



HALEWOOD  
ACADEMY

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# MODEL ALLEGATIONS MANAGEMENT POLICY 2022-23

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**Governor Link: Catherine Roe**

A GREAT  
PLACE  
TO BE A  
PART OF

MEMBER OF THE WADE DEACON TRUST



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**Useful contacts and links**

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<b>Agency/service</b>		<b>Link or contact information</b>
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<b>Knowsley LADO</b>	Local Authority Designated Officer	Jacky Evans 0151 443 3928 <a href="mailto:Jacky.evans@knowsley.gov.uk">Jacky.evans@knowsley.gov.uk</a> 07766780354 <a href="mailto:Lindsey.heaton@knowsley.gov.uk">Lindsey.heaton@knowsley.gov.uk</a> Lindsey Heaton
<b>DBS</b>	A person satisfies the harm test if they may harm a child or vulnerable adult or put them at risk of harm. It is something a person may do to cause harm or pose a risk of harm to a child or vulnerable adult.	<a href="#">The Harm Test</a>
<b>DBS</b>	Advice about when employers and volunteer managers can make a barring referral to the Disclosure and Barring Service (DBS).	<a href="#">DBS Referral Guidance</a>
<b>DBS</b>		<a href="#">DBS Online Referral Form</a>
<b>Education Improvement</b>	Education Safeguarding Officer	Vicki Clements 0151 443 2969 <a href="mailto:Vicki.clements@knowsley.gov.uk">Vicki.clements@knowsley.gov.uk</a>

## Introduction

All schools and education settings have a duty to promote and safeguard the welfare of children who are students.

All staff members in the school are made aware and reminded of this policy as part of their induction. As part of the annual safeguarding training staff will be asked to revisit this policy and refresh their awareness and understanding this may be recorded as part of the annual Section 175 audit.

The procedure documented within this policy **must** be followed in any case where there is an allegation made about a teacher, supply staff, or other member of staff, volunteers and contractors at the school and,

- Allegations **may** meet the harms threshold.
- Allegations/concerns that do **not meet** the harms threshold- referred to in Keeping Children Safe in Education, 2021 as 'low level concerns.'

For the purpose of this policy and procedure guidance, Allegations that may meet the Harm Threshold are covered in **Part One**, and those not meeting the Harm Threshold, referred to in Keeping Children Safe in Education, 2022 as 'low level concerns' are covered in the Low Level Concerns Policy.

### How concerns arise

Concerns about possible abuse of children by staff will usually arise in one of two ways, either,

- A direct allegation by a pupil or third party, for example a parent
- An observation by a member of staff that the behaviour of a colleague is inappropriate or potentially or actually abusive.

In either case the concern must be recorded and reported to the Principal immediately unless the allegations are about the Principal in which case, it must be reported to the Chair of Governors. Contact details of the Chair of Governors will be available via the school office. If the Principal is absent, the allegation will be reported to the teacher in charge.

As this is a **statutory duty**, it is expected that all members of staff in school, where they have concerns, will report them in accordance with this policy.

Staff should also consider the school child protection procedures and if a child has been harmed a referral should be made into the MASH.

Once an allegation is made, the Allegations Management Process should be followed. (See Allegations Management Process flow chart **Appendix 1**)

## 1. Part One

## Levels of Concern

### Allegations that meet the harm threshold

Governing bodies and proprietors should ensure there are procedures in place to manage concerns/allegations, against staff (including volunteers) that might indicate they would pose a risk of harm to children. [The Harm Test](#)

#### Para 355

- 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

Keeping Children Safe in Education, September 2022

The last bullet point includes behaviour that may have happened outside of school or college, that might make an individual unsuitable to work with children, this is known as Transferrable Risk. Where appropriate an assessment of transferable risk to children with whom the person works should be undertaken. If in doubt seek advice from the local authority designated officer. (LADO)

This applies to members of staff, supply staff and volunteers who are currently working in any school regardless of whether the current setting is where the alleged abuse took place.

### 1.1 Initial Action following an allegation where a child has been harmed.

Should the school identify a child has been harmed, or that there may be an immediate risk of harm to a child or if the situation is an emergency, they should contact children's social care via Knowsley MASH 0151 443 2600, and as appropriate the Knowsley Vulnerable Persons Unit (VPU) in the police immediately.

The Principal or Chair of Governors will ensure that they have a full understanding of the nature of the allegation using the template initial record of concern sheet (see **Appendix 2**)

Following an allegation, the Principal or Chair of Governors will ensure that they give consideration to;

- **Looking after the welfare of the child** -The Designated Safeguarding lead will be responsible for ensuring the child is not at risk and referring cases of suspected abuse to Knowsley MASH.
- **Investigating and supporting the person subject to the allegation**- The Principal /Chair of Governors should discuss the case with the LADO, including the nature, content and context of the allegation, and agree a course of action

In order to proceed the Principal/Chair of Governors must have a full understanding of the nature of the allegation made by a member of staff or third party, only speaking to the child if it is unavoidable or it is the child making the allegation.

**Para. 361**

When dealing with allegations, schools and colleges should:

- apply common sense and judgement
- deal with allegations quickly, fairly and consistently, and
- provide effective protection for the child and support the person subject to the allegation.

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Those schools that purchase the Knowsley Schools Safeguarding Service Level Agreement (SLA) may choose to seek advice and support from the Local Authority Education Safeguarding Officer.

**No one** in the school should investigate the incident. Interviewing either, those directly involved or any witnesses, as this could jeopardise any future police investigation and potentially prejudice a fair hearing at a later date.

Before contacting the LADO, the Principal or Chair of Governors, in line with local guidance, will simply establish that:

- An allegation has been made
- Who was involved? – including their full name, address, and date of birth
- If the individual was in school at the time of the allegation
- If the individual did, or could have, come into contact with the child
- The general nature of the allegation - What happened?
- If there were any witnesses – if so who were they?
- When and where the incident is alleged to have occurred
- If there is any CCTV footage?

This information can be recorded on the template initial record of concern sheet (See **Appendix 2**)

**Para 364**

When to inform the individual of the allegation should be considered carefully on a case-by-case basis, with guidance as required from the LADO, and if appropriate, local authority children's social care and the police.

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At this stage advice should be sought from the LADO with regards to informing the person subject to the allegation, that an allegation has been made.

Allegations against a teacher who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police. Further information regarding reporting Non-Recent Abuse is available on the NSPCC website. [Non-recent abuse | NSPCC](#)

Where the Principal/Chair of Governor's is concerned about the welfare of other children in the community or the member of staff's family, they should discuss these concerns with the DSL and make a risk assessment of the situation. It may be necessary for the DSL to make an additional referral into the Knowsley MASH in regards to these children.

## 1.2 Consultation and Referral

Once the nature of the allegation has been established the Principal or Chair of Governors (Case Manager) should determine if it meets any of the criteria set out in **Paragraph 355 Keeping Children Safe in Education, September 2022**, detailed above. If so, the Case Manager should immediately discuss the allegation with the Local Authority Designated Officer (LADO) on the same day.

In Knowsley the LADO can be contacted on **07766780354** or email [cpconference@knowsley.gov.uk](mailto:cpconference@knowsley.gov.uk)

It is important to ensure any allegation is taken seriously and advice can be sought by contacting the Education Safeguarding Officer. Additional support may be available via the schools safeguarding SLA.

Should the nature and complexity of the allegation, or the lack of appropriate resources in the school require it, the allegation may be dealt with by an independent investigator.

### Para 370

Where there is a lack of appropriate resource within the school or college, or the nature or complexity of the allegation requires it, the allegation will require an independent investigator. Many local authorities provide for an independent investigation of allegations for schools that are maintained by the local authority, often as part of the HR/personnel services that schools and colleges can buy in from the authority. It is important that local authorities ensure that schools and colleges in that area have access to an affordable facility for independent investigation where that is appropriate.

**Keeping Children Safe in Education, 2022**

### 1.3 Initial consideration of the allegation

The purpose of the initial discussion is for the LADO and the case manager to consider the nature, content and context of the allegation and agree a course of action. This will include a discussion to determine whether police involvement is necessary. The discussion may establish that the allegation is not demonstrably false or unfounded.

If the parents/carers of the child concerned are not already aware of the allegation the LADO will also discuss how and by whom they should be informed.

There may be some circumstances where the school may advise the parents/carers 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.

The case manager will usually inform the individual who is the subject of the allegation. However, informing them of the allegation should be considered carefully on a case by case basis. The case manager should discuss and take guidance as required from the LADO, and if appropriate children's social care and the police.

Once the individual has been informed of the allegation, and if they are a member of a union or a professional association, they will be advised to contact that organisation.

#### Para 365

If the allegation is about physical contact, for example restraint, the strategy discussion or initial evaluation with the LADO should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

**Keeping Children Safe in Education, September 2022**

Further information about the use of reasonable force can be found at paragraph 162-164 in Part 2 of Keeping Children Safe in Education, 2022, and [Use of reasonable force in schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/106522/Use_of_reasonable_force_in_schools_-_GOV.UK_(www.gov.uk).pdf)

### 1.4 Strategy Meeting /Evaluation with the Police

If the allegation is not demonstrably false or unfounded, a formal referral will be made to the LADO and in accordance with 'Working Together to Safeguard Children, 2018' a meeting and strategy discussion will be convened.

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

- a police investigation of a possible criminal offence
- enquiries and assessment under section 47 of the Children Act 1989 if a child is in need of protection or under section 17 of the Children Act 1989 if the child appears to be in need of services
- consideration by the employer of disciplinary action in respect of the individual



The case manager will attend any strategy meeting, unless there are good reasons not to do so, and provide details about the circumstances and context of the allegation and the pupil and member of staff concerned.

## 1.5 Suspension

An assessment of the possible risk of harm to children posed by a person about whom an allegation has been made must be undertaken and managed. This should be considered in relation to the child or children involved in the allegation, and any other children in the accused individual's home, work or community life.

Suspension will be considered in any case where;

- There is cause to suspect a child is at risk of significant harm
- The allegation is so serious that it might be grounds for dismissal

In cases where suspension is considered necessary, the case manager will;

- Record the rationale and justification for such action
- What alternatives to suspension were considered and why they were rejected.
- Give written confirmation within one working day, giving as much detail as appropriate for the reasons for the suspension
- Ensure the person who has been suspended is fully supported, including the contact details of their named contact within school.

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.

The case manager **must** consider carefully whether the circumstances of a case warrant a person being suspended from contact with the children until the allegation is resolved. Children's social care or the police may give their view to the LADO but they cannot require the case manager to suspend a member of staff or a volunteer, although the case manager should give appropriate weight to their views.

### Para. 381

Based on advice from the school or college's HR provider and /or a risk analysis drawn up with the LADO, the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment within the school 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 school or college 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 interest of the child or children concerned and takes accounts of their views. It should be made making it 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 school or college or work for the local authority or academy trust.

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Such alternatives allow time for an informed decision regarding possible moves to suspension, however this will depend on the nature of the allegation.

## 1.6 Supporting those involved

Employers have a duty of care to their employees. They should act to,

- manage and minimise the stress caused by the allegation
- inform the individual as soon as possible, explaining the likely course of action, guided by the LADO, and the police where necessary
- advise the individual to contact their trade union representative, or a colleague for support
- appoint a named representative to keep the person informed about progress of the case
- provide access to counselling or medical advice where appropriate. For staff in schools maintained by the local authority this may include support via the local authority's occupational health arrangements
- not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence

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

- formally told about the allegation as soon as possible. The case manager should consult the LADO and where involved children's social care and/or the police on what information can be disclosed
- kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member
- 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

## 1.7 Confidentiality and information sharing

In order to manage an allegation made against a member of staff effectively the agencies involved should share all relevant information they have about the person who is the subject of the allegation, as well as about the alleged victim.

Any investigation is done in confidence. Every effort is made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

No one in the school may 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.

No one in the school may disclose any information to anyone about the details of an investigation, as this may prejudice the right of the person under investigation to a fair hearing.

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

**Para. 395**

The legislation prevents the “publication” of material by any person that may lead to the identification of the teacher who is the subject of the allegation. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public.” This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public). In circumstances where schools need to make parents aware about an allegation, they should make parents and others aware that there are restrictions on publishing information.

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The case manager should take advice from the LADO, Police and Children’s Social Care to agree who needs to know, and importantly what information can be shared. How to manage speculation, rumour, leaks and gossip and what, information can be reasonable given to the wider community in order to reduce speculation. In addition, consideration should be given regarding how to manage press interest, if and when it should arise.

Following the outcome of any criminal case the case manager from school may wish to seek advice from the L.A. communications team in order to manage any media coverage at this time.

## 1.8 Allegations Outcomes

There are five defined terms used when determining the outcome of allegation investigations.

**Para. 398**

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

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- if the allegation is substantiated  
and
- the person is dismissed; resigns, or otherwise ceases to provide his or her services  
or
- the employer ceases to use the person's services.

The employer has a legal duty to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

In the case of a member of teaching staff at a school or sixth form college, the case manager must consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

Following a police investigation or a prosecution the police should inform the LADO immediately of the outcome. The LADO will then discuss with the case manager whether any further action, including disciplinary action is appropriate, and if so how to proceed. Information provided by the police should also be used to inform the decision.

### 1.9 Referral to DfE – Disclosure and Barring Service

If the allegation is substantiated and the person is dismissed, the school ceases to use the persons services, the person resigns, or otherwise ceases to provide his or her services, the LADO should discuss with the Case Manager and their H.R. advisor whether a referral will be made to the DBS for consideration of inclusion on the barred list is required. If the substantiated allegation is in relation to a member of teaching staff whether to refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching.

#### Para 347

There is a legal requirement for schools and colleges to make a referral to the DBS where they remove an individual from regulated activity (or would have removed an individual had they not left), and they believe the individual has:

- engaged in relevant conduct in relation to children and/or adults, and/or
- satisfied the harm test in relation to children and/or vulnerable adults, and/or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

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DBS referrals will be made as soon as possible, when an individual is removed from regulated activity. This may also include when they have been

- suspended

- redeployed to work that is not regulated activity
- dismissed
- have resigned

### 1.10 Resignations and settlement agreements

Where a person under investigation tenders his or her resignation, or ceases to provide their services, the investigation into the allegation will still need to be completed in accordance with the guidance.

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 which the person concerned refused to cooperate with the process.

The school will **not** enter into “settlement agreements” by which if 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.

Schools should not cease their investigations if the person leaves, resigns or ceases to provide their services. Every effort should be made to reach a conclusion in all cases of allegations that have bearing on the safety or welfare of children.

### 1.11 Record Keeping

Details of allegations following an investigation that are found to have been malicious or false should be removed from personnel records, unless the individual subject to the investigation gives consent to retention of the information.

For all other allegations, that result in either an outcome of substantiated, unfounded or unsubstantiated it is important the following information is kept on the file of the person accused.

The Principal/Chair of Governors will ensure that;

- a clear and comprehensive summary of any allegations made (See **Appendix 2**)
- details of how the allegation was followed up and resolved
- a note of any actions taken, decisions reached and the outcomes i.e. substantiated, unfounded or unsubstantiated
- a copy provided to the person concerned, where agreed by children’s social care or the police
- a declaration on whether the information will be referred to in any future reference.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal

conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

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

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

### 1.12 Oversight and monitoring

The school will work closely with the LADO who has overall responsibility for oversight of the procedures for dealing with allegations.

The school will cooperate in supplying statistical information required by the LADO for DfE returns and Knowsley Safeguarding Children Partnership monitoring purposes.

### 1.13 Action on the conclusion of a case

In cases where it is decided in the conclusion of the case that the person who has been suspended can return to work, the school will consider how best to facilitate that. Guidance and advice are usually provided via HR or the LADO. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The case manager 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 attending the school or college.

### 1.14 Actions in respect of malicious allegations

In the rare event that an allegation is shown to have been deliberately invented or malicious the Head Teacher will consider whether any disciplinary action is appropriate against the person who made it, if they are part of the school community.

The case manager should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care may be appropriate.

The police will be asked to consider whether any action might be appropriate against the person responsible if they are outside the school community.



## 1.15 Allegations concerning supply staff not directly employed by the school

In some cases, the school will need to consider an allegation against an individual, not directly employed by them, and where the school disciplinary procedures do not fully apply. For example, **supply teachers** provided by an employment agency or business.

In these cases, the school should ensure that although not the employer, all allegations are dealt with properly.

### Para 374

Whilst schools and colleges are not the employer of supply teachers, they should ensure allegations are dealt with properly. In no circumstances should a school or college 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. Governing bodies and proprietors should discuss with the supply agency or agencies where the supply teacher is working across a number of schools or colleges, whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school or college, whilst they carry out their investigation

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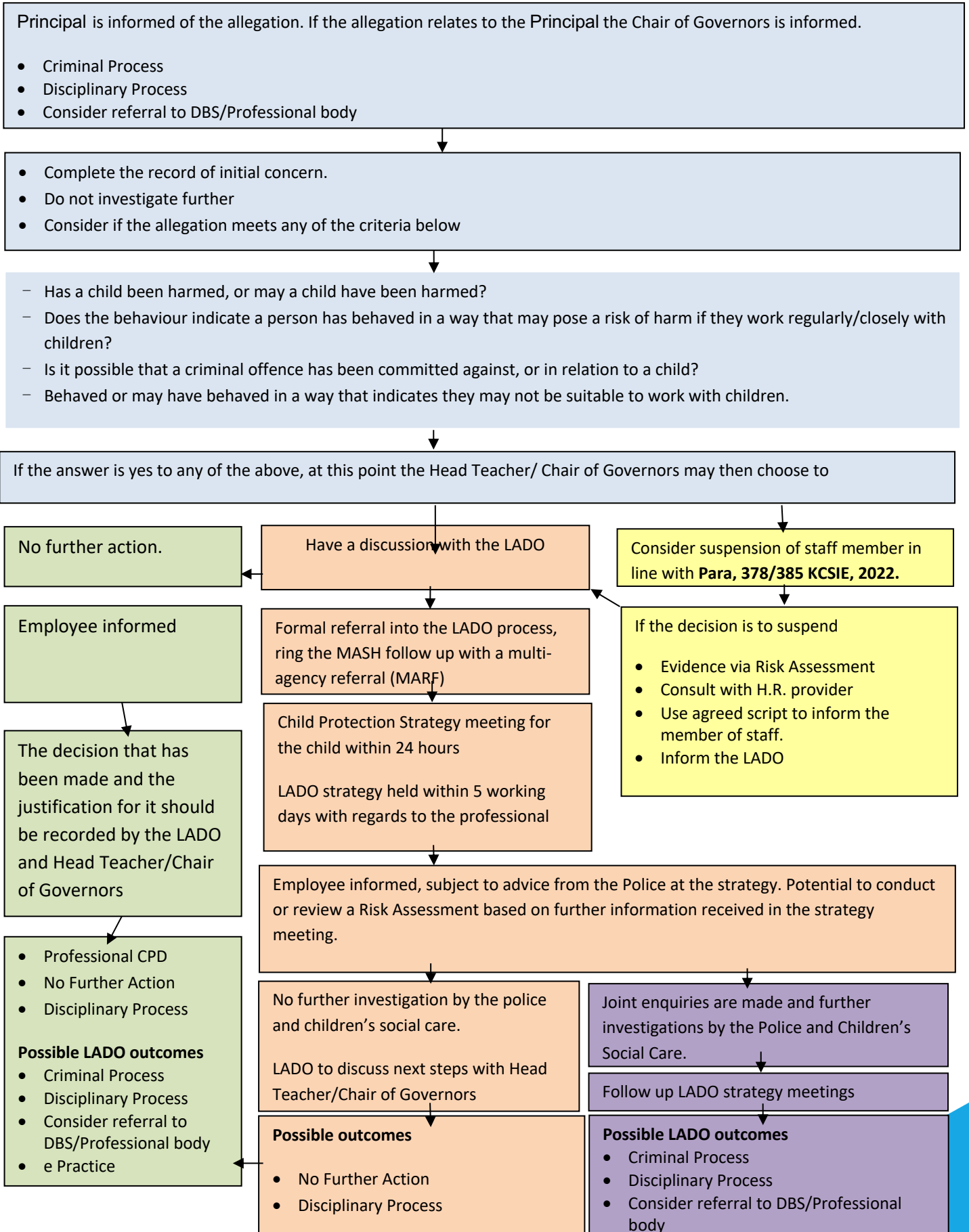
In managing allegations made against **supply staff** the following should be considered;

- Agencies should be fully involved and co-operate in any enquiries from the LADO, Police or Children's Social Care
- School will usually take the lead as they have direct access to children or other school staff
- Supply staff, although not employed by the school, are under the supervision, direction and control of the governing body when working in a school
- Supply staff, should be advised to contact their trade union representative if they have one, or a colleague for support
- The Allegations management meeting which, arranged by the LADO, should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency are taken into account by the school during the investigation.

It is imperative that when using an agency for supply staff, schools should inform the agency of its process for managing allegations. This may also include inviting the agencies human resource manager to the meetings so they can be kept up to date with information regarding its policies.

**Appendix 1**

**Allegations Management Process**





**Appendix 2**

**ALLEGATIONS AGAINST STAFF: Record of Initial Concern**

<b>School</b>		<b>Date of incident</b>	
<b>Name of Principal or Chair of Governors</b>		<b>Date Reported</b>	
<b>Information about the member of staff against whom the allegation has been made.</b>			
<b>Name</b>			
<b>Role/Position in school Length of service</b>		<b>DOB</b>	
<b>Home Address Telephone Number</b>			
<b>Details of any children who may reside in the same home as this person (If Known)</b>			
<b>Details of any previous concerns/conduct issues/allegations</b>			
<b>Information about the pupil(s) concerned. (Complete a separate document for each pupil)</b>			
<b>Name</b>			
<b>Year Group</b>		<b>DOB</b>	
<b>Home Address Telephone Number</b>			



Information about the person reporting the concern			
Name			
Role /Position in school		Tel No	
Nature of Allegation			
– Has a child been harmed, or may a child have been harmed?			
– Does the behaviour indicate a person has behaved in a way that may pose a risk of harm if they work regularly / closely with children?			
– Is it possible that a criminal offence has been committed against, or in relation to a child?			
If you have answered yes to any of the above please seek further advice from the LADO (Local Authority Designated Officer)			
Please record below the decision and rational following the discussion with LADO and personnel advisor			