

# Oxford Diocesan Bucks Schools Trust (ODBST)

*“Empowering our unique schools to excel”*



## STATEMENT OF PROCEDURES FOR DEALING WITH ALLEGATIONS OF ABUSE AGAINST ADULTS WORKING IN SCHOOLS (Allegations About Safeguarding Children – Child Protection)

<b>ODBST Level 1 Statutory Policy:</b>	<b>ALL</b> Schools require this policy with <b>no changes</b> allowed to core text. No changes are necessary to personalise this with school name and branding, as this is a Trust level policy for use, without change, by all schools, <b>except</b> where a school contact is required as identified in the content of the policy. LGBs will <b>note</b> adoption in LGB meetings. Review will take place at Trust level, and schools will be notified of updates and review dates as necessary.
<b>Other related ODBST policies and procedures:</b>	Safeguarding and Child Protection policy Code of Conduct and Discipline and Procedure Policy Keeping Children Safe in Education Low Level Concerns Policy (for concerns or allegations that do not meet the harm threshold)
<b>Committee responsible:</b>	FRAPP
<b>Approved by:</b>	FRAPP
<b>Date Approved:</b>	24 <sup>th</sup> September 2024
<b>Review Date:</b>	

The term “working” in this policy includes those who are in school on a voluntary basis.

In reviewing this policy the Trust Board has had regards to the Equality Act 2010 and carried out an equality impact assessment. It is satisfied that no group with a protected characteristic will be unfairly disadvantaged.

## 1. Introduction

Allegations about the safeguarding and protection of children must be handled in accordance with statutory guidance and the relevant local authority guidance:

- Buckinghamshire Safeguarding Children Partnership (BSCP) Procedures Manual (BSCP Procedures”). This document can be accessed at [Welcome | Buckinghamshire Safeguarding Children Board Procedures Manual](#).
- Milton Keynes Safeguarding Children Partnership Procedures Manual. The website can be accessed [Welcome to the Milton Keynes Safeguarding Children... \(trixonline.co.uk\)](#)

Any allegations of abuse will be dealt with quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation. The welfare of a child is paramount. The Trust also has duty of care towards the individual against who the allegation has been made.

The relevant statutory guidance can be found in 'Keeping Children Safe in Education' (Statutory Guidance for Schools and Colleges) dated September 2024 and 'Working Together to Safeguard Children' dated 2018. These documents can be accessed at Working Together to Safeguard Children - GOV.UK ([www.gov.uk](http://www.gov.uk))

## 2. Managing Allegations

KCSIE contains guidance on the two levels of concerns and allegations:

- a) Concerns/allegations that **may meet** the harm threshold
- b) Concerns/allegations that **do not meet** the harm threshold – these concerns are referred to as ‘low-level’ concerns and will not be covered in this guidance document. Please refer to the ODBST Low Level Concerns policy for all concerns/allegations raised that do not meet the harm threshold.

The BSCP/MKSCP Procedures and KCSIE 2024 should be applied where there is any allegation that a member of staff has:

- behaved in a way that has, 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/young person or children/young people in a way that indicates they may pose a risk of harm to children/young people, and/or
- behaved towards a child in a way that indicates that they may not be suitable to work with children.

This includes behaviour that may have happened outside of the work environment (which is known as transferable risk). In these situations, an assessment of the transferable risk to children with whom the employee works with should be undertaken. If in doubt, advice should be sought from the LADO.

Allegations can be made in relation to physical chastisement and inappropriate restraint but can also relate to inappropriate relationships between members of staff and children or young people, for example:

- having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003);
- 'grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003);
- other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text / e-mail messages or images, gifts, socialising etc;
- possession of indecent photographs / data images / pseudo-photographs of children.

In addition, these procedures should be applied when there is an allegation that any person who works with children who:

- has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon;
- as a parent or carer, including holders of Special Guardianship orders, has become subject to child protection procedures;
- is closely associated with someone in their personal lives (e.g. partner, member of the family or other household member) who may present a risk of harm to child/ren for whom the member of staff is responsible in their employment/volunteering.

It might not be clear whether an incident constitutes an 'allegation'. It is important to be mindful that in order to be an "allegation" the alleged incident has to be sufficiently serious as to suggest that harm has or may have been caused harm to a child/ren or that the alleged behaviour indicates the individual may pose a risk of harm to children (or otherwise meets the criteria above). Issues that do not meet this threshold may constitute conduct or disciplinary issues and should be addressed using the Trust's appropriate policies. Concerns/allegations that do not meet the harm threshold should be recorded as low-level concerns as managed through our Low Level Concerns Policy.

Incidents which fall short of the threshold could include an accusation that is made second or third hand and the facts are not clear, or the member of staff alleged to have done this was not there at the time, or there is confusion about the account.

Whether an incident constitutes an allegation and hence needs to be dealt with through these procedures, may need to be discussed by the LADO and the school's DSL. The school may also request advice from the Trust Executive Safeguarding Lead. If it falls short of this threshold there may still be a role for the LADO to provide advice and support to the school. Where the matter constitutes a conduct or performance issue, the school should follow the appropriate disciplinary procedures and inform the LADO of the outcome.

Abuse can be reported no matter how long ago it happened. Allegations of non-recent abuse made by a child should be responded to and reported in the same way as new allegations. In cases of non-recent abuse, the person against whom the allegation is made may still be working with children and young people and it will be important to investigate whether this is the case. When contact with made with the LADO, they will confirm the local authority's procedures for dealing with non-recent allegations. Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

### **3. Roles and Responsibilities**

#### **3.1 The person receiving the information relating to the concern**

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind. They should not:

- investigate or ask leading questions;
- make assumptions or offer alternative explanations;
- promise confidentiality.

The individual should:

- make a written record of the information (where possible in the child, young person/ adult's own words), including:
  - the time
  - date
  - place of incident/s
  - persons present
  - what was said
  - sign and date the written record by the person who has written the record.
- immediately report the matter to the designated safeguarding lead (DSL), or the deputy (DDSL) in their absence or; where the designated safeguarding lead is the subject of the allegation report straight to the deputy (DDSL) or the Trust Executive Safeguarding Lead or Executive Safeguarding Lead.
- in the event that the allegation relates to the Headteacher then it should go straight to the Chair of Governors.
- if there is an urgent safeguarding risk or the allegation is of a very serious nature, the police should be immediately called who will advise as to the appropriate next steps.

### **3.2 The DSL (or DDSL/Chair of Governors/Trust Executive Safeguarding Lead or other senior member of staff acting as case manager as appropriate)**

When informed of the concern or allegation, the DSL/case manager **should not investigate** the matter but they should continue to **gather factual information** in regards to the incident and ensure any evidence is preserved. This fact-finding should be a **neutral process** and should not amount to an investigation of the incident. The needs and well being of any children concerned should be of paramount importance. Support for the child/children involved and any other children on the premises should be prioritised when considering the course of action.

The type of questions that KCSIE 2024 suggest include:

- was the individual in the school at the time of the allegations
- did the individual come in contact with the child
- are there any witnesses
- was there any CCTV footage etc

The LADO can provide further guidance to schools as required. When to inform the individual of the allegation needs to be considered carefully on a case by case basis and guidance sought from the LADO, or police if required.

The DSL/case manager should:

- obtain written details of the concern / allegation, signed and dated by the person receiving it (not the child, young person/ adult making the allegation);
- approve and date the written details;
- record any information about times, dates and location of incident/s and names of any potential witnesses;
- record discussions about the child, young person and/or member of staff, any decisions made, and the reasons for those decisions.

The DSL/case manager should review the information available to them and consider if they believe that the case meets the threshold of harm/risk of harm.

- if it is decided it meets the threshold of harm/risk of harm and therefore is an allegation they should **notify the LADO within one working day**. The police should also be notified immediately if the matter is severe.
- if it is decided that the incident does not meet the threshold of harm/risk of harm and is a concern about conduct or practice only, then they should take steps to ensure any conduct or practice issues are addressed with the member of staff through the Trust's relevant policies. Further advice regarding this can be sought from the Trust's HR Team and the Trust's Safeguarding Lead.
- if the DSL is unclear whether the incident meets the threshold of harm/risk of harm, they should seek advice from the LADO.

**The DSL/case manager must inform their LADO within one working day when an allegation is made and prior to any further investigation taking place.** The BSCP/MKCSP guidance makes it clear that information gathering is distinct from investigation. Schools should continue to **gather information about the facts of the case**, for example, checking if there is any evidence and taking statements from other witnesses.

### 3.3 Confidentiality and information sharing

The school 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 local authority 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

## 4. Suspension

### 4.1 KCSIE 2024

The KCSIE 2024 clause 386 clarifies:

“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.....It should be considered only in cases where there is a cause to suspect a child or other children at the school or college is/are at risk of harm, or the case is so serious there might be grounds for dismissal.”

Local authority children's social care or the police may give their view to the LADO about whether the accused member of staff should be suspended from contact with children.

#### **4.2 Alternatives to suspension**

The case manager should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. BCSP/MKCSF guidance advises that in many cases an investigation can be resolved quickly and without the need for suspension. If the LADO, police and Children's Social Care Services have no objections to the member of staff continuing to work during the investigation, the case manager/school should be as flexible as possible to avoid suspension. Based on assessment of risk (the case manager should do a full risk assessment), the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment so that the individual does not have direct contact with the child or children and young person concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work 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, or
- temporarily redeploying the member of staff to another role in a different location including work for the Trust.

These alternatives allow time for an informed decision regarding the suspension. This will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

#### **4.3 When suspension is deemed necessary**

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the case manager and the LADO. This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person the Trust's relevant policies must be followed.

An employee that has been suspended must be offered support. The person should be informed at the point of their suspension who their named contact is within the school/Trust and provided with their contact details. They should also be reminded of the Employee Assistance Programme details.

If a suspended person is to return to work, the school should consider what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor), and also how best to manage the member of staff's contact with the child or young person concerned, if still in the workplace.

### **5. Duty of Care**

The welfare of a child is paramount and this will be the prime concern in terms of investigating an allegation against a person in a position of trust. However, it is recognised in the KCSIE

guidance that when an allegation or safeguarding concern is being investigated, it is likely to be a very stressful experience for the adult subject to the investigation. The case manager should therefore:

- Offer appropriate welfare support to the individual, recognising the sensitivity of the situation. This should include an appointed named contact to keep the person informed about the progress of the case and providing details of the Employee Assistance Programme for counselling support and other assistance.
- Ensure that information is confidential and not be shared (unless agreed with the LADO and/or Trust Executive Safeguarding Lead) with other staff, children or parents who are not directly involved in the investigation.
- Inform the individual as soon as possible, explaining the likely course of action (guided by the LADO and 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 the progress of the case.
- 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.

It is also recognised that the case manager may require support during this process. The Trust Executive Safeguarding Lead and Trust HR Team should be contacted for assistance.

## 6. Parents or Carers of the Child Concerned

KCSIE 2024 (396) guidance should be followed in relation to communications with the parents/carers of the child concerned. Parents/carers of the child or children involved should be:

- formally told about the allegations as soon as possible. The case manager should consult the LADO on what information can be disclosed.
- kept informed about the progress of the case, only in relation to their child – no information can be shared regarding the staff member, and,
- made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress as set out in section 141F of the Education Act 2002.

## 7. Allegation Outcomes

Following investigations there are KCSIE specified definitions that must be used to determine the outcome of an allegation. These are also the terms that the LADO will use. Where the police are involved, wherever possible the school 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 school's disciplinary process, should this be required at a later point.

- **Substantiated:** there is sufficient evidence to prove the allegation
  - The case manager must consider whether to refer the matter to the TRA to consider whether the individual should be prohibited from teaching. ODBST HR should be contacted to support this process.
  - ODBST (as the employer) must make a referral to DBS. ODBST HR should be contacted to support this process.

- Following a criminal investigation or a prosecution, the police and LADO will work with ODBST regarding a joint assessment for any necessary actions.
- **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 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

For malicious, false, unsubstantiated or unfounded allegations the LADO and the case manager will 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 the allegation was a “cry for help”. Actions arising may be a referral to local authority social care if appropriate.

If an allegation is shown to be deliberately malicious or invented, the school/Trust will refer to the Code of Conduct and determine if disciplinary action is required against the individual who made a malicious allegation.

## 8. Allegations against Agency Staff (including Supply Teachers)

Agency staff are subject to their provider’s own policies and procedures. It is the school’s responsibility to ensure that they refer to the KCSIE 2024 guidance relating to correct procedures for managing allegations against agency staff (p96, 380-383).

As per KCSIE guidance, the school/Trust:

- 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 (or Trustees in the case of centrally employed staff) will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the school, while the school carries out the investigation.
- will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the LADO as required.
- will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (for example, the agency should share these as part of the allegations management meeting arranged by the LADO or by the agency liaising directly with the school/Trust where necessary).
- when using an agency, the school will inform the agency of the ODBST process for managing allegations. The agency will have their own policies for their staff including their duties to refer to the DBS, TRA etc and therefore the agency’s HR Manager or equivalent must be invited to meetings as appropriate.

## 9. Allegations made against Governors and Trustees

Any allegation made against governors and trustees will be subject to the investigative stages outlined in 3.2. Where an allegation against governors or trustees is substantiated, the ODBST Head of Governance should be informed immediately regarding the correct procedures to remove them from office.

## 10. Allegations made against Organisations or Individuals using School Premises

If an allegation is received of an incident happening while an individual or organisation was using the school premises to run activities for children, we will follow our safeguarding policies

and procedures as detailed in the ODBST Safeguarding and Child Protection Policy and inform our LADO.

## **11. Leaving Employment and References**

If an individual resigns or enters a settlement agreement to leave their employment whilst there are allegations that indicate they could be a risk or pose a risk of harm to children, or they are deemed unsuitable to work with children, any reference provided to future employers must include factual information regarding the allegation.

Schools/the Trust will not cease investigations if the person subject to the allegation leaves, resigns or ceases to provide their services. All allegations which have a bearing on the safety or welfare of children will be investigated and a conclusion reached (even if the person concerned refuses to cooperate).

Wherever possible, the accused should be given full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated or otherwise on the basis of all the information available, should continue even if the accused does not cooperate.

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

KCSIE guidance is clear that 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.

Substantiated safeguarding allegations that meet the harm threshold should be included in references, provided that the information is factual and does not include opinions. Line managers/Headteachers should refer to ODBST HR for advice if required.

## **12. Record Keeping**

Details of allegations that, following investigations are found to be malicious or false should be removed from HR files (unless consent is given by the individual for them to be retained). For all other allegations (substantiated, unfounded and unsubstantiated) the following information should be kept on the file of the person accused (in a confidential, locked facility) **and** an electronic version of all documents emailed to the HR Director and Trust Executive Safeguarding Lead:

- a clear and comprehensive summary of the allegation
- details of how the allegation was followed up and resolved
- a note of any action taken, decisions reached and the outcome i.e. substantiated, unfounded or unsubstantiated

- a copy provided to the person concerned (where agreed by the local authority children's social care or the police), and
- a declaration on whether the information will be referred to in any future reference.

The case manager should be given guidance by the LADO regarding these points. KCSIE 2024, p105, 422 contains further information regarding this.

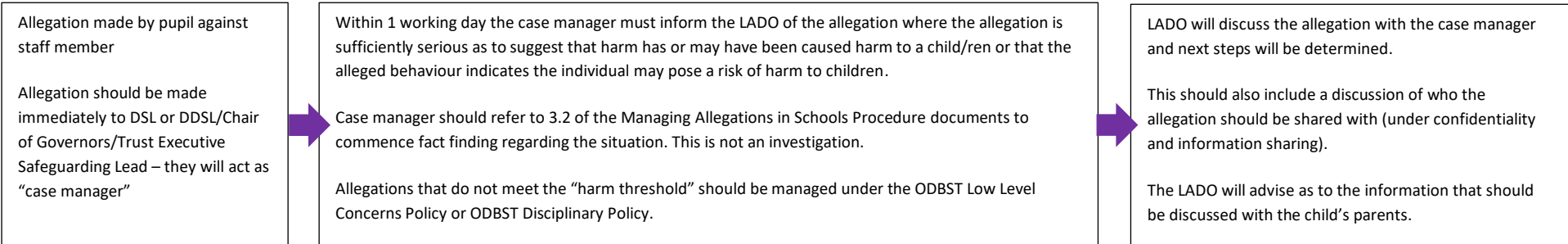
The school/Trust must retain all records at least until the accused individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

### **13. Learning Lessons**

Throughout the process of handling the allegation and at the conclusion of any case where an allegation has been substantiated, the LADO will review all the circumstances with the case manager to determine whether there are any improvements that should be made to procedures to help prevent similar events in the future. These "lessons" may include:

- Issues arising from any decision to suspend a member of staff, the duration of the suspension and whether or not the suspension was justified
- Lessons learnt from the use of suspension when the individual is subsequently reinstated. KCSIE makes it clear that the LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

**Appendix 1: Summary of Process for Managing Allegations Against Staff in Schools/the Trust (to be read in conjunction with the policy)**



**The Child**

The welfare of the child is of paramount importance.

The LADO will involve additional agencies for support/help where a child is suffering from or likely to suffer from significant harm.

The case manager must follow the advice and guidance of the LADO regarding actions to ensure the safety of the child.

Where allegations raised by a child are found to be malicious, false, unsubstantiated or unfounded, the LADO will work together with case manager to establish whether the allegation could be a “cry for help” and request social services support.

**The Staff Member**

**Duty of Care:** The Trust has a duty of care for all staff. When allegations are raised against individuals in schools, the case manager must ensure that the duty of care to the individual is fulfilled. More details are available in section 5 of the policy. The individual should also be advised of the Employee Assistance Programme.

**Suspension:** 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. It should be considered only in cases where there is a cause to suspect a child or other children at the school or college is/are at risk of harm, or the case is so serious there might be grounds for dismissal. Alternatives to suspension are detailed in the policy (section 4).

**Disciplinary Process:** following conversations with the LADO, it may be determined that the school should apply their own disciplinary procedures to investigate the allegation. These will continue even if the individual resigns/leaves the organisation. In serious situations where a criminal offence could have been committed, the LADO will contact the police who will confirm to the school/Trust how they wish to proceed to ensure that the criminal case is not compromised.

**Outcomes:** following investigation of the incident, there will be 5 potential outcomes.

- Substantiated
- Malicious
- False
- Unsubstantiated
- Unfounded

**Reference requests:**

- Substantiated allegations must be included in any reference provided and must be factual (without opinion).
- Allegations that are found to be false, unfounded, unsubstantiated or malicious should not be included in employer references.

**Record Keeping:**

- Malicious or false allegations must be removed from the individual’s file (unless permission is given otherwise).
- Substantiated, unfounded and unsubstantiated should be kept on file until the person reaches retirement age or for 10 years (whichever is longer). See section 12 of the policy.