

Dealing with Allegations of Abuse and Concerns Relating to Members of Staff or Others

Responsibility for Review: School and College Trust Leader with responsibility for people
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Dealing with allegations of abuse and concerns relating to staff and others policy: document provenance

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Summary of changes in this review	<ul style="list-style-type: none"> • Significant changes to process to recognise the introduction of our business services model • Changes to naming conventions for senior leaders
Related policies and documents	<ul style="list-style-type: none"> • Child protection and safeguarding policy • Complaints procedure • DBS and vetting policy • Disciplinary procedure • Professional conduct policy • Safer recruitment and selection policy • Keeping children safe in education • Working together to safeguard children

Unless there are legislative or regulatory changes in the interim, the policy will be reviewed as per the review cycle. Should no substantive change be required at this point, the policy will move to the next review cycle.

Contents

Section		Page
1.0	Policy statement	4
2.0	Scope and purpose	4
3.0	Allegations made in an academy	4
4.0	Supply teachers and volunteers	5
5.0	Record keeping	5
6.0	Allegations made to the police or children's social care	5
7.0	Initial consideration	5
8.0	Action following initial consideration	5
9.0	Supporting those involved	6
10.0	Confidentiality	6
11.0	The outcome of investigations	6
12.0	Resignations and 'settlement agreements'	6
13.0	Case subject to police investigation	6
14.0	Referral to DBS / TRA	7
15.0	Dealing with false or malicious allegations	7
16.0	Recognising low-level concerns	7
17.0	Sharing low-level concerns	7
18.0	Responding to low-level concerns	8
19.0	Recording low-level concerns	8
20.0	References	8
21.0	Review	8



1. Policy statement

- 1.1. Dixons Academies Trust is committed to ensuring every young person in our care is safe. It is our duty to first and foremost safeguard and promote the welfare of children; this includes anyone under the age of 18. Safeguarding and promoting the welfare of children is everyone's responsibility.
- 1.2. Our trust promotes a culture in which members of staff are clear about the behaviour expected of themselves and colleagues; concerns or allegations about all adults working in or on behalf of our trust are addressed fairly and consistently. Any report must be dealt with quickly and in a way that effectively protects the child and, at the same time, supports the person who is subject to the concern or allegation. It is important that staff, students and parents / carers are able to raise concerns and are listened to and taken seriously.

2. Scope and purpose

- 2.1. The policy covers all individuals at all levels in our trust, including trustees, local academy ambassadors, school and college trust leaders, principals, senior leadership, all teachers and associate staff, consultants, contractors, supply staff, volunteers, casual workers and agency staff (collectively referred to as 'members of staff' in this policy).
- 2.2. The policy sets out how one of our academies, or our trust, will manage allegations and low-level concerns raised in relation to any member of staff and the guidance that we follow. It meets the requirement of statutory guidance for managing allegations set out in Part 4 of Keeping Children Safe in Education to ensure we are protecting our children from abuse, potential abuse or harm.
- 2.3. This policy should be read in conjunction with the following policies:
 - Child protection and safeguarding policy
 - Complaints procedure
 - DBS and vetting policy
 - Disciplinary procedure
 - Professional conduct policy
 - Safer recruitment and selection policy
- 2.4. It is informed by the following documents issued by the Department for Education:
 - The current version of Keeping Children Safe in Education
 - Working Together to Safeguard Children

3. Allegations made in an academy

- 3.1. Any allegation should be reported to the principal unless it concerns the principal, in which case it should be reported to the relevant school and college trust leader; where concerns are held about a school and college trust leader they should be reported directly to our trust accounting officer, and where they relate to a trustee they should be reported to the chair of our trustees. This differs from the process outlined in Keeping Children Safe in Education, but it reflects the scheme of governance in operation within our trust. The principal or school and college trust leader should then conduct basic enquiries to establish the facts and speak with a member of our HR centre of excellence without delay; they should report it to the local authority designated officer (LADO) **on the same day** if the member of staff 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 may 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; this includes behaviour that may have happened outside the academy or our trust that might make an individual unsuitable to work with children.
- 3.2. The principal, through consultation with our trust HR centre of excellence and relevant school and college trust leader, will make a decision whether or not the member of staff should continue to work with children during any investigation (see our trust disciplinary policy). In making a decision, they should be mindful of the need to safeguard and protect children's welfare whilst also providing effective support and protection to the individual subject to the allegation.
- 3.3. Suspension will be considered in any case where:
 - there is cause to suspect a child is at risk of harm
 - The allegation warrants investigation by the police or is so serious that grounds for dismissal are being considered.



- 3.4. Suspension will not be automatic; the principal, HR centre of excellence and relevant school and college trust leader will carefully consider whether the result that would be achieved by suspension could be obtained by alternative arrangements. The power to suspend is vested in the principal and / or relevant school and college trust leader by our trust accounting officer.

4. Supply teachers and volunteers

- 4.1. While we are not the employer of supply teachers, we will ensure that any allegation against a supply teacher working in any of our academies is dealt with properly and in line with guidance. We would follow the same process in liaising with the LADO as well as informing the agency. We will discuss the appropriate action for the agency and the academy to take.
- 4.2. Depending on the situation, this may be suspension of services whilst an investigation ensues, or redeployment if this is considered safe. In this case, we will take the lead in working with all appropriate agencies and also carrying out the investigation. All agencies should be informed of our process for managing allegations before they supply any temporary members of staff, and supply staff must be trained on our policies and procedures before entering the classroom.
- 4.3. Although not in employment from an agency, we would also deal with any allegation against a volunteer in the same way in terms of investigation and involvement with external agencies such as the police and the local authority.

5. Record keeping

- 5.1. It is important that a clear and comprehensive summary of any allegations made is retained in the member of staff's personnel file. This summary should include:
- details of how the allegations were followed up and resolved
 - a note of any action taken
 - Decisions reached including whether information will be referred to in any future reference
- 5.2. A copy should be provided to the member of staff concerned. The summary should be retained, at least, until the member of staff has reached normal retirement age (or for a period of 10 years from the date of the allegation if that is longer).

6. Allegations made to the police or children's social care

- 6.1. If an allegation is made to the police, it should be reported to the principal or relevant school and college trust leader if it is about a principal, who, in turn, should inform the LADO and our trust HR centre of excellence.
- 6.2. If the allegation is made to children's social care, the person who receives it should report it to the LADO; the allegation should then be actioned in accordance with advice from the LADO, relevant school and college trust leader and our HR centre of excellence.

7. Initial consideration

- 7.1. The LADO will discuss the matter with the principal or relevant school and college trust leader and obtain further details of the allegation and the circumstances in which it was made. The principal or relevant school and college trust leader should also consider whether there is evidence / information that establishes that the allegation is false or unfounded.
- 7.2. If the allegation is patently not false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will immediately refer to children's social care and ask for a strategy discussion to be convened immediately.
- 7.3. If there is no cause to suspect significant harm is an issue, but a criminal offence might have been committed, the LADO should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion should also involve the academy and any other agencies involved with the child.
- 7.4. Even in the case where an allegation appears to be less serious, it is important that the LADO is informed. An allegation may be considered so serious that there will be immediate referral to children's social care and / or the police.

8. Action following initial consideration

- 8.1. Where the initial consideration decides that the allegation does not involve a possible criminal offence, our trust will usually be asked to deal with the matter by the LADO. If the nature of the allegation does not require investigation and action under our disciplinary policy, the principal or relevant school and college trust leader will undertake appropriate informal action within three working days. A record of the actions taken should be kept in the member of staff's personal file.
- 8.2. Where further investigation is required to inform consideration of disciplinary action, the principal or relevant school and college trust leader will discuss with the LADO and decide on any necessary action. This will include appointing an investigating officer in line with our trust disciplinary procedure; in some circumstances, it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the academy or team concerned.



- 8.3. The investigating officer should aim to provide a report to the principal or relevant school and college trust leader within 20 working days. On receipt of the report of the disciplinary investigation, the principal or relevant school and college trust leader should decide within two working days if a disciplinary hearing is needed; this should be in consultation with the LADO if this is felt appropriate. If such a hearing is required, it should be held within 15 working days.
- 8.4. Where children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the principal and / or relevant school and college trust leader should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action. The LADO should continue to liaise with the academy to monitor the progress of the case and provide advice / support when required / requested.
- 8.5. In the case of the allegation being made against a supply teacher, a contractor, or a volunteer from a voluntary organisation, the academy may not be involved in disciplinary procedures but will be involved and cooperate in an investigation. This investigation will reach a decision on whether to continue to use the person's services, to recommend the person for work with children in the future, and whether to report to the DBS and the Teachers' Regulation Agency.

9. Supporting those involved

- 9.1. Parents / carers of a child, or children, involved should be advised of any allegation/s as soon as possible except where a strategy discussion is required or police / social care need to be involved, in which case the academy will not tell parents until it has been agreed what information can be shared. Parents / carers should also be kept informed regarding progress on the case and should be informed of the outcome in confidence where there is a criminal prosecution or a disciplinary hearing. The deliberations and information taken into account in reaching a decision will not normally be disclosed.
- 9.2. The academy should also inform the person who is the subject of the allegation and provide regular updates on the status of the case to that person. If the police or children's social care are involved, the principal will not do this until advised to do so by these agencies.
- 9.3. Any child / children making an allegation against a member of staff will be offered a 'support person' from within the academy who is impartial to the formal proceedings. Where the allegations are unfounded, the academy will not necessarily take the view that the allegations were false. Behaviour may have been misinterpreted. In this case, the LADO should refer the matter to children's social care to determine whether or not the child concerned is in need of support from external services or may have been abused by others. The academy will continue to provide support to the child / children in these circumstances.
- 9.4. Any member of staff facing an allegation will be offered a 'support person' who is impartial to the investigation and, where appropriate, other support such as a referral to occupational health / life coaching. The support person will keep the employee informed of the progress of the case and other related matters.

10. Confidentiality

- 10.1. Every effort must be made to guard confidentiality and to protect against any undue publicity; only those with a specific need to know, regardless of organisational responsibility / appointment, should be informed.

11. The outcome of allegations

- 11.1. The outcome of an investigation falls under five categories:
- **Substantiated:** There is sufficient evidence to prove the allegation on the balance of probabilities
 - **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 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

12. Resignations and 'settlement agreements'

- 12.1. Allegations must be investigated even in situations where an employee tenders their resignation or ceases to provide services. The individual will be given the opportunity to engage with the investigation. A 'compromise agreement' **must not** be used in the case of substantiated allegations or allegations still under investigation at the point of resignation.

13. Case subject to police investigation

- 13.1. If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible, consistent with a fair and thorough investigation and will keep the progress of the case under review.



- 13.2. A target date for the case review will be set. The review will include the progress of the investigation in consultation with the Crown Prosecution Service (CPS). If the police and / or CPS decide not to charge the individual with an offence, decide to administer a caution, or the person is acquitted by a court, the police should, wherever possible, aim to pass all information they have, which may be relevant to a disciplinary case, to the employer within three working days of the decision. In those cases, the employer and the LADO should decide how to proceed.
- 13.3. If the nature of the allegation does not require formal disciplinary action, the principal or executive director will institute appropriate action within three working days.
- 13.4. If it is felt that formal disciplinary action is a possibility, the trust disciplinary process will be followed.
- 13.5. Any case in which children's social care have undertaken enquiries, which are relevant to a disciplinary case, these should also be passed to the academy.
- 13.6. If the person is convicted of an offence, the police must inform the employer straight away so that appropriate action can be taken.

14. Referral to DBS (Disclosure & Barring Service) / Teaching Regulation Agency (TRA)

- 14.1. There is a legal requirement for employers to make a referral to the DBS where we think that an individual has engaged in conduct that harmed or is likely to harm a child or if a person otherwise poses a risk or harm to the child. If, upon conclusion of the case, the academy ceases to use the person's services or the person ceases to provide his / her services, the academy should consult the LADO regarding whether a referral is required. If so, it should be made within 1 month. Additionally, a decision should be made with regard to the TRA referral.
- 14.2. The principal or relevant school and college trust leader should discuss with our head of HR centre of excellence and agree, where a referral is required, who will make the relevant referral/s with copies of the referrals being added to the member of staff's personal file.

15. Dealing with false or malicious allegations

- 15.1. Where there is clear evidence that an allegation was deliberately invented or malicious, and the allegation has been made by a child, member of staff or volunteer, then the principal or relevant school and college trust leader will consider whether any disciplinary action against the individual making the allegation is appropriate.
- 15.2. Advice should be sought from the police regarding whether any action might be appropriate against the person responsible if he / she was not a student.
- 15.3. If it is a student making the allegation, then, the academy designated safeguarding lead should consider whether the child concerned is in need and should be referred to children's social care as they may have been abused by someone else

16. Recognising low-level concerns

- 16.1. Low level concerns are defined in Part 4 of Keeping Children Safe in Education as any concern, no matter how small, and even if no more than causing a sense of unease or a nagging doubt that an adult may have acted in a way that is inconsistent with the staff code of conduct, including inappropriate conduct outside work and/or does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.
- 16.2. Examples of such behaviour could include, but are not limited to:
- being over-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
 - using inappropriate sexualised, intimidating, or offensive language

17. Sharing low-level concerns

- 17.1. For our culture of openness and trust to prevail, all staff should share any low-level concerns they have. Serious case reviews and safeguarding practice reviews have often evidenced how low-level concerns felt and/or expressed by staff relating to individuals who were later found to have sexually abused children at a school were not recorded. When they are not recorded, they cannot be studied for patterns of behaviour.
- 17.2. It is critical that staff understand their role in recognising and reporting low-level concerns to minimise and eradicate the risk of opportunities being missed. All staff should immediately report low-level concerns so that behaviour can be investigated and managed appropriately.



- 17.3. All low-level concerns should be reported to the principal unless they concern the principal, in which case they should be reported to the relevant school and college trust leader; where concerns are held about a school and college trust leader they should be reported directly to our trust accounting officer, and where they relate to a trustee they should be reported to the chair of our trustees. The procedure for reporting is consistent with that for reporting allegations outlined in section 3 of this policy. Staff do not need to determine whether their concern meets the threshold set out in section 3 or is a low-level concern. This will be determined by the principal or relevant school and college trust leader as appropriate once the issue is reported.

18. Responding to low-level concerns

- 18.1. The principal or relevant school and college trust leader, as appropriate, will review the concern to confirm that it is not a more serious issue that should be dealt with as an allegation. An issue reported as a low-level concern would be dealt with as an allegation where it meets the threshold set out in section 3 or there is a pattern of low-level concerns expressed about the individual or wider staff practices generally. If necessary, the concern will be discussed with the LADO to determine whether it should be dealt with as an allegation.
- 18.2. The principal or school and college trust leader will discuss the concern with the individual who raised it and will investigate it as appropriate. If the concern has been raised via a third party, evidence will be collected by speaking directly to the person who raised the concern, the individual involved and any witnesses (unless it has been raised anonymously).
- 18.3. Most low-level concerns are likely to be minor and can be dealt with by means of management support or additional training. Where necessary, action may be taken in accordance with the disciplinary policy.
- 18.4. Where a low-level concern is raised about a member of supply staff or a contractor, the concern will be shared with the supply agency so that they can take appropriate steps in accordance with their own policies and statutory guidance.

19. Recording low-level concerns

- 19.1. All low-level concerns will be recorded in writing and will include details of the concern, the context and the action taken. The records will be kept confidential and held securely in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation.
- 19.2. Records of low-level concerns will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. If patterns are identified, the Principal will decide on an appropriate course of action and will refer the matter to the LADO, where the behaviour moves from a concern to meeting the threshold for an allegation set out in section 3 of this policy.
- 19.3. The record of the low-level concern will be kept at least until the person leaves the trust.

20. References

- 20.1. Low-level safeguarding concerns will not be included in references except where they have met the threshold for referral to the LADO and found to be substantiated, in which case they should be referred to.

21. Review

This policy has at its formation, been subject to consultation with recognised trade unions. Unless there are legislative or regulatory changes in the interim, this policy will be reviewed every year; this will include consultation on any changes with recognised trade unions. Should no substantive change be required at this point, the policy will move to the next review cycle.