary investigation should only be resumed if the LADO and / or responsible child protection agency and/or the police indicate that resumption will not interfere with any child protection enquiries or criminal investigations.

By agreeing to be interviewed, the employee must also agree to their evidence being used as part of the evidence in the case and to attending in person, where required, to provide verbal evidence at a formal disciplinary hearing or appeal. In serious cases, an employee should also be informed that evidence provided may also be provided to the police and/or social care and used in a further referral to the DBS, TRA or other professional body.

Interviewing the subject of an allegation

When interviewing the subject of an allegation it is important to take into account and give support or make adjustments where appropriate for any welfare or health requirement.

The invitation to a formal disciplinary investigation meeting must be in writing. The point at which this occurs will depend upon the nature of the safeguarding allegation/ concern of harm. The questions must be very carefully planned based on the evidence gathered so far including any witnesses interviewed. The person subject to the allegations should be interviewed formally after all other witnesses so that questions include the evidence known so far. Where it has been agreed that it is appropriate for the employee to be interviewed about the allegations/concerns, the employee should:

- be strongly advised to contact their trade union for advice and support
- be informed of their rights under the academy's disciplinary procedures, including:
    - the right to be accompanied at an investigation interview
    - right to representation at a formal hearing
    - being informed of the safeguarding concerns/allegations, in writing, and invited to respond and to make a statement, if not already done so at an earlier stage. The employee has the right either to respond to this request or decline to respond.

Full notes should be taken of the interview and the employee, as other witnesses, invited to read and sign them as a true record as soon as possible at the conclusion of the interview, or once typed up as soon as possible afterwards.

Once all the appropriate witnesses have been interviewed and all the relevant issues have been explored, the investigation is complete. Some witnesses may need to be re interviewed to re-check facts. The person subject to the allegations should be the last person interviewed or re-interviewed. The details obtained and the statements taken should then be compiled into a report and discussed with the Trust Safeguarding Consultant and HR Team. Consideration will again be given as to whether initial information considered by the police / social care has changed, meaning that the case should be referred under local child protection procedures or to the police and whether suspension is appropriate. If there is such a referral, further proceedings at academy level should be held in abeyance. If not, the case should proceed within the Trust's Disciplinary Procedures.

In conducting an internal disciplinary investigation, the investigating officer will need to balance the welfare of the person subject to the allegations and the interests of the investigation, bearing in mind the need to minimise the degree of stress caused to anyone who may be wrongly accused.

7.12 Outcome of Investigations

When determining the outcome of an investigation Part 4 of Keeping Children Safe in Education states that the following definitions should be used:

a) **Substantiated** – there is sufficient evidence to prove the allegation
b) **Malicious** - there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject to the allegation
c) **False -** there is sufficient evidence to disprove the allegation
d) **Unsubstantiated** – there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence; or,
e) **Unfounded** - to reflect cases where there is no evidence or proper basis which supports the allegation being made.

There are two potential outcomes of the investigation:

1) Disciplinary action in line with the Trust's Disciplinary Policy

2) Allegation confirmed as without foundation (in consultation with the LADO and other appropriate agencies).

7.13 Safeguarding Child Protection Concern/Allegation is unsubstantiated, unfounded, false or malicious

In cases where the Headteacher/Principal, in consultation with the LADO, Trust Safeguarding Consultant, HR Team and other appropriate agencies, believe that the allegation is unsubstantiated, unfounded, false or malicious, the following courses of action will need to be considered:

a) the **LADO** and the head teacher should consider whether the child and / or the person who has made the allegation may need help or may have been abused by someone else and this is a cry for help. They should consider whether a referral should, therefore, be made under the local child protection procedures to assess the situation;

b) the **DSL** should consider whether the child and/or the person who has made the allegation may need help or may have been abused by someone else and this is a cry for help. They should consider whether a referral should, therefore, be made under the local child protection procedures to assess the situation;

c) if a report is shown to be deliberately invented or malicious, the academy should consider whether any disciplinary action is appropriate against the individual who made it.

d) arrange a meeting to inform the person subject to the allegations of the outcome and any further actions as per the disciplinary or child protection procedures. This must be confirmed in writing. The employee may be accompanied by a trade union representative or colleague;

e) whether counselling and/or informal professional advice to the employee is appropriate and the form either might take. Consider any action under Part B of this procedure in relation to low level concerns;

f) inform the parents of the child or children of the decision and outline any resultant further action;

g) Support and advice regarding appropriate action must be sought from the LADO, Children's Social Care and Education Psychology Team in these circumstances; Refer to the section in KCSIE Part Four (statutory guidance) where it sets out the actions to be taken.

h) prepare a confidential report embodying a) to e) above and giving reasons for the conclusion;

i) consider any other appropriate action in relation to the child concerned. Advice should be sought, where appropriate, from the LADO.

7.14 Reviewing Suspension

If the employee has been suspended and if at any point during the suspension period the facts indicate that there is no intention to proceed with any form of disciplinary action or grounds for potential dismissal, the continuation of the suspension should be immediately considered. Where in consultation with others (i.e. HR Team and LADO) suspension is lifted this should be confirmed in writing. The head teacher should then arrange to meet the employee to discuss arrangements for their return to work. Informal counselling, appropriate support and training may be offered as appropriate to rebuild the employee's confidence and address any issues affecting other staff.

7.15 Concluding any disciplinary proceedings and referral to DBS and TRA

On the conclusion of an investigation which has resulted in disciplinary proceedings being taken against the employee, the following action will need to be taken:

a) The child or children who made the allegations and their parents / carers should be advised that appropriate action has been taken in line with statutory/academy procedures and informed that the internal disciplinary matter has been concluded. The parents should be informed of the outcome in general terms i.e. that the appropriate academy procedures have been followed and that the employee has or will return to work or that the employee has been dismissed. This information should be conveyed prior to the employee's return to academy if suspended. A return to work will be need careful planning and communication.

b) Where appropriate counselling and support should be offered to the child before the employee returns to academy. This should consider a child's individual needs where a false or malicious allegation has been made and

the academy may need to consider appropriate sanctions. Appropriate support and advice may be sought from the LADO, Children's Social Care and Education Psychology Services (EPS). If a child who has made a false or malicious allegation against an employee transfers to another academy, advice should also be sought regarding appropriate information to be passed on;

c) In some circumstances, for example, if an employee has been wrongly accused, support for the employee will be important and it may be appropriate to make appropriate arrangements to minimise the child's contact with the person subject to the allegations;

d) In view of the recent historic child abuse reviews, all documents relating to the case and any investigation must be retained together with a written record of the outcome of the investigation. Where disciplinary action has been taken, a record should be retained on the employee's personal and confidential file indefinitely.

e) If the safeguarding concern/allegation is substantiated and the person is dismissed; the employer ceases to use the person's services; or the person resigns or otherwise ceases to provide his or her services; the designated officer(s) should discuss with the case manager and the HR Team whether the academy should make a referral to the DBS for consideration of inclusion on the barred list; and in the case of a member of teaching staff, whether to refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching in their capacity as regulators of the teaching profession.

Please remember, that the duty to refer to the DBS applies equally in certain circumstances of harm or risk of harm to a child or vulnerable adult where an individual has been redeployed to another area of work that is not regulated activity, or where they have been suspended. Where the employee has already been referred to the DBS in these circumstances an update to the DBS will be required on the conclusion of the case.

Reminder - There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child: or if a person otherwise poses a risk of harm to a child. See Guidance on referrals to the DBS on the gov.uk website.

7.16 Record keeping and confidentiality

The Academy has an obligation to preserve records of allegations of sexual abuse (including false or malicious) and the current advice is that all records relating to allegations within this policy should be kept indefinitely and secure in accordance with the academy policy and data protection legislation, ***pending the final report of the Independent Inquiry into Child sexual Abuse (IICSA), at which point this advice will be revisited.***

According to the law, details of allegations (not related to sexual abuse) that are found to be malicious or false should be removed from the personnel records, unless the individual gives their consent to the retention of this information. Some individuals will want this information kept on their file so please seek consent from the individual before removing. For all other allegations which are substantiated, unsubstantiated and unfounded it is important that the following information is kept on the personnel file of the accused person:

- Clear and comprehensive summary of the allegation;
- Details of how the allegation was followed up and resolved;
- A note of any action taken, and decisions reached and the outcome as categorised as above;
- A copy provided to the accused person, 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.

Personnel records and references			
Allegation Outcome	Definition KCSIE 2025	Retained on personnel file	Included in reference Yes / No
Substantiated	there is sufficient evidence to prove the allegation	Yes	Yes
Malicious	there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject to the allegation	No, unless person gives consent or it is related to sexual abuse	No
False	there is sufficient evidence to disprove the allegation	No – unless person gives consent or it is related to sexual abuse	No
Unsubstantiated	there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence; or	Yes	No
Unfounded	to reflect cases where there is no evidence or proper basis which supports the allegation being made	Yes	No

If after an appeal the outcome is found to be false, the relevant records should be removed from files (as per the table above). The relevant agency's should also be informed where appropriate.

How to store records

All records should be stored in the academy securely and confidentially. A discrete indication on the employees personnel file should be made to indicate the presence of a confidential file. On cessation of employment these records should be forwarded to the HR team at central office for retention. This will be retained until the accused has reached normal retirement age (or for a period of 10 years from the date of the allegation if that is longer), unless there is any indication that the concerns are of a sexual nature, in which case they will be retained indefinitely.

The purpose of the record is to retain accurate information by the academy and enable accurate information to be provided in any future references. It will also provide clarity in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and will prevent unnecessary re-investigation if an allegation resurfaces at a later date.

Where a pupil has made an allegation, a copy of the statement or the record made of it must be kept in a separate confidential file which is not open to disclosure, together with a written record of the outcome of the investigation. The pupil's academy file should be marked with a red C or other marking denoting a separate child protection/ confidential file as confirmed within the academy's child protection policy to indicate that there is a confidential file which is held separately. If criminal or civil proceedings should be necessary, records may be subject to disclosure. No assurances can therefore be given of confidentiality to pupils or other employee witnesses in this respect.

NOTE: Where an academy uses electronic management recording systems for child protection and safeguarding, such as CPOM's they will need clarify and confirm how they should record this information in accordance with their own data protection procedures.

7.17 Review and learning lessons

It is good safeguarding practice for academies to review incidents upon their conclusion so they can learn from them and continue to improve standards of safeguarding. Where allegations are made against staff, supply staff, contractors or volunteers, the academy may carry out a review at the conclusion of the case.

7.18 Settlement agreements

Settlement agreements **must not** be used where there are allegations to indicate the person is a risk or poses a risk of harm to children or deemed not suitable to work with children. Investigations should continue in order to reach a conclusion.

7.19 Resignations and non-cooperation

If a person leaves, resigns or ceases to provide their services the academy should not cease their investigations. Every effort must be made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate.

The employee should be given full opportunity to answer the allegations and make representations about them. The process of recording the allegation and any supporting evidence and reaching agreement about whether it can be substantiated or otherwise on the basis of the information available should continue even if the accused does not cooperate. It may be difficult to reach a conclusion and it may not be possible to apply any disciplinary sanctions if a person's notice period expires before the process is complete, but it is important to reach and record an outcome wherever possible. The person concerned should be notified of the conclusion of the allegations and sanctions that might be imposed.

7.20 References

Other than where allegations are malicious, false, unsubstantiated, or unfounded the outcome should be made clear when providing references to prospective employers. See section 7.16 above

7.21 Confidentiality

The academy will make every effort to maintain confidentiality and guard against unwanted publicity whilst an allegation is being investigated.

The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a academy who has been accused by, or on behalf of, a pupil from the same academy. This applies to parents and carers as well as the press. The legal position is that if any party (including parents) reveal the name of the employee in speech, writing (including on social media) it would be considered a breach of the reporting restriction in the Education Act 2011.

7.22 Resignation

If the individual resigns or the supply staff member, contractor or volunteer ceases to provide their service, the investigation into the allegation will be completed. The individual will be given the opportunity to engage with the investigation.

8 Part Two: Managing low level concerns

This part of the policy will be followed when dealing with low level concerns raised in relation to members of staff, including supply staff, contractors or volunteers and may be adapted to each case as required. It will be used alongside the Trust's **complaints procedure, child protection and safeguarding policy, code of conduct** and **disciplinary procedure**.

The Trust promotes a culture in which all concerns about all members of staff working in or on behalf of the Trust (including supply teachers, contractors and volunteers) are addressed appropriately. This policy is designed to:

- promote and support a culture of openness and trust where staff are clear about the behaviours expected of themselves and their colleagues
- ensure staff are comfortable to raise low-level concerns; and
- provide for efficient and proportionate handling of those concerns

8.1 Recognising low level concerns

This policy will be used to manage 'low-level' concerns, defined in Part 4 of Keeping Children Safe in Education 2025 as:

Any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the academy or college 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 Local Authority Designated Officer (LADO).*

Examples of such behaviour could include, but is not limited to:

- being over 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; or
- using inappropriate sexualised, intimidating or offensive language
- Humiliating pupils

8.2 Sharing low level concerns

For our culture of openness and trust to prevail, all members of staff should share any low level concerns they have. Serious Case Reviews and Safeguarding Practice Reviews have often evidenced how low level concerns felt and/or expressed by staff relating to individuals who were later found to have sexually abused children at a academy were not recorded. When they are not recorded, they cannot be reviewed or studied for patterns of behaviour.

To minimise and hopefully eradicate the risk of those opportunities being missed, it is critical that staff understand their role in identifying and reporting low level concerns. All staff are encouraged to immediately report low level safeguarding concerns as defined in this policy so that the identified behaviours can be investigated and managed appropriately.

All low level concerns in relation to members of staff should be reported immediately to the Principal/Headteacher. Concerns about the Principal/Headteacher should be reported to the CEO/Trust Safeguarding Consultant.

The procedure for reporting low level concerns is consistent with that for reporting allegations of abuse as set out in part one of this policy. Staff do not need to determine whether their concern meets the threshold set out in part one of this policy or is a low level concern. The Principal/Headteacher or CEO/Trust Safeguarding Consultant (as appropriate) will make this determination once the staff member has reported the issue.

Where an issue reported as a low level concern meets the threshold set out in part one or there is a pattern of low level concerns expressed about the individual or wider staff practices generally, this would be dealt with under part one of this policy.

8.3 Responding to low-level concern

The Principal/Headteacher or CEO/Trust Safeguarding Consultant (as appropriate) will review the concern to confirm that it is not a more serious issue that should be dealt with under part one of this policy. If necessary, they will discuss the concern with the Trust Safeguarding Consultant to determine whether it should be dealt with under part one of this policy. The Trust Safeguarding Consultant may advise that LADO is contacted to discuss the case.

If the concern does not meet the threshold set out in part one then the Principal/Headteacher or CEO (as appropriate) will discuss the concern with the individual who raised it and will investigate it as appropriate.

Most low-level concerns are likely to be minor and can be dealt with by means of management support or additional training. Where necessary, action may be taken in accordance with the Trust code of conduct for school staff policy and the disciplinary procedure. The HR team should always be informed so they can provide advice and guidance if the disciplinary process is required.

If the concern has been raised via a third party, evidence will be collected by speaking directly to the person who raised the concern (unless it has been raised anonymously), the individual involved and any witnesses.

Where a low level concern is raised about a member of supply staff or a contractor, the concern will be shared with supply agency so they can take appropriate steps in accordance with their own policies and statutory guidance.

8.4 Recording low-level concerns

All low-level concerns will be recorded in writing and will include details of the concern, the context and action taken. The records will be kept confidential and held securely in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation.

The manager dealing with the concern should record it as follows:

- Complete a Low-Level Concern form
- Cross reference the concern to the academy safeguarding 'bound book'
- Completed forms must be stored securely and confidentially.
- A discrete indication on the employees personnel file should be made to indicate the presence of a confidential file.
- On cessation of employment these records should be forwarded to HR at the central office for retention. These will be retained for until the retirement age of the individual, unless there is any indication that the concerns are of a sexual nature, in which case they will be retained indefinitely.

Records of low-level concerns will be reviewed so potential patterns of concerning, problematic or inappropriate behaviour can be identified. If patterns are identified, the academy will decide on an appropriate course of action and will refer the matter to the Trust Safeguarding Consultant where the behaviour moves from a concern to meeting the threshold set out in the first part of this policy.

The record of the low-level concern will be kept at least until the person leaves the Trust.

8.5 References

Low level safeguarding concerns will not be included in references, unless:

- The concern (or group of concerns) has met the threshold for referral to the LADO and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct.

Appendix A – Guidance on Suspensions

What is a suspension?

In reference to this policy a suspension is when an employer tells an employee to temporarily stop carrying out work and attending their work place while an investigation is carried out. This is only when it is a serious situation and there is no alternative

Suspension should only be considered in a case where there is cause to suspect a child or other children at the is or are at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. A person should not be suspended automatically, or without careful thought being given to the particular circumstances of the case.

Suspension does not constitute disciplinary action nor imply any assumption of guilt and all options to avoid suspension should be considered by the academy. The suspension of any employee will be with full pay.

Considering a suspension

Suspension should not be the default position and should be considered and co-ordinated with action taken by other agencies, including the police and social care. It should not be undertaken without good reason meaning that the person against whom the safeguarding concern/ allegation has been made should **not** be automatically suspended when an allegation is reported.

Any consideration of suspension should always be discussed in advance with the LADO and as part of the decision a risk assessment, with support from the LADO, should be undertaken to consider alternatives to suspension (see next section). In some cases, immediate suspension may be appropriate.

Children's social care and/or the police may give their view on suspension to the LADO, but they cannot require the academy to suspend a member of staff or volunteer, although proper weight should be given to those views.

Circumstances which would normally warrant suspension include:

- where there is cause to suspect that a child or children at the academy is/are at risk of harm and no other action can be taken to minimise, mitigate or prevent this risk.
- where the concerns/allegations are so serious that they potentially constitute gross misconduct where there may be grounds for dismissal and there is sufficient evidence to suggest that the allegations are likely to be substantiated.
- where it is necessary to allow the conduct of the child protection enquiries/investigation to proceed unimpeded.
- where a police investigation is being undertaken and the police have indicated that a crime has likely been committed suspension would be appropriate.

- to protect the interests of the employee (this should be discussed with the employee prior to suspension).
- where the academy is made aware that the Secretary of State has made an interim prohibition order, in respect of an individual who works with children, the academy must take immediate steps to ensure the individual does not carry out work in contravention of the order. Pending the outcome of a TRA investigation, the employee must not carry out teaching work.

Alternatively, whilst clarity over the facts is sought in the initial stages, it may be appropriate to instruct an individual not to attend their place of work, so that a decision for the employee to return to work or decision regarding suspension can be taken over the next few days.

Consideration to the potential permanent, professional and reputational damage to a member of staff that can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended should also be taken into account.

Suspension remains an option to be considered at any stage of the investigation if the available evidence warrants such action to be taken. It may also be considered and recommended at any multi-agency strategy meetings called in relation to the case.

Alternatives to Suspension
In consultation with the LADO and HR you should carefully consider the following alternatives to suspension:

- redeployment within the academy or college 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, but this decision should only be made if it is in the best interests of the child or children concerned and takes account of their views. It should be made clear that this is not a punishment and parents have been consulted
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative academy

Suspension Process
A risk assessment should be carried out for each individual case to determine whether the member of staff should be suspended. The assessment should take into account the context of the allegation, background information in relation to the member of staff, and any outcome following the strategy meeting. It should also include consideration of the alternatives to suspension and the reasons why they were / were not considered appropriate. The assessment must be recorded and a copy kept on file.

The reason for the suspension should be kept under review and the period of suspension will be no longer than necessary.

Following discussion with the LADO, HR and appropriate agencies where it is considered that the threshold for suspension is met, the employee should be informed. The case manager should clarify with the LADO exactly what information can be shared with the employee, if any. In serious cases it will not be possible to share any detail of the safeguarding concerns/allegation at all at this initial stage. If, as a result of a safeguarding concern/ allegation or a strategy meeting, the police decide to conduct a criminal investigation relating to the case, the academy must not investigate further or arrange a meeting with the employee to consider suspension without prior consultation with the LADO who will liaise with the police officer in charge of the case.

The case manager should inform to the LADO the arrangements that have been put in place to support the member of staff. The case manager has a responsibility for the wellbeing of the staff member during the managing allegations process. It is not acceptable for the employee who has been suspended to be without any support. The employee should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

The employee should be advised of the decision accordingly in a sensitive and supportive way.

The employee should be asked to return academy possessions, including keys, phones, other mobile devices and other academy-based documents / information. The academy should also take steps to restrict access to all academy ICT systems/ emails and inform the employee accordingly.

The employee should also be advised not to contact parents and pupils or discuss the case with members of staff, the governing body and the wider academy community.

The academy should not prevent social contact with work colleagues and friends when staff are suspended unless there is evidence to suggest this will prejudice the gathering of evidence. The employee must be instructed not to discuss the allegation or concerns raised with other staff and confidentiality regarding the allegations maintained.

The academy should ensure that there are appropriate arrangements in place for the employee to get home safely.

Inform the employee that the decision will be confirmed in writing and there is no right of appeal against the decision to suspend.

Action following a decision to suspend

Following a decision to suspend an employee the case manager should then take the following actions:

- Send written confirmation in a suspension letter to the employee giving

reasons in as much detail as appropriate for the suspension as agreed with LADO. The letter should be sent as soon as possible and normally the next working day (the HR team will have a template letter for this)

- The person identified as the point of contact for the individual should be in regular contact with information on progress and developments on the case (as agreed by the academy with the LADO) via the case manager. This will be very important in the early stages of an investigation.

- Consideration will also need to be given as to what information should be conveyed to academy staff, governors, parents and pupils in conjunction with LADO and where applicable, the Police. It is most important that information at this stage is co-ordinated effectively.

- Take steps to review the continuation of the suspension and progress of the case during the investigation.

Action following a decision not to suspend

The case manager should discuss and agree next steps with the LADO and the HR team.

If the case manager has not already met with the individual, they should write to the employee with arrangements of a meeting to explain to the employee concerned the circumstances which led to consideration of suspension and further explain any follow-up action. The employee may be accompanied, at this meeting, by their trade union representative or colleague. According to the circumstances of the case, it remains important for the academy to undertake its duty of care during a subsequent internal disciplinary investigation and ensure that appropriate assistance or advice is offered to the employee, including counselling or other relevant welfare support.

Consider any other arrangements which should be put in place if the staff member is not suspended but is redeployed to a different location, other office or academy site, whilst further investigations take place.

Returning to work

After the suspension, if it is decided that the employee can return to the academy, measures will be put in place to support their return to work. This could include a phased return or offering another member of staff as a support system.