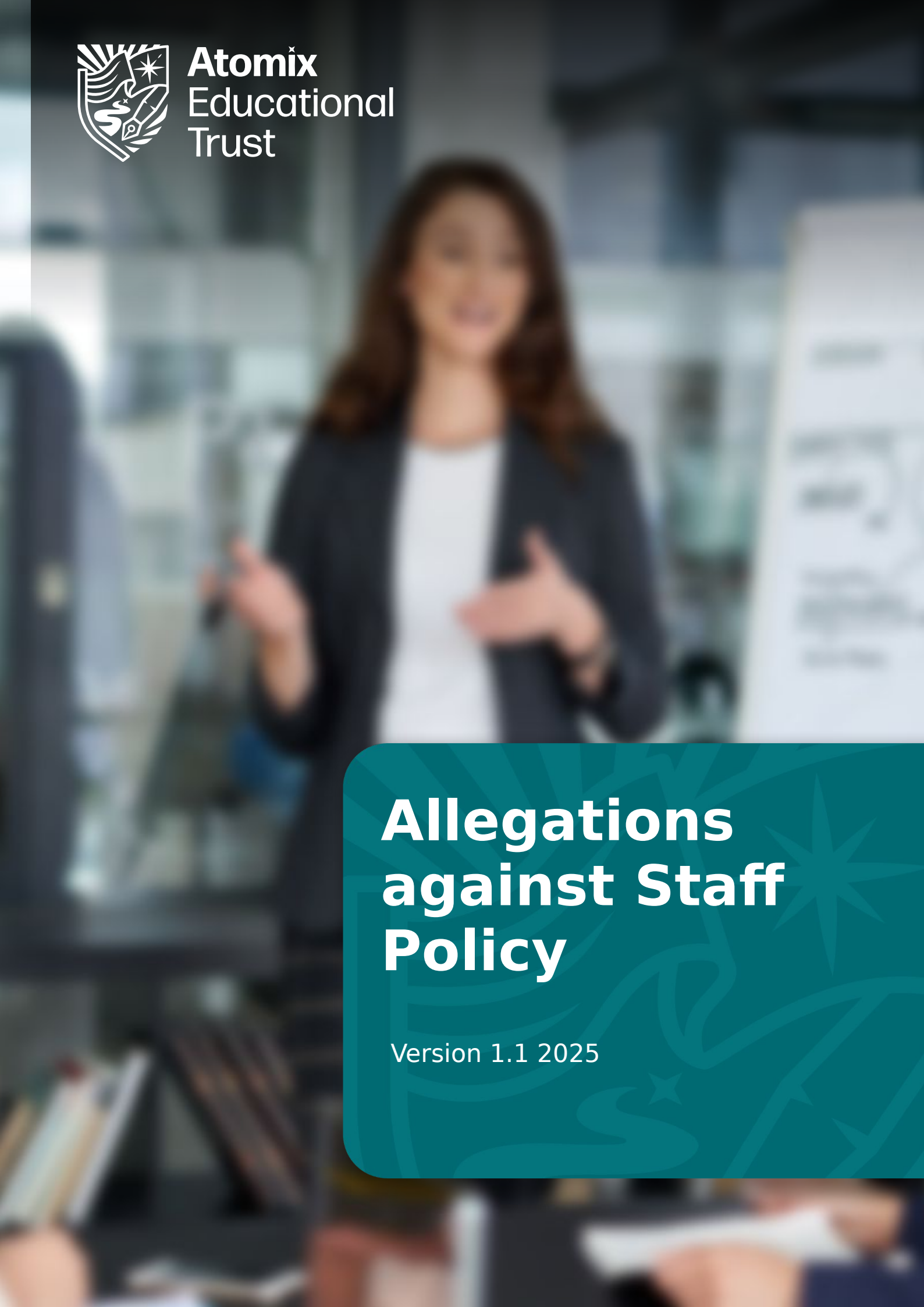

Atomix Educational Trust

Allegations against Staff Policy

Version 1.1 2025

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1. Introduction

Atomix Educational Trust recognises that an allegation of abuse 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. It is essential that those dealing with an allegation maintain an open mind and those investigations are thorough and not subject to delay.

The purpose of this policy is to:

- Ensure a clear and consistent approach to managing allegations made against members of staff
- Ensure the Trust fulfils its duty of care towards its staff and the children within their care
- To ensure compliance with Department for Education guidance, including Keeping Children Safe in Education 2022

2. Scope

This Policy will apply to all staff employed by the Trust.

In addition, in some circumstances the Trust may have to consider an allegation against an individual not directly employed by us, such as a supply teacher. In such instances, this policy will be followed, ensuring that the relevant agency is fully involved and co-operates in any enquiries. The Trust will not cease using a supply teacher due to safeguarding concerns without finding out the facts and liaising with the local authority designated officer (LADO) to determine a suitable outcome.

In addition, if an allegation is received relating to an incident where an individual or organisation was using Academy premises for running an activity for children, this policy will be followed and the LADO should be informed as with any safeguarding allegation.

This policy will cover the following two levels of concerns and allegations:

- Concerns / allegations that may meet the harm threshold (Appendix 1)
- Concerns / allegations that do not meet the harm threshold – referred to as 'low-level concerns' (Appendix 2)

3. Roles and Responsibilities

- The role of the Head of Centre/Head Teacher is to ensure that the policy is applied fairly and consistently across an academy.
- The CEO will take the role of Head of Centre/Head Teacher where an allegation is made against a member of trust staff (not based in an academy)or the Head of Centre/Head Teacher of an academy
- The Chair or Vice Chair of Trustees will take the role of the CEO where an allegation is made against the CEO

Appendix 1

Dealing with Concerns / Allegations that may meet the harm threshold

This section relates to managing cases of concerns / allegations that might indicate a person would pose a risk of harm if they continue to work in their present position, or in any capacity with children in a academy or college. The process should be followed where it is alleged that anyone working in an entity of the Trust, including supply teachers, volunteers and contractors 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.

If there are any doubts as to whether a concern meets the harm threshold, advice should be sought from the Local Authority Designated Officer (LADO).

1. Reporting Allegations

The person to whom the allegation is first reported, or who first identifies a concern, should record the information including the time, date and place of incident, persons present and any actions taken. It should then immediately be reported to the Head Teacher/ Principal, or the Designated Safeguarding Lead in the absence of the Head Teacher or Principal.

2. Initial Response to an Allegation

The Head of Centre/Head Teacher should:

2.1 Conduct basic enquiries in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation, for example:

- Was the individual in the academy or college at the time of the allegations
- Did the individual, or could the individual have come into contact with the child
- Are there any witnesses, and
- Was there any CCTV footage before proceeding with further investigations.

2.2 Contact the LADO to discuss the nature, content and context of the allegation and agree a course of action to decide whether:

- No further actions are needed
- Further enquiries are necessary and the route required

2.3 In liaison with the LADO, and the Local Authority and Policy if appropriate, consider carefully how to inform the individual of the allegation.

2.4 Where there is concern for the welfare of other children in the community or the member of staff's family, discuss these concerns with the Designated Safeguarding Lead (DSL) and make a risk assessment of the situation. It may be necessary for the DSL to make a referral as per Local Authority procedures.

3. 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

4. No Further Action

Where no further action is required, the Head of Centre/Head Teacher and the LADO should record the decision and the rationale behind it and agree on what information should be put in writing to the individual concerned. In addition, agreement should be reached as to what action should follow in respect of those who made the allegation.

5. Further Enquiries

Where further enquiries are required to enable a decision about how to proceed, the Head of Centre/Head Teacher should liaise with the LADO to agree how and by whom the investigation should be undertaken

If it is agreed that an internal investigation should take place, this must be carried out in line with the Trust Staff Disciplinary Policy.

If it is determined that an external investigation is required, the Head of Centre/Head Teacher should:

- hold in abeyance the Trust's own internal enquiries while the formal police or social services investigations proceed; to do otherwise may prejudice the investigation.
- be involved in, and contribute to, any investigation by an external agency, for example the police and/or any inter-agency strategy discussions.
- be responsible for ensuring that the Trust gives assistance with the agency's enquiries.
- ensure that appropriate confidentiality is maintained in connection with the enquiries, in the interests of the member of staff about whom the allegation is made.
- consult with the police or other investigating agency (e.g. social services), particularly in relation to timing and content of the information to be provided to the young person or parent/carer and to the member of staff against whom the allegation was made

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

At all stages, effective support should be provided for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate. HR should also ensure that the individual is provided with details of the Trust counselling offer and Occupational Health arrangements.

6. Referrals

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, then a referral must be made to the DBS.

Early years providers must also 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 allegation being made.

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

7. Suspension

Suspension of an individual should not be automatic and should only be considered where there is reason to suspect that a young person is at risk, or the case is so serious that there might be grounds for dismissal. It may be considered at any stage of the investigation and a final decision should only be made once an assessment of risk has been completed, including the consideration of alternatives such as:

- Redeployment within the academy so that the individual does not have direct contact with the young person concerned
- Providing supervision when the individual has contact with young people
- Redeploying the individual to alternative work in the academy so that they do not have unsupervised access to young people
- Moving the young person 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 entity within the Trust

It is a neutral, not a disciplinary action and will be on full pay.

In the event of the investigation against a supply teacher, discussions will take place with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the Trust, during the investigation.

Suspension will be for the shortest time possible and should generally be reviewed on a weekly basis unless circumstances indicate that a longer period would clearly be more appropriate. Any suspension which extends beyond four working weeks must be reported to the Chair of the Local Governing Body with details of how the investigation is progressing and when it is likely to end.

8. Timescales

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

Any cases where it is immediately clear that the allegation is unsubstantiated or malicious should be resolved within 1 week

If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken within 3 working days

If a disciplinary hearing is required, this must be carried out in line with the Trust Staff Disciplinary Policy.

Where it is not possible to meet the above timescales, the required action will be taken as soon as possible thereafter.

9. Specific Actions

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

Conclusion of a case where the allegation is substantiated
If the allegation is substantiated and the individual is dismissed or the academy ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the academy 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 academy 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 DSL will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate
- Shown to be deliberately invented, or malicious, the academy will consider whether any disciplinary action is appropriate against the individual(s) who made it

Unsubstantiated, unfounded, false or malicious allegations
If an allegation is:

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

10. Confidentiality and information sharing

The academy 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

11. Record-keeping

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

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

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

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

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

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

12. References

When providing employer references, we will:

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

13. Learning lessons

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

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension

- Whether or not the suspension was justified

- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual

For all other cases, the Head of Centre/Head Teacher will consider the facts and determine whether any improvements can be made.

14. Non-recent allegations

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

We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations.

Where an adult makes an allegation to the academy that they were abused as a child, we will advise the individual to report the allegation to the police.

Appendix 2

Dealing with Concerns that do not meet the harm threshold

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

Concerns may arise through, for example:

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

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

1. 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 academy may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, **and**
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority

Examples of such behaviour could include, but are not limited to:

- Being overly friendly with children
- Having favourites
- Taking photographs of children on their mobile phone
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Humiliating pupils

2. Sharing low-level concerns

We 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.

We will create this culture by:

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

3. Responding to low-level concerns

If the concern is raised via a third party, the headteacher will collect evidence where necessary by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously
- To the individual involved and any witnesses

The Head of Centre/Head Teacher will use the information collected to categorise the type of behaviour and determine any further action, in line with the academy's staff behaviour policy/code of conduct.

The Head of Centre/Head Teacher will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with the DSL.

4. Record keeping

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

Records will be:

- Kept confidential, held securely and comply with the DPA 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, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 1 of this appendix, we will refer it to the designated officer at the local authority
- Retained at least until the individual leaves employment at the Academy

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.

5. References

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

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