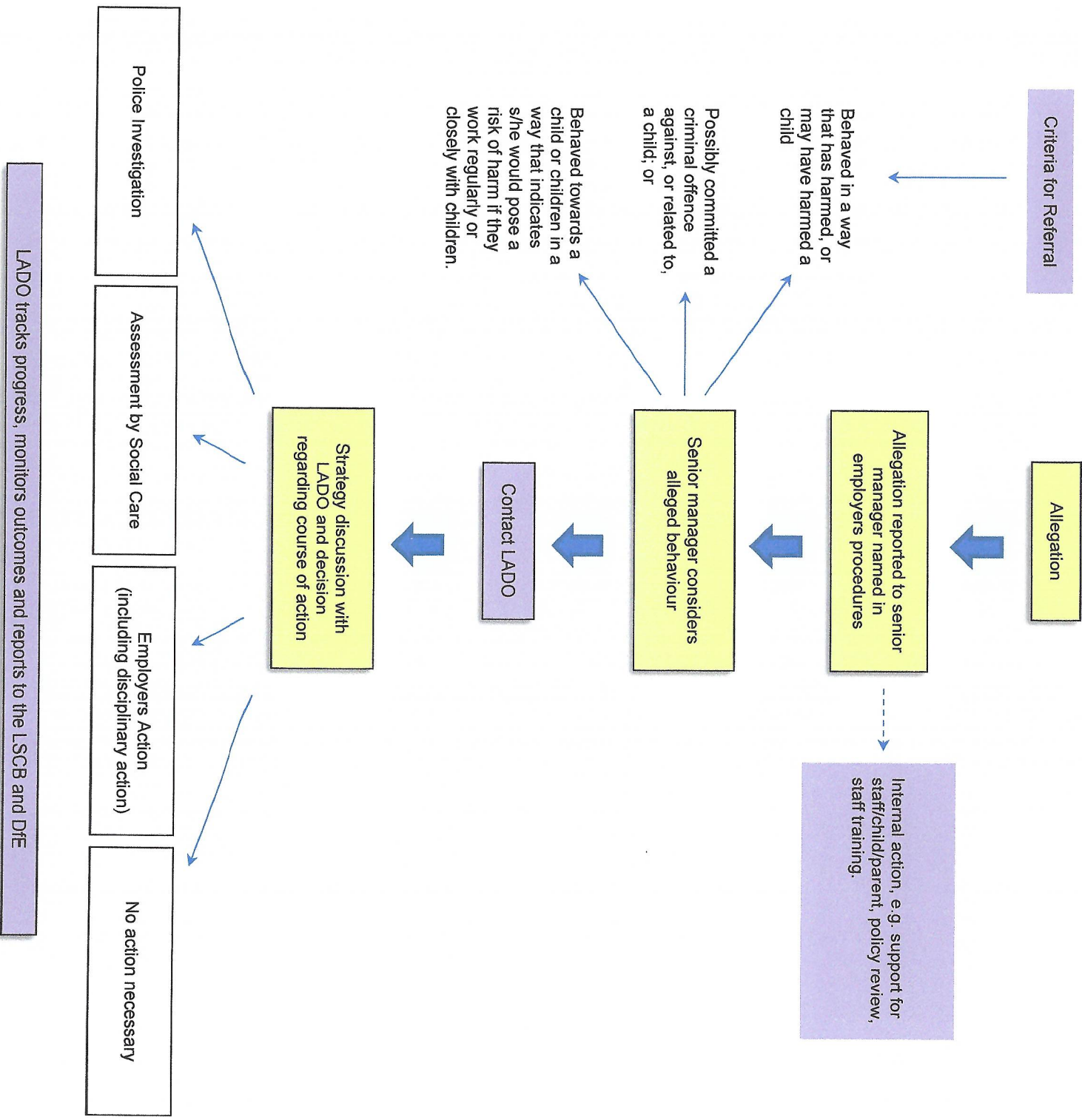




Appendix A: Allegations against staff – Flow chart

Please refer to the XXX Policy – Safeguarding: Dealing with allegations made against staff for full details of these procedures.



Specific actions

Following a criminal investigation or a prosecution

The police should inform the employer and LADO immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged. In those circumstances the LADO should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care services should inform that decision.

On conclusion of a case

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the LADO should discuss with the case manager and their personnel adviser whether the school will decide to make a referral to the DBS for consideration of whether inclusion on the barred lists is required; and in the case of a member of teaching staff whether to refer the matter to the Secretary of State (via the Teaching Regulation Agency) to consider prohibiting the individual from teaching.

There is a legal requirement for employers to make a referral to the DBS where they 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 of harm to a child.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager and Safeguarding Lead should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The case manager should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still a pupil at the Shropshire Adventures Academy.

In respect of malicious or unsubstantiated allegations

If an allegation is determined to be unsubstantiated or malicious, the LADO should refer the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the Headteacher, or Proprietor should consider whether any disciplinary action is appropriate against the pupil who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she was not a pupil.

Learning lessons

At the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the Shropshire Adventures Academy's procedures or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

access to young people:

- moving the young person to groups where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted;

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 unsubstantiated or maliciously intended.

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

Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

The power to suspend is vested in the Headteacher. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the LADO should canvass police and children's social care services for views about whether the accused member of staff needs to be suspended from contact with children. This is in order to inform the Shropshire Adventures Academy's consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

Information sharing

In a strategy discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Where the police are involved, wherever possible the employer should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process.

Timescales

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. Target timescales: the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases it is expected that:

- 80 per cent of cases should be resolved within one month
- 90 per cent within three months
- all but the most exceptional cases should be completed within 12 months.

For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week.

Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it in line with staff disciplinary procedures, although if there are concerns about child protection, the employer should discuss them with the LADO. In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

Oversight and monitoring

The LADO has overall responsibility for oversight of the procedures for dealing with allegations; for resolving any inter-agency issues; and for liaison with the Local Safeguarding Children Board (L-SCB) on the subject. The LADO will provide advice and guidance to the case manager, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

Suspension

The possible risk of harm to young person posed by an accused person should be evaluated and managed in respect of the young people involved in the allegations. In some rare cases that will require the case manager to consider suspending the accused until the case is resolved. Suspension should not be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step.

Suspension should be considered only in a case where there is cause to suspect a young person at the Shropshire Adventures Academy is/are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically.

The case manager should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. Based on assessment of risk, the following alternatives should be considered by the case manager and discussed with the DSL before suspending a member of staff:

- redeployment within the Centre so that the individual does not have direct contact with the young person concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the Centre so the individual does not have unsupervised

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However, in other circumstances, such as lack of appropriate resource within Shropshire Adventures Academy, or the nature or complexity of the allegation, an independent investigator may be needed. Local authorities should be able to direct the Shropshire Adventures Academy to an appropriate and affordable facility for this.

Supporting those involved

Employees

Employers have a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is possible.

The case manager should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

In addition, a member of staff receiving an allegation must:

- Ensure that the young person is safe and away from the person against whom the allegation is made.
- Report it immediately to the centre-based Designated Safeguarding Lead. If the allegation is against the centre-based DSL, it should be reported directly to another member of Shropshire Adventures Academy leadership only.

Referral to the LADO

In the first instance, the 'case manager' should immediately discuss the allegation with the LADO. The LADO and the case manager will consider the nature, content and context of the allegation and agree a course of action. There may be situations when the case manager will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with the LADO in order to help determine whether police involvement is necessary.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in which case this decision and a justification for it should be recorded by both the case manager and the LADO, and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the LADO what action should follow both in respect of the individual and those who made the initial allegation.

If the case manager is anyone other than the DSL, the case manager should involve the DSL in discussions and wherever possible, keep them informed of the situation.

The case manager should inform the accused person about the allegation as soon as possible after consulting the LADO. It is extremely important that the case manager provides them with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the case manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused.

Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at Shropshire Adventures Academy or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step.

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with *Working Together to Safeguard Children*.¹ If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the case manager. In those circumstances, the options open to the employer depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal. Where appropriate, staff disciplinary procedures will be followed.

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the case manager how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of staff.

¹ [DFE Guidance – Working together to Safeguard Children, March 2015](#)

Initial considerations

The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out in the introduction above (referred to as low-level concerns), or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. Where the safeguarding lead is unsure whether the case meets the harm threshold it should be discussed with the LADO.

Low-level concerns

In these cases, an internal investigation and where appropriate, staff disciplinary procedures should be followed to resolve cases without delay. Shropshire Adventures Academy's Performance Management Policy and Staff Disciplinary Policy set out the principles and processes in place for. The Performance Management Policy sets out steps for supporting the individual to correct any unprofessional or concerning conduct at an early stage, with review points built in to ensure the situation is appropriately and sensitively handled and monitored. Details of the concern, the context in which it arose and the actions taken should be recorded. This will allow any emerging patterns to be identified and action taken – either through disciplinary procedures or to refer to the LADO.

In responding to low-level concerns, if the concern has been raised by a third party, the headteacher should collect as much evidence as possible by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously;
- to the individual involved and any witnesses.

The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. All of this needs to be recorded along with the rationale for their decisions and action taken.

Concerns that meet the threshold

For all allegations that do meet the criteria on page 1, the Local Authority Designated Officer (LADO) must be informed.

The following definitions should be used when determining the outcome 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;
- **False:** there is sufficient evidence to disprove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Receiving an allegation

A member of staff who receives an allegation about another member of staff from a young person should follow the same guidelines as for any safeguarding concern about a young person. These are to:

- Listen carefully to what the young person has to say and take it seriously.
- Never investigate or take sole responsibility for a situation where a young person makes a disclosure.
- Always explain to young people that any information they have given will have to be shared with others.
- Ensure that the Safeguarding Concern form - is completed.
- Respect confidentiality and file any additional documents securely.

Introduction

This policy is to be used when managing cases of concerns or allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. These procedures apply to all staff, whether teaching, administrative, management or support, as well as to sessional or supply staff and volunteers. The word “staff” is used for ease of description.

It should be used in respect of all cases where there is a safeguarding concern or in which it is alleged that a 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; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

This policy relates to members of staff who are currently working at Shropshire Adventures Academy, regardless of whether Shropshire Adventures Academy is where the alleged abuse took place. Allegations against a member of staff who is no longer working at Shropshire Adventures Academy should be referred to the police.

Employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a member of staff or volunteer in Shropshire Adventures Academy is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

Staff not directly employed by Shropshire Adventures Academy

In some circumstances Shropshire Adventures Academy may have to consider an allegation against an individual that is not a direct employee of the Centre, where its disciplinary procedures do not fully apply, for example, sessional support workers or supply teachers provided by an employment agency or business.


Whilst Shropshire Adventures Academy is not the direct employer of sessional support staff or supply teachers, concerns or allegations against them must be dealt with properly. Shropshire Adventures Academy must not simply cease to use a sessional support worker or 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. Shropshire Adventures Academy should discuss with the person’s employer whether it is appropriate to suspend them, or redeploy them to another role, whilst they carry out their investigation.

The person’s employer should be fully involved and cooperate in any enquiries from the LADO police and/or children’s services but Shropshire Adventures Academy may need to take the lead in order to collect the facts from children or other staff. Sessional support workers and supply teachers, whilst not employed by Shropshire Adventures Academy, are under the supervision, direction and control of the proprietor when working at Shropshire Adventures Academy. They should be advised to contact their trade union representative if they have one, or a colleague for support. The allegations 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 their employer are taken into account during the investigation.

Shropshire Adventures Academy should inform third party employers of the process for managing allegations at Shropshire Adventures Academy when working with them.

Safeguarding: Dealing with concerns and allegations made against staff

(Written to comply with DfE statutory guidance – Keeping children safe in education, September 2022 and Working together to safeguard children, 2018)

Date written/reviewed:		May 24
Written/reviewed by:		Daniel Eddies-Davies
Approval:	Date:	28/05/24
	Signed:	
	Position:	Director
Review due by:		May 25
Table of contents:		<p>Introduction</p> <p>Staff not directly employed</p> <p>Initial Considerations</p> <p>Receiving Allegations</p> <p>Referral to the LADO</p> <p>Supporting those involved</p> <p>Managing the situation</p> <p>Specific Actions</p>
Substantive changes since last review:		N/A