



TRUE LEARNING PARTNERSHIP

Statement of procedures for managing allegations against staff

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Policy Ref Number: TLP_008	Reviewed by: Director of People & Culture Approved by: People Committee
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1. Introduction

This statement of procedures for dealing with allegations against staff forms part of True Learning's wider safeguarding strategy and commitment to promoting the welfare of the children and young people in our care and providing a safe environment in which they can learn. The purpose of this statement and related procedures is to provide a clear and consistent approach for managing allegations made against members of staff.

We believe that adults about whom concerns have been raised should be treated fairly and provided with appropriate support. This statement follows the DfE statutory guidance Keeping Children Safe in Education.

The purpose of this policy is:

- to comply with Department for Education guidance ("Working Together to Safeguard Children 2023" and "Keeping Children Safe in Education 2024") and any subsequent guidance.
- to provide a consistent and transparent approach to how allegations made against a member of staff will be dealt with.
- to establish a process which is fair to all employees

The duties and responsibilities of True Learning as an employer, are described in Part 4 of Keeping Children Safe in Education.

This policy does not form part of your employment contract and the Trust may update it at any time in line with changes with KCSIE and any legislative changes.

2. Policy Statement

True Learning is firmly committed to the protection and safety of all pupils in its care. Children can be vulnerable to harm and abuse in many settings including those where staff occupy positions of trust in relation to children.

All staff have a duty to safeguard pupils and create a safe learning environment, so it is crucial that there is a robust process in place for dealing with any allegations of harm or abuse by a staff member or volunteer against a child and that it meets the statutory requirements under KCSIE.

As the employer, the Trust also has a duty of care to their staff and must ensure that members of staff against whom an allegation has been made are treated fairly and are provided with effective support.

Due to the serious nature of allegations of abuse against staff who work with children, all schools within True Learning (TLP) will follow procedures to ensure allegations are listened to, investigated and responded to effectively and appropriately. The procedure for how the Trust will deal with allegations against staff and volunteers is fully outlined in **Appendix 1**.

The Designated Safeguarding Lead (DSL) for each school in the Trust will ensure that all staff in their school are aware of their duty to raise concerns, and are familiar with the school/Trust's key documents in relation to safeguarding.

3. Links to other policies

This policy links with terms and conditions of employment for all staff and staff are reminded of their contractual obligations in reference to safeguarding. The Trust will treat all employees equally, in accordance with the Trust's Equality Policy.

This policy is underpinned by the principals of the Children's Act, Education Act and GDPR (Data Protection) legislation, current statutory safeguarding guidance including Keeping Children Safe in Education.

This policy links to the Trust's Disciplinary policy for staff, the Trust's Complaint Procedure and the suite of Child Protection and Safeguarding policies.

4. Definitions

For the purposes of this statement and associated procedure, an allegation against a member of staff is defined as a complaint or a concern about a member of staff who has;

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against, or related to, a child; or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.

The last bullet point above includes behaviour that may have happened outside of school that might make an individual unsuitable to work with children, this is known as transferable risk

Allegations may be received in a variety of ways, including:

- direct complaint by a student to another staff member.
- direct complaint by a parent/carer to another staff member.
- concerns raised by parties who may have been told about, or witnessed, abuse.
- direct contact by parent/carer to the local authority, or other external agency.
- anonymous referral.
- direct complaint to the assessment team or the police.

Staff have a statutory duty to report if they see, hear or suspect something that fits into one of the above categories. Staff that fail to report any concerns regarding safeguarding may also be addressed under this policy or the Trust's Disciplinary Policy,

This policy only covers allegations made by a member of staff about another member of staff, where a student is involved. Where students are not involved in a complaint, this will be dealt with through the staff disciplinary or grievance policies, depending on the nature of the issue.

Abuse can be reported, no matter how long ago it happened. We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations. Where an adult makes an allegation to the school/Trust that they were abused as a child, we will advise the individual to report the allegation to the police.

Allegations against a member of staff who is no longer working at the school/Trust should be referred to the Police.

5. Reporting Process

If a member of staff has a concern that a colleague may have behaved inappropriately, as outlined above, they must;

- Report the facts to the Head Teacher of the school without delay. If the concern is about the Head Teacher, this should be taken to the Chair of Governors and the Local Area Designated Offices (LADO). In the absence of the Head Teacher, the concern must be reported to the DSL. Central Team members should report to the CEO. If the concern is about the CEO, they should refer to the Chair of the Trust and the LADO.
- Make a signed and dated written record of their concerns, observations and information
- Maintain strict confidentiality

Staff must not;

- Attempt to deal with the situation themselves
- Make assumptions or diminish the seriousness of the behaviour or alleged incidents
- Keep the information to themselves or promise confidentiality
- Take any action that might undermine an investigation or disciplinary procedure

All staff within the Trust are aware that concerns MUST be reported as soon as possible.

The school/Trust will seek support and advice from Children's Services or the LADO, the Chief Executive Officer (CEO) and the Trust Director of People & Culture wherever necessary. We will not investigate internally until instructed by the LADO.

Appendix 1: Allegations that may meet the harms threshold

This section is based on 'Section 1: Allegations that may meet the harms threshold' in part 4 of Keeping Children Safe in Education.

This section applies to all cases in which it is alleged that a current member of staff, including a supply teacher, volunteer or contractor, 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 includes behaviour taking place both inside and outside of the workplace.

We will deal with any allegation of abuse quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

A 'case manager' will lead any investigation. This will be a member of the senior leadership team, the headteacher, or the chair of governors/Trustees where the headteacher/CEO is the subject of the allegation. The case manager will be identified at the earliest opportunity.

Our procedures for dealing with allegations will be applied with common sense and judgement.

Suspension of the accused until the case is resolved

Suspension of the accused will not be the default position, and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that there might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the Trust 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 the individual to alternative work in the school/Trust so that they do not have unsupervised access to children;
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents/carers have been consulted;
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work for the Trust'

If in doubt, the case manager will seek views from the Trust HR Team and the designated officer at the local authority, as well as the police and children's social care where they have been involved.

Definitions for outcomes of allegation investigations

- **Substantiated:** there is sufficient evidence to prove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive, or to cause harm to the subject of the allegation
- **False:** there is sufficient evidence to disprove the allegation
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)

- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made

Procedure for dealing with allegations

In the event of an allegation that meets the criteria above, the case manager will take the following steps:

- Conduct basic enquiries to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below;
- Discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police before consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police)
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies
- Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children's social care services, as appropriate
- Where the case manager is concerned about the welfare of other children in the community or the individual's family, they will discuss these concerns with the DSL and make a risk assessment of the situation. If necessary, the DSL may make a referral to children's social care
- **If immediate suspension is considered necessary**, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details
- **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation
- **If it is decided that further action is needed**, take steps as agreed with the designated officer to initiate the appropriate action in school/Trust and/or liaise with the police and/or children's social care services as appropriate
- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate. Employees should be advised of the support routes in place within the Trust, Trade Union Representatives, Employee Assistance Programme and Occupational Health support.
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are

ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice

- Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member)
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child

If the Trust is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

Where the police are involved, wherever possible the Trust will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the Trust disciplinary process, should this be required at a later point.

Additional considerations for supply teachers and all contracted staff

If there are concerns or an allegation is made against someone not directly employed by the Trust, such as a supply teacher or contracted staff member provided by an agency, we will take the actions below in addition to our standard procedures.

- We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome
- The governing board will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the school/Trust, while the Trust carries out the investigation
- We will involve the agency fully, but the school/Trust will take the lead in collecting the necessary information and providing it to the LADO as required
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary)

When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

Timescales

We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable:

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious should be resolved within 5 school days
- If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken within 3 school days
- If a disciplinary hearing is required and can be held without further investigation, this should be held within 15 school days

However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

Specific actions

Action following a criminal investigation or prosecution

The case manager will discuss with the local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

Conclusion of a case where the allegation is substantiated

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

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

Individuals returning to work after suspension

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.

The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending a Trust school.

Unsubstantiated, unfounded, false or malicious reports

If a report is:

- Determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate
- Shown to be deliberately invented, or malicious, the school/Trust will consider whether any disciplinary action is appropriate against the individual(s) who made it

Unsubstantiated, unfounded, false or malicious allegations

If an allegation is:

- Determined to be unsubstantiated, unfounded, false or malicious, the LADO and case manager will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate
- Shown to be deliberately invented, or malicious, the school/Trust will consider whether any disciplinary action is appropriate against the individual(s) who made it

Confidentiality and information sharing

The Trust will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The case manager will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared.
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises

Record-keeping

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case.

The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file).

For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken, decisions reached and the outcome
- A declaration on whether the information will be referred to in any future reference

In these cases, the school/Trust will provide a copy to the individual, in agreement with children's social care or the police as appropriate.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

References

When providing employer references, we will:

- Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious
- Include substantiated allegations, provided that the information is factual and does not include opinions

Learning Lessons

After any cases where the allegations are *substantiated*, the case manager will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the Trust's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual

For all other cases, the case manager will consider the facts and determine whether any improvements can be made.

Appendix 2: Concerns that do not meet the harm threshold

The section is based on 'Section 2: Concerns that do not meet the harm threshold' in part 4 of Keeping Children Safe in Education.

This section applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers and contractors, which do not meet the harm threshold set out in Appendix 1 above.

Concerns may arise through, for example:

- Suspicion
- Complaint
- Disclosure made by a child, parent or other adult within or outside the workplace.
- Pre-employment vetting checks

We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

Definition of low-level concerns

The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the school may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, and
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority
- Examples of such behaviour could include, but are not limited to:
- Being overly friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Using inappropriate sexualised, intimidating or offensive language

Sharing low-level concerns

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to share low-level concerns so that they can be addressed appropriately.

We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- Empowering staff to share any low-level concerns
- Empowering staff to self-refer
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in the Trust's safeguarding system

Responding to low-level concerns

If the concern is raised via a third party, the member of the senior leadership team or headteacher will collect evidence where necessary by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously

- To the individual involved and any witnesses

The member of the senior leadership team in discussion with the headteacher will use the information collected to categorise the type of behaviour and determine any further action, in line with the Trust's code of conduct.

Record keeping

All low-level concerns will be recorded in writing. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

Records will be:

- Kept confidential, held securely and comply with data protection legislation. Records are held centrally not within employee files.
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 1 of this appendix, we will refer it to the designated officer at the local authority
- Retained at least until the individual leaves employment with the Trust

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

References

We will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority 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 or poor performance

Keeping Children Safe in Education - Low Level Concerns

This document should be used when ‘low level’ concerns as defined in Section 2 of Part 4 of Keeping Children Safe in Education 2024 are reported. This document does not to replace suspension/formal disciplinary investigations in the event that concerns are either categorised as more serious than low level or when formal disciplinary procedures are required in relation to the low-level concern.

<p>1. Name of individual raising the concern</p> <p><i>Leave blank if concern was raised anonymously or the individual wishes to remain anonymous</i></p>	
<p>2. Date the concern was raised</p>	
<p>3. Name and role of individual about whom concern has been raised</p>	
<p>4. Details of the concern(s) reported (give description and context)</p> <p><i>A ‘low level’ concern is any concern is any concern – no matter how small, and even if no more than causing a sense of unease or a ‘nagging doubt’ – that an adult may have acted in a way that is inconsistent with the staff code of conduct but does not meet the allegations threshold set out in Section 1 of Part 4.</i></p>	
<p>5. Details of steps have been taken to investigate this concern</p> <p><i>Steps should include speaking to the individual who raised the concern, the individual about whom the concern is raised and any witnesses. You will need to review your Code of Conduct and Safeguarding Policies to determine if there has been a breach.</i></p>	

6. Set out the Individual's response to the concern	
7. Is this concern 'low level' or should it be treated as an allegation against staff and managed in accordance with Section 1 of Part 4? <i>To reach this decision, consider the information set out in 5 and 6 above. If you are unsure, seek advice from your HR and/or safeguarding advisors and/or discuss the matter with your LADO. Set out your reasons for reaching your conclusion, including the advice provided by your advisors and any discussions with your LADO</i>	
8. Have 'low level' or other concerns been raised about this individual previously? <i>If so, please provides dates, brief details and relevant file/document reference for the concern(s). Also consider whether previous concern(s) raised coupled with this new concern meet the threshold set out in Section 1 of Part 4.</i>	Yes [<input type="checkbox"/>] No [<input type="checkbox"/>]
Details of further action required <i>Action could range from no action or a conversation to discuss the concern, to being clear why the behaviour is concerning and formal disciplinary action.</i>	

Completed by:	Name	
	Position	
Date:		
Signature:		