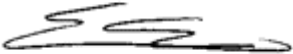




St. Helen's Catholic Primary School

DEALING WITH ALLEGATIONS AGAINST THE WORKFORCE POLICY

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POLICY FOR DEALING WITH ALLEGATIONS AGAINST THE WORKFORCE

Our Mission Statement

Respect yourself.

Respect everyone in our school community.

Respect everyone in our local community.

Respect everyone in our global community.

But most of all, respect God our Father in Heaven.

Aims of the Policy

This policy aims to

- Set out how safeguarding concerns and allegations against any adults engaged to work or volunteer in the school will be dealt with, whether those circumstances occur on or off the premises and outside of the school day
- Ensure that all staff and volunteers in our school understand fully their safeguarding duties and the consequences of acting against the best interests of our children
- Ensure that all staff, volunteers, contractors, visitors and families understand how to report a concern
- Ensure that all concerns and allegations are taken seriously
- Ensure that all concerns and allegations are dealt with appropriately and in liaison with relevant parties, even where they relate to a person who is not an employee
- Ensure that all concerns and allegations will be dealt with quickly, and in a fair and consistent manner that provides effective protection for the child, and at the same time, supports the person who is the subject of the allegation

This policy is in accordance with the Department for Education statutory guidance *Keeping Children Safe in Education 2026* and should be read alongside the school's Learning About Me Policy, Child Protection Policy, Staff Code of Conduct, Low-Level Concerns Policy, Discipline and Dismissal Policy and Whistleblowing Policy.

Scope of the Policy

This policy applies when there is a safeguarding concern or allegation in relation to employees (including the Headteacher/CEO), supply and agency staff, trainee teachers, volunteers, contractors and governors.

The school expects full co-operation and participation by third-party employers/agencies in the operation of this Procedure. The school will ensure that all third-party employers/agencies are notified of this procedure before allowing any individuals employed by them to start work at the school.

Where a non-recent allegation is made, the school will follow the procedures set out in *Keeping Children Safe in Education*. Where an adult makes an allegation that they were abused as a child, they will be advised to report the allegation to the police. Non-recent allegations made by a child will be reported to the Local Authority Designated Officer (LADO) in accordance with local authority procedures. The school will co-operate fully with the LADO, police, children's social care and any other relevant agencies.

Roles and Responsibilities

It is the responsibility of everyone in the school community to safeguard children and everyone has a role to play in identifying concerns, sharing information, taking prompt action and fully co-operating with this policy. All adults should make themselves aware of their responsibilities in this regard as set out in the Code of Conduct.

If anyone has any safeguarding concerns, they must report these immediately, to the headteacher, or other senior leader or the Designated Safeguarding Lead ("DSL") or Deputy DSL if the headteacher is unavailable, or where concerns relate to the headteacher or a governor, to the Chair of Governors, or where concerns relate to the chair of governor, to the Vice Chair or where unavailable the safeguarding governor.

Whistleblowing

Where at any point an individual feels unable to raise an issue with the appropriate person set out above, for example due to the sensitivity of the issue, or feels that their genuine concerns are not being addressed, they may refer to the Whistleblowing Policy. This policy sets out the framework for how issues can be raised confidentially internally, and/or if necessary, outside the management structure of the school to a prescribed body.

For safeguarding and child protection allegations, individuals can refer to the Local Authority Designated Officer for child protection (LADO) LADO@Southend.gov.uk or 01702 534539 or the NSPCC who have a dedicated helpline 0800 028 0285. The line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk.

Procedures

In some cases, a concern will have been reported to, or discovered by, Social Care, the Police or the Local Authority Designated Officer ("LADO"), who will in turn inform the school (and where appropriate the third-party employer) and will initially lead and direct the investigation. In such cases the school, and where appropriate the third-party employer, will follow the advice and directions of these agencies as set out below.

Where a concern or allegation is initially reported to the school, the matter will be taken seriously and considered with an open mind. The school will undertake basic enquiries, in accordance with local procedures, to establish the facts and determine whether there is any foundation to the allegation, taking care not to jeopardise any future police investigation. Where the concern or allegation may meet the harm threshold, the case manager will discuss the nature, content and context of the allegation with the LADO and agree a course of action. Where a child has been harmed, there may be an immediate risk of harm to a child, or the situation is an emergency, the school will contact children's social care and, where appropriate, the police immediately.

Assessment

Concerns raised will vary from those which may meet the harm threshold to relatively low-level concerns. The headteacher (or Chair of Governors where appropriate), in consultation with the Designated Safeguarding Lead and, where required, the LADO, will ensure that an initial assessment is made to determine how the matter should be dealt with and that any action is appropriate and proportionate. Where a concern does not meet the harm threshold, it will be managed in accordance with the school's Low-Level Concerns Policy. The school may seek advice from the Assisi Catholic Trust HR Team where appropriate.

However, in cases where misconduct is suspected the following steps will be followed.

Initial investigation

The headteacher or Chair of Governors where the allegation relates to the headteacher, will themselves, or arrange for an appropriate person, to be the case manager. The case manager will obtain advice and support as necessary; for example from the Assisi Catholic Trust HR Team. In certain circumstances, such as the lack of appropriate resources within the school or, given the nature or complexity of the allegation, the school may engage an independent investigator to be the case manager.

Third-party/Agency workers

Where a concern or allegation relates to a person employed by a third party/agency, the case manager will inform, and liaise with the employer/agency. The school will usually take the lead on the investigation but will invite the employer/agency's human resource representative or equivalent person to relevant meetings and keep them informed.

The case manager will carry out a brief initial investigation to gather enough information to establish whether the allegation has foundation and whether the concern or allegation may meet the harm threshold; that is, whether it is alleged that the person 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;
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

The harm threshold and the associated DBS harm test are explained further in *Keeping Children Safe in Education* and Disclosure and Barring Service guidance.

The initial investigation will be carried out immediately and will entail:

- making a detailed written, signed and dated record of the information reported;
- asking the person reporting the concern to immediately provide a written statement which should be signed and dated;
- fact checking to establish that the incident could have happened e.g. was the accused person and child in the place mentioned and making a written and dated record.
- parents will be informed immediately if the child is injured or needs medical treatment.
- establishing whether there were any witnesses and whether any relevant CCTV or other contemporaneous evidence exists.

The case manager will not:

- investigate in great depth or ask leading questions;
- interview the accused, children or any witnesses;
- make assumptions or offer alternative explanations;
- promise confidentiality, although may give assurance that the information will only be shared on a 'need to know' basis.

If the case manager considers that the concern or allegation may meet the harm threshold, the procedures below will be followed.:

Suspension and alternatives

On the basis of the facts available at each stage of these procedures, it may be considered appropriate to remove the person against whom allegations have been made from certain roles or contexts or from the school entirely where:

- there is cause to suspect a child or other children at the school are at risk of harm;
- the case is so serious that it might be grounds for dismissal;
- allowing the employee to remain at work could hinder the investigatory process; or
- there is a restriction in place such as bail conditions or an interim prohibition order.

The LADO may advise on this matter, but the decision will be made by the school.

Employees

The case manager will undertake a detailed risk assessment and explore all options to avoid suspension: for example, redeployment or reallocation of duties will be considered. If suspension is considered necessary, the rationale and justification will be recorded in the risk assessment in addition to the alternatives to suspension that were considered and why they were considered not to be appropriate in the circumstances.

The employee will receive written confirmation of their suspension, including written reasons for the suspension, within one working day. They will also be notified of the support available (see below).

Volunteers

The case manager will make a judgement, based on the nature of the concern or allegation and the evidence available, about whether it is appropriate to stop the volunteer attending school while the investigation is carried out.

Supply staff, trainee teachers and other third-party/agency workers Where a concern or allegation relates to a supply teacher, trainee teacher, contractor or other person employed or placed by a third party or agency, the school and the third-party organisation share safeguarding responsibilities. The case manager will inform and liaise with the relevant employer, agency or training provider. The school will remain responsible for gathering the facts and managing the safeguarding process, while working closely with the third-party organisation, which will usually lead on any disciplinary or employment action.

Governors

Where appropriate, a governor may be asked to absent themselves from some or all aspects of their functions, or in the most serious cases, and where regulations allow, may be suspended, during an investigation.

All arrangements will be discussed with the person concerned, confirmed in writing and kept under regular review.

Referral to the Disclosure and Barring Service

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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This duty applies equally to paid staff and volunteers where they were engaged in regulated activity.

In many cases, the harm test will not be met, and internal procedures will be followed as set out further on in this policy.

Procedures where the harm threshold may be met

The case manager will report the allegation to the LADO within one working day. Failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.

The LADO will liaise with other agencies such as the Police or Children's Social Care as appropriate, to determine next steps and the school will follow the directions of these agencies.

This may include:

- what, if any, information can be shared with parents and the accused person and at what point;
- provision of further information about child/ren or adults; and
- attendance at a strategy or management planning meeting to share relevant information and plan next steps.

The LADO will advise the school when the agencies involvement is concluded and the matter is handed back to be dealt with through internal procedures, as set out here.

Criminal cases

In most cases, internal procedures cannot be applied until the conclusion of police processes. The police should inform the employer and designated officer(s) immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after the person has been charged. In those circumstances, the designated officer(s) should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care services should inform that decision. Where the police are involved, wherever possible the employer should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process.

Internal Procedures

Where the harm threshold is not met, and where LADO, Social Care and/or Police involvement is concluded and it is agreed that the school can follow its internal procedures, the matter will be dealt with in accordance with the Low-Level Concerns Policy as set out in the Code of Conduct. This includes, where the case manager makes a judgement that the matter amounts to potential misconduct, the procedures below.

If, at any stage, new information emerges that requires a referral as set out above, the internal

procedures should be held in abeyance and only resumed if agreed with the LADO, children's social care and the Police. Consideration or a review of suspension/alternate arrangements should be also undertaken.

Employees

Where the concern or allegations relates to an employee, the Disciplinary Procedure will be applied where misconduct is suspected. The outcome will be determined and communicated to the employee, and recorded in the child protection records, as set out below.

Volunteers

Where a concern or allegation relates to a volunteer, the case manager will arrange for an investigation to be carried out. This will involve gathering relevant information and evidence, including speaking to the volunteer. At the end of the investigation, the outcome will be determined and communicated to the volunteer, and recorded in the child protection records, as set out below.

Having reached a determination, the case manager will decide whether it is appropriate to allow the individual to continue to volunteer, and if so whether there are any conditions or considerations, such as additional training or supervision.

Supply staff, trainee teachers and other third-party workers In the case of workers who are not employees of the school, their employer is responsible for applying their internal procedures. However, where necessary the school will lead in carrying out investigations, as agencies will not have access to children and other staff to collect facts. In any case, the school will fully co-operate with and provide support as required, to the third-party employer and other agencies. Subject to the outcome of the investigation, the school may decide to cease to engage the worker.

Where the concern relates to a trainee teacher, the school will work with the relevant teacher training provider, which is expected to follow the same safeguarding procedures applicable to supply agencies.

Governors

Where a concern or allegation relates to a governor, the Complaints against Governors Procedure will be applied. The outcome will be determined and communicated to the governor, and recorded in the child protection records, as set out below.

Conclusion of safeguarding cases

Investigations into allegations will be completed and the outcome recorded, regardless of whether the person involved resigns or otherwise ceases their engagement at the school prior to the conclusion of the investigation or criminal or internal procedures. The individual will be invited to participate in internal procedures at all stages, but they will proceed even if the person declines to co-operate.

Settlement agreements will not be used to resolve employee relations matters relating to safeguarding.

The following definitions will be used when determining and recording the outcome of 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;

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

Records and References

Allegations which are found to be malicious or false will be removed from personnel records. In all other cases, a clear and comprehensive summary of the allegation, details of how the concern or allegation was followed up and resolved, a note of any actions taken and decisions reached will be recorded and retained on the personnel file of the accused and a copy provided to the individual.

Substantiated safeguarding allegations that meet the harm threshold should be included in references, provided that the information is factual and does not include opinions. Allegations found to be false, unfounded, unsubstantiated or malicious, including repeated concerns or allegations which have all received those outcomes, will not be included in references. Low-level concerns will only be included where they relate to matters which would normally be included in a reference, for example substantiated misconduct or poor performance.

All other records will 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. Full details can be found in the school's record retention schedule.

Referral to the Disclosure and Barring Service

Where the statutory referral criteria are met, the school will make a referral to the Disclosure and Barring Service (DBS) as soon as possible following the individual's removal from regulated activity, or where the individual would have been removed had they not resigned or otherwise ceased the activity. Where the individual is a teacher, the school will also consider whether referral to the Teaching Regulation Agency (TRA) is required.

Notifying parents

In line with the statutory guidance "Keeping Children Safe in Education" parents should be kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member.

Return to work

Where it is decided on the conclusion of a case that a person who has been suspended or placed on alternate duties, can return to work, the case manager will consider how best to facilitate this. Consideration will be given, in consultation with the person, about what help and support should be given. This may include a phased return or a short-term mentor for support and consideration of how the person's contact with the child or children to whom the allegation related can best be managed if they are still a pupil or student.

Reflections and further action

If an allegation is determined to be false or malicious, the school will liaise with relevant agencies to determine what, if any, further interventions or action may be necessary in respect of the accuser. At the conclusion of all cases, the case manager, and the LADO where they have been involved, will consider whether any lessons can be learned and whether improvements should be made to the

school's safeguarding practice, procedures, staff training or working arrangements.

Support for those involved

The school will act to manage and minimise the stress inherent in the allegations process.

- Allegations will be dealt with expeditiously, fairly and thoroughly;
- Individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, and updates on progress, unless there is an objection by the children's social care services or the police;
- Employees should contact their trade union representative and have the right of representation by a trade unions representative or work colleague at any formal disciplinary meeting.
- Other individuals should seek appropriate support e.g. citizens advice, their professional body;
- Individuals will be given access to welfare counselling or medical advice where this is appropriate and available. In case of third-party workers, this will be the responsibility of their employer; and
- All individuals subject to alternate work arrangement/suspension will be given a named contact to provide relevant updates regarding events in the workplace and to act as a conduit for information/communication as appropriate. In the case of third-party workers, this will be the responsibility of their employer.

Confidentiality

It is essential that strict confidentiality is maintained at all time, by all parties.

It is however a statutory requirement for schools and where applicable their staff, to share relevant information in relation to safeguarding matters and as such the school will share information with the LADO, police, children's social care, other agencies such as the DBS and the Teaching Regulation Agency, and individuals such as parents/carers, as required and in accordance with its obligations and any regulations, including the Data Protection Act 2018, UK General Data Protection Regulation (UK GDPR), the Data (Use and Access) Act 2025 and the Human Rights Act 1998.

The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply to everybody until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions are disapplied if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so.

Monitoring & Review

This policy is monitored by the Local Governing Committee and senior leadership team and reviewed annually by the Headteacher.