LEADING SUCCESS

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MANAGING ALLEGATIONS

Accord
MULTI ACADEMY TRUST

Document Detail	
Document Type:	Employment Policy
Document Name:	Managing Allegations
Purpose:	To ensure all employees are aware of the process for managing allegations made against staff.
Version Number	3.0
Effective from:	01 February 2025
Owner:	Human Resources
Approved by	Board of Trustees
Last Review	01 February 2025
Next Review Date:	01 September 2026
Consultation:	Accord JCNC - ASCL, GMB, NAHT, NASUWT, NEU, Unison, and Unite.

Approvals

Name	Position	Signature	Date
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Document History

Date	Version	Approved	Changes
January 2023	1.0	Board of Trustees	N/A
January 2024	2.0	Board of Trustees	No changes
February 2025	3.0	Board of Trustees	No changes

CONTENTS

SECTION	TITLE	PAGE NUMBER
1	Introduction	4
2	Roles & Responsibilities	4
3	Allegations that may meet the harms threshold	5
4	Concerns that do not meet the harm threshold	13
5	Record Keeping	15
6	References	16
7	Conclusion	16
8	Review	16
9	Contact Information	16
10	Appendix 1 – Low Level Concern Form	17

1. Introduction

The Accord Multi Academy Trust (the 'Trust') prides itself on fostering positive professional relationships among colleagues and pupils/students.

The Trust recognises that an allegation of child abuse or safeguarding concerns made against a member of staff may be made for a variety of reasons and that the facts of the allegation may or may not be true. As such, those dealing with an allegation must maintain an open mind, ensure that investigations are thorough and are not subject to unnecessary delay.

Whilst the Trust recognises the welfare of the child is the paramount concern, it is also recognised that hasty or ill-informed decisions in connection with a member of staff can irreparably damage an individual's reputation, confidence and/or career.

When dealing with allegations and safeguarding concerns, the Trust will do so with sensitivity, acting in a careful and measured way but with due regard to conducting matters as quickly as possible in a fair and consistent manner that provides for effective child protection as well as supporting the member of staff who is the subject of the allegation.

Allegations of this nature against employees are dealt with under this policy and not under the Complaints Policy.

This policy should be read in conjunction with other procedures and guidance regarding standards of conduct in the Trust e.g. the Staff Code of Conduct, Keeping Children Safe in Education and the Safeguarding Policy. This policy is compliant with the Keeping Children Safe in Education document.

This policy applies to all employees of the Trust and will also be used for volunteers and supply /agency staff.

2. Roles and Responsibilities

Board of Trustees
The Board of Trustees are responsible for approval of all Trust employment policies and will do so following the relevant persons within the Trust having consulted with appropriate colleagues and Trade Unions on the content of the policy.

Chief Executive Officer (CEO)
The CEO has overall responsibility to ensure that the expected standards for behaviour and conduct of employees across the Trust are clear and that all employees are aware of the policy and procedure for Managing Allegations made against staff.

Academy Education Committee (AEC)

Academy Education Committees are responsible for supporting Principals/Headteachers and Designated Safeguarding Leads with any employment matters that require investigation and / or disciplinary action.

Principal / Headteacher
Principals and Headteachers are responsible for ensuring that all employees are aware of the Managing Allegations Policy and have opportunity to read and access the policy. Principals and Headteachers will also provide advice, guidance and training to employees as appropriate to ensure expected standards of conduct are clear and adhered to.

Human Resources (HR)
HR will provide advice and guidance to Principals, Headteachers, Designated Safeguarding Leads and employees regarding the Managing Allegations Policy and associated procedures for dealing with and/or reporting concerns. HR will support with any training requirements and any investigations arising as a result of a concern being raised.

3. Allegations that <u>may</u> 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 they 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 school.

If in any doubt as to whether a concern meets the harm threshold, the Trust will consult the Local Authority Designated Officer (LADO).

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

An allegation of harm must be reported to the academy Designated Safeguarding Lead (DSL) or Headteacher / Principal / CEO as appropriate relative to the employee and their academy / Trust job role.

An allegation against a Governor or a Trustee should be brought to the attention of the Chair of the Board of Trustees. An allegation against the Chair of the Board of Trustees should be brought to the attention of the ESFA.

A **'case manager'** will lead any investigation following an allegation being made in relation to a member of staff. The case manager will be the Principal / Headteacher for staff within their academy, it will be the CEO where the Principal / Headteacher or centrally employed staff are the subject of the allegation, and it will be the Chair of the Board of Trustees where the CEO is the subject of the allegation. The case manager will be identified at the earliest opportunity.

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, the Trust will only suspend an individual once consideration has been given to all other options available and there is no reasonable alternative.

Based on an assessment of risk, the Trust will consider alternatives to suspension such as:

- Redeployment within the academy / 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 academy / 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 academy within the Trust.

In coming to a decision, 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 unfounded, unsubstantiated, malicious, or false.

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

Where it is appropriate to suspend the employee, written confirmation will be dispatched to them within three working days providing as much detail as appropriate for the reasons for the suspension, confirming who their named support contact ('Contact Officer') is and their contact details.

If in doubt as to making a decision on suspension, the case manager will seek advice from HR and/or the LADO, as well as the police and children's social care where they have been involved.

Investigations - 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 detailed below.
- Discuss the allegation with the LADO 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 LADO, 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 LADO as soon as practicably possible after contacting the police.
- An internal investigation must not take place, nor must the individual against whom the allegation has been made be notified of the concern, until approval to do so is given by the LADO.
- Once approval has been given by the LADO, inform the accused individual of the concerns or allegations and likely course of action as soon as possible **after** speaking to the LADO – providing only the information that has been agreed by the LADO (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 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 Designated Safeguarding Lead (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, the case manager will agree and record the rationale for this with the LADO. 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 three working days, and the individual will be given a named contact at the Trust and their contact details (known as a 'Contact Officer').

If it is decided that no further action is to be taken regarding the subject of the allegation or concern, record this decision and the justification for it and agree with the LADO 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 LADO to initiate the appropriate action in the academy through the Disciplinary Procedure and/or liaise with the police and/or children's social care services as appropriate.

If it is determined that an academy / Trust formal investigation is required / can be undertaken under Disciplinary Procedures the case manager will appoint an Investigating Officer. On receipt of the investigation report, the case manager will determine the next steps which can include no further action, or a disciplinary hearing being convened with the potential for dismissal.

The following definitions, as contained within Keeping Children Safe in Education, will be used when determining the outcome of allegation investigations, these outcomes are determined by the LADO through liaison with the case manager:

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.

Duty of Care

The Trust has a duty of care to individuals and so will:

- manage and minimise the stress caused by the allegation in so far as possible.
- inform the individual as soon as possible, explaining the likely course of action, guided by the LADO, and the police where necessary.
- advise the individual to contact their trade union representative or a colleague for support.
- appoint a suitable, named representative to keep the individual informed about the process of the case.
- provide contact details for counselling or occupational health support.
- consider other sources of support as required.
- not prevent social contact with colleagues and friends during a period of suspension unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.
- provide support, where is it decided on the conclusion of a case that the person who has been suspended can return to work and how that can best be facilitated.

Information to be provided to parents and carers

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it.

However, where a strategy discussion is required, or police or children's social care services need to be involved, the Headteacher / Principal should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers.

The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against employees (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed will be advised to seek legal advice.

The Trust will keep the parents or carers of the child/children involved informed of progress of the case (only in relation to their child – no information will be shared regarding the individual).

Referrals

The Trust will make a referral to the DBS and / or the Teaching Regulation Agency (TRA) 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, the Trust will immediately suspend that individual from teaching or their position in the Trust, 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's disciplinary process, should this be required at a later point.

Where the concern relates to an individual in an Early Years setting, the Trust will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.

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, the Trust will take the actions below in addition to our standard procedures.

The 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 Trust will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the Trust, while the case manager carries out the investigation.

The Trust will involve the agency fully but will take the lead in collecting the necessary information and providing it to the LADO as required.

The Trust will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (this will, for example, form part of the allegations management meeting or by liaising directly with the agency where necessary).

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

Timescales

The Trust 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 wherever possible within one working week.
- If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken within three working days.
- If a formal disciplinary investigation is required, this will be undertaken within the timescales detailed in the Trust's Disciplinary Policy and completed as swiftly as is reasonably practicable.

Specific actions

Action following a criminal investigation or prosecution

The case manager will discuss with the LADO 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 the academy.

Unsubstantiated, unfounded, false or malicious reports

If a report is:

- Determined to be unsubstantiated, unfounded, false, or malicious, the case manager and/or DSL will consider the appropriate next steps. If they consider that the child and/or person who made the allegation needs 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 academy / 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 needs 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 academy / 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 with HR 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 confidential personnel file with HR 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 employment reference.

In these cases, the 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, the Trust will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. The Trust 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 employment references, the Trust 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 LADO to determine whether there are any improvements that the Trust can make to policy, 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.
- Consideration of 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.

Non-recent allegations

Abuse can be reported, no matter how long ago it happened.

The Trust 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 Trust that they were abused as a child, we will advise the individual to report the allegation to the police.

4. Concerns that do not meet the harm threshold

This 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 section 3 above.

Concerns may arise through, for example:

- Suspicion.
- Complaint.
- Safeguarding concern or allegation from another member of staff.
- Disclosure made by a child, parent / carer, or other adult within or outside the academy / Trust.
- Pre-employment vetting checks.

The Trust recognises 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 Trust 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 LADO.

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.
- Humiliating pupils.

Sharing Low-Level Concerns

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

The Trust 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 academy / Trust's safeguarding system.

Reporting Low-Level Concerns

Anyone within the academy / Trust who wishes to report a low-level concern must do so to the Headteacher / Principal or the Designated Safeguarding Lead (DSL). Low-level concerns relating to centrally employed staff or a Headteacher / Principal must be reported to the CEO. Low-level concerns relating to the CEO must be reported to the Chair of the Board of Trustees.

Low-level concerns can be reported verbally in person or by completion of the low-level concern form (Appendix 1) and handing it to the relevant person as described above. In

the absence of the Headteacher / Principal or DSL the form can be handed to the Vice Principal / Deputy Headteacher or HR.

The low-level form can be found on the HR Page under Policies on SharePoint.

Responding to Low-Level Concerns

If the concern is raised via a third party, the Principal / Headteacher / CEO as appropriate 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 Principal / Headteacher / CEO will use the information collected to categorise the type of behaviour and determine any further action, in line with the Trust's Staff Code of Conduct and/or Disciplinary Policy.

The Principal / Headteacher / CEO will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with their DSL and / or the HR team.

5. Record Keeping

All low-level concerns will be recorded in writing. In addition to details of the concern raised, records will include the date the concern arose, 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 the Data Protection Act 2018 and UK GDPR.
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the Trust will decide on a course of action, either through the disciplinary procedure or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 3, the Trust will refer it to the LADO.
- Retained at least until the individual leaves employment at 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.

A 'Low Levels Concerns Template Log' is held by each academy, stored securely as described above, and is updated by the Headteacher/Principal and HR. The logs are held securely, and password protected with access permitted to only these colleagues.

6. References

The Trust will not include low-level concerns in employment references unless:

- The concern (or pattern of concerns) has met the threshold for referral to the LADO and is found to be substantiated; and/or
- The concern (or pattern of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance.

7. Conclusion

The Trust will endeavour to uphold the aims of this policy and apply all procedural elements with consistency, transparency, and fairness at all times.

8. Review

The Trust will review this policy on an annual basis in line with the annual review of the Safeguarding Policy and the annual Keeping Children Safe in Education document. It may also be reviewed at any such other time should changes to Employment Legislation or recommended Codes of Practice dictate necessary changes. The policy will be monitored for consistency and adherence to equalities legislation.

9. Contact Information

Name	**Email:**
Human Resources	hr@accordmat.org

Appendix 1 – Low Level Concern Form

Please use this form to share any concern – no matter how small, and even if no more than a 'nagging doubt' – that an adult may have acted in a manner which:

- is not consistent with the Trust's Staff Code of Conduct, and/or
- relates to their conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult's suitability to work with children.

You should provide a concise record – including brief context in which the low-level concern arose, and details which are chronological, and as precise and accurate as possible – of any such concern and relevant incident(s).

This record will be held securely in accordance with the Trust's Managing Allegations Policy.

Please note that low-level concerns will be treated in confidence as far as possible, but the Trust may in certain circumstances be subject to legal reporting requirements or other legal obligations to share information with appropriate persons, including the police, social services, legal claims and formal investigations.

The record should be signed, timed and dated by the person reporting the concern and later signed by the Principal / Headteacher / DSL dealing with the concern.

Completed forms must be passed to the Principal / Headteacher (Vice Principal / Deputy Headteacher in their absence) or the Designated Safeguarding Lead.

Details of Concern

PART A – TO BE COMPLETED BY PERSON REPORTING THE CONCERN	
Name of Staff Member reporting the concern:	**Job Role:**
Nature of concern and name of individual:	

Signed:	**Date & Time:**
PART B – TO BE COMPLETED BY PRINCIPAL / HEADTEACHER / DSL	
Form Received by:	**Date & Time:**
Action Taken:	
Signed:	**Date & Time:**