

RIVERSIDE SCHOOL



Allegations of Abuse Against Staff Policy

APPROVED BY GOVERNORS

RESPONSIBLE PERSON – HEADTEACHER

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Statement of Intent

Riverside School takes its duty of care to its pupils seriously. We will thoroughly and swiftly investigate any allegations of abuse against staff – this will be done applying common sense and judgement, in a fair way that does not prejudice either the pupil or the member of staff, and with effective protection for the pupil and support for the person subject to the allegation. This policy will apply to concerns or allegations against those working in or on behalf of the school in a paid or unpaid capacity, including supply teachers, volunteers and contractors.

Any investigation of an allegation of abuse will be made in line with this policy, and we will provide both the accuser and the accused with the support they require during the investigation.

1. Legal Framework

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

- Children Act 1989
- Education Act 2002
- Children Act 2004
- Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- DfE (2023) 'Working Together to Safeguard Children'
- DfE (2025) 'Keeping Children Safe in Education'

This policy operates in conjunction with the following school policies:

- Safeguarding Policy
- Low-Level Concerns Policy
- Disciplinary Policy and Procedure for Staff
- Staff Code of Conduct
- Data Protection Policy
- Regulation Support Policy
- Safer Recruitment Policy

2. Scope

For the purposes of this policy 'child' refers to anyone under the age of 18 (legal context) and 19 at Riverside School.

This policy covers the process for dealing with allegations that meet the harms threshold, which are allegations where it is alleged that anyone working in the school, including supply teachers, volunteers and contractors, 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 they may pose a risk of harm to children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children, including transferable risk i.e., behaviour that may have happened outside of school that might make the individual unsuitable to work with children.

Procedures for managing allegations that do not meet the harms threshold (also known as ('low-level concerns') are not covered by this policy. The school's Low-Level Concerns Policy outlines the procedures for dealing with allegations that do not meet the harms threshold.

Low-level concerns will not be viewed as insignificant, but as any concerns that do not meet the harms threshold set out above. A low-level concern 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; or
- does not meet the allegations threshold or is otherwise not deemed serious enough to warrant a referral to the LA designated officer (LADO).

If the school has any doubt as to whether information which has been shared about a member of staff as a low-level concern meets the harm threshold, the LADO's advice will be sought.

For the purpose of this policy, 'allegation' refers to allegations that meet the harms threshold.

3. Staff Covered by this Policy

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

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

In these cases, the school will ensure allegations are dealt with properly and will often take the lead on dealing with the allegation as it has access to all of the necessary information. Under no circumstances will the school decide to cease to use supply staff due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable outcome, unless the severity of the case dictates this course of action.

Any supply agencies used by the school will be informed of the school's process for

managing allegations. The school will also take account of the agency's policies and their duty to refer to the DBS as personnel suppliers. This will include inviting the agency's HR Manager or equivalent to meetings and keeping them up to date with information about the school's policies. The school may; however, decide to delegate responsibilities to the agency, if deemed appropriate to do so. This will mean sharing anonymised information accordingly.

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

4. Roles and Responsibilities

The governing board will be responsible for:

- ensuring this policy is implemented consistently in the school;
- ensuring welfare support is put in place for staff subject to allegations; and
- ensuring they are kept informed of any suspensions made by the school in a timely manner.

The chair of governors will be responsible for acting as the case manager for allegations, unless the allegation relates to them or there would be a conflict of interest if they were the case manager. This responsibility will be delegated to a member of the senior leadership team as deemed appropriate.

The case manager will be responsible for:

- conducting a basic enquiry as soon as an allegation is reported;
- leading investigations into allegations;
- working with the LADO when dealing with allegations; and
- making the final decision of whether a member of staff subject to an allegation should be suspended.

The designated safeguarding lead (DSL) will be responsible for:

- making referrals to Children's Social Care Services (CSCS) and/ or the Police where necessary;
- looking after the welfare of pupils involved in an allegation and ensuring they are not at risk; and
- liaising with the LADO as appropriate.

The LADO will provide advice and guidance to the school when considering allegations. Their role is not to investigate the allegation, but to ensure that an appropriate investigation is carried out.

5. Reporting Concerns and Allegations

Staff must report any allegations without delay, in line with the following reporting

structure:

- Allegations regarding another member of staff will be reported to the headteacher or a member of the senior leadership team.
- Allegations regarding the headteacher will be reported to the chair of governors.

Where there is a conflict of interest in reporting the allegation to the headteacher, staff will report the concern directly to another member of senior leadership team, or failing this, the LADO. Information regarding the identity of the LADO can be found on the LA's website.

Where a pupil makes a disclosure to a member of staff about the behaviour of another member of staff, staff must follow the reporting lines above.

Once an allegation has been made, a case manager will be assigned to lead the investigation. The case manager will be the headteacher or other senior leader or, where the headteacher is the subject of an allegation, the chair of governors.

6. Initial Response

CSCS and, as appropriate, the Police, will be contacted immediately if a child has been harmed, there is believed to be an immediate risk of harm to a child, or the situation is deemed to be an emergency. These reports will be made in line with the school's Safeguarding Policy.

Before contacting the LADO, the case manager will conduct a basic enquiry in line with local procedures to establish the facts to help them determine whether there is any foundation to the allegation. During this basic enquiry, the case manager will ensure they collect any information that will be required by the LADO and will be careful not to jeopardise any potential future police investigation.

Once the case manager has conducted the basic enquiry, they will contact the LADO. The case manager and LADO will discuss the nature, content and context of the allegation and decide if:

- no further action is needed;
- a strategy discussion should take place; or
- there should be involvement from CSCS and/ or the Police.

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

If the allegation is about physical contact e.g., restraint not in line with school policies and training, the strategy discussion or initial evaluation with the LADO will take into account that teachers and other staff are entitled to use reasonable force to support pupils during

significant dysregulation, where they may cause harm to themselves or others.

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

Where the initial assessment indicated that no further action is needed, the case manager and LADO will:

- record the decision and justification for it; and
- agree on what information should be put in writing to the individual concerned, and by whom.

Strategy Discussion

If there is cause to suspect a child is suffering, or is likely to suffer, significant harm, a strategy discussion involving CSCS and/ or the Police will be convened. Strategy discussions will take place in line with the DfE's 'Working Together to Safeguard Children' statutory guidance. For allegations regarding physical contact e.g., restraint, the right to use reasonable force in line with the school's Regulation Support Policy will be taken into account.

CSCS will convene the meeting to determine the child's welfare and plan rapid future action if there is reasonable cause to suspect the child is suffering or likely to suffer significant harm. A representative of the school may be invited to the meeting.

The discussion will be used to:

- share available information;
- agree the conduct and timing of any criminal investigation; and
- decide whether enquiries under Section 47 of The Children Act 1989 must be undertaken.

Investigation

Where it is clear that an investigation by CSCS or the Police is unnecessary, or the strategy discussion or initial assessment decides that this is the case, the LADO will discuss the next steps with the case manager.

Where further enquiries are required to enable a decision about how to proceed, the LADO and case manager will discuss how the investigation will be undertaken and who should conduct the investigation. In most cases, the investigation will be undertaken and who should conduct the investigation. In most cases, the investigation will be undertaken by a senior member of staff at the school. Where there is a lack of appropriate resources within the school to conduct the investigation, or the nature or complexity of the allegation requires it, the allegation will be conducted by an independent investigator.

The case manager will monitor the progress of the investigation to ensure that it is dealt with thoroughly, fairly and as quickly as possible. The first review will take place no later than four weeks after the initial assessment, where possible. Dates of subsequent reviews will be set at the review meeting if the investigation continues and will be conducted in at minimum fortnightly intervals.

Informing the Member of Staff

The decision of when to inform the member of staff will be considered carefully on a case-by-case basis, considering guidance from the LADO as required and CSCS and the Police if involved. The member of staff subject to an allegation should be informed of the allegation and given as much information as possible, unless there are good reasons not to. In cases where the allegation needs to be reported to CSCS and/ or the Police, the case manager will seek advice from the LADO, CSCS and Police as appropriate regarding what information can be shared.

Supply Staff

Where an allegation relates to a member of supply staff, the agency will be fully involved and cooperate with any enquiries from the school, LADO, CSCS and/ or Police. In these cases, the school will usually take the lead as the agency will not have direct access to the required information.

The school will not decide to stop using a member of supply staff due to safeguarding concerns without first finding out the facts and liaising with the LADO to determine a suitable outcome. This is dependent on the nature and severity of the allegation.

The allegation management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency or agencies are taken into account by the school during the investigation.

Organisations or Individuals Using School Premises

Where the school receives an allegation relating to an incident that happened when an individual or organisation was using the premises for the purposes of running activities for children e.g., a community group or sports association, the school will follow up in line with the Safeguarding Policy, inform the LADO, ensure appropriate steps are taken to keep pupils safe, and ensure that the allegation is subject to a proper investigation.

7. Confidentiality

The case manager and LADO will discuss what information will be shared and with whom, alongside which actions will be taken to manage any possible breaches of confidentiality or press interest.

Reporting restrictions under the Education Act 2002 will be observed. Information regarding an allegation will only be shared with necessary parties. Every effort will be made to protect the privacy of all parties involved in an allegation. Confidentiality will also be maintained to ensure a fair investigation can be undertaken.

All parties involved in an allegation will be made aware of the requirement to maintain confidentiality and guard against unwanted publicity about any allegations made against teachers whilst investigations are in progress.

In circumstances where the school needs to make parents aware of an allegation, it will ensure parents and others are aware that there are restrictions on publishing information.

Breaches in confidentiality will be taken seriously and may warrant a separate investigation.

The school will not provide the media with any information regarding an allegation.

8. Suspension

Suspension e.g., remaining under the school's employment but being asked not to attend the school premises, will never be an automatic response when an allegation is reported – all options to avoid suspension will be considered prior to taking that decision.

The case manager will carefully consider whether the circumstances warrant suspension from contact with children at the school, or until the allegation is resolved. Suspension will be considered only in cases where there is cause to suspect a pupil at the school is at risk of harm, or the case is so serious that it might be grounds for dismissal.

The case manager will seek advice from the school's HR provider and the LADO, as well as CSCS and the Police, where they have been involved. The following options will be considered by the case manager before suspending a member of staff:

- Redeploying the member of staff to alternative work in the school so that they do not have direct contact with the pupil or pupils concerned.
- Providing an assistant to be present when the individual has contact with pupils.
- Redeploying the member of staff to alternative work in the school so the individual does not have unsupervised access to pupils.
- Moving the pupil or pupils to classes where they will not come into contact with the member of staff – this decision will only be made if it is in the best interests of the pupils involved and takes account of their views.
- Temporarily redeploying the member of staff to another role in a different location e.g., to an alternative school, where available.

The headteacher will make the final decision on whether the member of staff should be suspended and advise the chair of governors of any suspension decision made. Where a strategy discussion, or initial assessment, concludes that there should be enquiries made

by CSCS and/ or an investigation by the Police, the LADO will seek the views of the CSCS and the Police regarding whether the member of staff should be suspended from contact with children. Police involvement does not make it mandatory to suspend a member of staff. The decision to suspend will be made on a case-by-case basis following a risk assessment of whether the person poses a risk of harm to children.

If immediate suspension is considered necessary, the case manager will record the rationale and justification for this decision, alongside the alternatives to suspension that were considered and why they were rejected. This will be done using the Suspension Risk Assessment form.

Where suspension is deemed necessary, written confirmation will be given to the member of staff within one working day where possible, which will provide as much detail as appropriate for the reasons for the suspension. The member of staff will be told immediately who their named contact is within the school for the period of their suspension and will be provided with their contact details.

Where an allegation relates to a member of supply staff, the headteacher or appropriate senior leader in discussion with the headteacher, will discuss with the supply agency (or agencies where the member of staff is working across a number of schools), whether it is appropriate to suspend the individual, or redeploy them to another part of the school, whilst an investigation is carried out.

Where the school is made aware that the Secretary of State for Education has made an interim prohibition order in respect of an individual who works at the school, immediate action will be taken by the school to ensure the individual does not carry out work in contravention of the order i.e., not carrying out teaching work, pending the findings of the TRA investigation.

For information relating to the pay arrangements in place when a member of staff is suspended, or an interim prohibition order is in place, please refer to the school's pay policies for teaching staff and support staff.

9. Supporting Those Involved

Pupils and Parents/ Carers

The welfare of the pupil(s) involved in an allegation will be paramount. Pupils involved will be fully supported in line with the Safeguarding Policy.

The parents/ carers of the pupil(s) involved in an allegation will be told about the allegation as soon as possible if they do not already know about it, unless notifying the parents/ carers would put the pupil a further risk. The case manager will work with the LADO to agree who should be informed about the allegation.

Parents/ carers will be made aware of the requirement to maintain confidentiality and

guard against unwanted publicity about any allegations made against teachers whilst investigations are in progress.

Parents/ carers will be kept informed about the progress of the allegation, including the outcome and any action taken. Parents/ carers will be kept informed only in relation to their child – no information will be shared regarding the staff member.

Staff who Report an Allegation

The school will ensure that all staff feel equipped and supported to report any allegations or concerns.

Staff Subject to a Concern

Any staff member subject to an allegation will be offered welfare support. The school has a duty of care to all staff and will:

- manage and minimise stress caused by the allegation;
- inform the member of staff as soon as possible about the allegation, explaining the likely course of action, guided by the LADO, and the Police where necessary;
- advise the member of staff to contact their trade union representative, or a colleague for support;
- appoint a named representative to keep the staff member informed about the progress of the case;
- provide access to counselling or medical advice where appropriate; and
- 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.

10. Outcomes

The following definitions will be used when determining the outcome of an allegation:

- **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 to the allegation
- **False** – there is sufficient evidence to disprove the allegation
- **Unsubstantiated** – there is insufficient evidence to either prove or disprove the allegation – this term does not imply guilt or innocence
- **Unfounded** – there is no evidence or proper basis which supports the allegation being made

The options available to the school will depend on the nature and circumstances of the allegation and the evidence and information available.

11. Referral to the DBS

If an allegation is found to be substantiated and the member of staff is dismissed, resigns or otherwise ceases to provide their services to the school, or the school ceases to use the person's services, the school has a legal duty to make a referral to the DBS. For members of teaching staff at the school, the case manager will consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

The school will also make a referral to the DBS where it is considered an individual has engaged in conduct that harmed or is likely to harm a child, or if they otherwise pose a risk of harm to a child.

12. Criminal Investigations

Some allegations may result in a criminal investigation taking place. The Police will inform the school and the LADO when:

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

The case manager and LADO will discuss whether any further action against the member of staff is appropriate, including disciplinary action.

13. Unsubstantiated, Unfounded, False or Malicious Allegations

If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager will consider whether the pupil 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. If this is the case, the DSL will decide whether a referral to CSCS needs to be made.

If a report is shown to be deliberately invented or malicious, the school will consider whether any disciplinary action is appropriate against the individual who made it, in line with the Disciplinary Policy and Procedure for Staff or the Regulation Support Policy for pupils.

Following an allegation concluded to be either unfounded, false, malicious or unsubstantiated, the case manager, in liaison with the LADO if involved, will consider the facts and determine whether any lessons can be learnt and if improvements can be made to the school's procedures.

14. Returning to Work

Where a member of staff has been suspended and it is decided on conclusion of the case that they can return to work, the case manager will decide on the best course of action to facilitate the return to work, seeking advice from the school's HR provider and the

LADO where necessary.

The individual's circumstances will be taken into account, and options such as phased return and the provision of a mentor to provide assistance and support in the short term considered where appropriate.

The case manager will also consider how the staff member's contact with the child who made the allegation can best be managed if they are still attending the school.

The member of staff will be provided with support, including welfare support, during their return to work.

15. Resignations

If the member of staff leaves, resigns or ceases to provide their services during an investigation, the school will not stop the investigation and will ensure its completion.

The staff member subject to the allegation will be given a full opportunity to answer the allegation and make representations about it. The process of recording the allegation and supporting evidence and reaching a judgement on the allegation will continue even if the member of staff does not cooperate. The member of staff concerned will be notified of the conclusion of the allegation and sanctions that may be posed.

Settlement Agreements

The school will not use settlement agreements (also known as compromise agreements) where there are allegations that indicate a person is a risk or poses a risk of harm to children or is deemed not suitable to work with children.

In limited circumstances, it may be appropriate to use settlement agreements to end the employment relationship on agreed terms. Settlement agreements will not be used where there is an allegation that the individual poses a risk to children. Where a settlement agreement is used, this will not prevent the school from:

- fulfilling its legal duty to refer cases to the DBS where the referral criteria are met;
- providing a fair, accurate and truthful reference that is not misleading to potential employers when requested; and
- considering whether to make a referral to the Teaching Regulation Agency (TRA) where the criteria are met.

16. Record Keeping

Any details of allegations that are found to be malicious or false will be removed from the staff member's personnel record, unless they give their consent for the information to be retained.

For all other allegations, the following information will be kept on the staff member's

personnel file:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Details of any action taken, decisions reached and the outcome
- A copy provided to the person concerned, where agreed by CSCS or the Police
- A declaration on whether the information will be referred to in any future reference.

Records will be retained until the staff member subject to the allegation has reached normal pension age or for a period of 10 years from the date of the allegation, whichever is longer.

All records will be managed in line with the school's Data Protection Policy.

17. References

References will be provided in line with the school's Safer Recruitment Policy.

The school will ensure that any information provided confirms whether they are satisfied with the applicant's suitability to work with children, and only provide the facts and outcome of any substantiated safeguarding concerns or allegations that meet the harm threshold within any employment references. References will not include opinions, and cases will not be included where an allegation was found to be false, unfounded, unsubstantiated or malicious; this applies for repeated concerns or allegations found to be false, unfounded, unsubstantiated or malicious.

18. Non-Recent Allegations

If a former pupil makes an allegation to the school that they were abused as a child, they will be advised to report the allegation to the Police. Non-recent allegations made by a pupil will be reported to the LADO in line with the LA's procedures for dealing with non-recent allegations.

All pupils and staff will be made aware that abuse can be reported no matter how long ago it happened.

19. Monitoring and Review

Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, the LADO will review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school's procedures to help prevent similar events in the future.

This policy will be reviewed annually by the headteacher and governing board. Any changes to this policy are communicated to all staff and other relevant stakeholders e.g., supply agencies.