



**Schools HR
Consultancy**
Employment Policies
& Procedures

ALLEGATIONS OF ABUSE AGAINST TEACHERS AND OTHER STAFF POLICY



 **worcestershire**
county council



Tibberton and Hindlip CE First Schools



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Chair of Governors: Mr Andy Clarke

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1. Definitions

'Safeguarding' – process of protecting children from maltreatment, preventing impairment of their health and development, ensuring they are growing up in circumstances consistent with the provision of safe and effective care and taking action to enable all children to have the best outcomes.

'Allegation' – information which comes to light, which suggests an employee, volunteer or contractor may have hurt or harmed a child, possibly committed a criminal offence against a child or has behaved in such a way towards a child or young person that indicates they would pose a risk of harm to children if they continue their current employment or in any capacity which involves working with children.

'Headteacher' – refers to Headteacher/Principal who is the person responsible in schools, but the guidance applies to the Chair of Governors/Trustees acting where an allegation is made against the Headteacher.

'Chair of Governors' – refers to Chair of Board, Governors, Trustees/Chair of Management Committee, CEO of an Academy Trust, etc.

'Member of staff' – includes any adult, paid or voluntary, who works in a school or other educational establishment.

'LADO' – Local Authority Designated Officer. The person responsible for providing advice and monitoring cases of alleged abuse against a child by an adult in a position of trust.

The terms **'child/ren'** and **'young person'** are interchangeable and refer to children who have not yet reached their 18th birthday.

'Working days' – refer to the days during which the school or educational establishment is open, including training days.

'Disclosure and Barring Service (DBS)' – a non-departmental public body set up to administer the vetting and barring scheme and criminal records checks.

Teaching Regulation Agency (TRA) – is responsible for ensuring that in cases of serious professional misconduct, teachers are barred from teaching.

Regulated Activity

1. Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children.
2. Work for a limited range of establishments ('specified places'), with opportunity for contact, for example schools, children's homes, childcare premises (but not work by supervised volunteers).



Work under (1) or (2) is Regulated Activity only if done regularly. Regular means carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30 day period (or in some cases, overnight).

3. Relevant personal care, for example washing or dressing; or health care by or supervised by a professional, even if done once.
4. Registered childminding; and foster-carers.

2. Section 1: Dealing with allegations of abuse against teachers and other staff

This guidance applies to all 'staff members' whose work brings them into contact with children in an education setting. It therefore applies to all teachers (including supply teachers) and support staff, volunteers and other adults, whether paid or working in a voluntary capacity on or off school premises and sites.

In the case of an allegation against the Headteacher, the Chair of Governors (or in their absence the Vice-Chair) is responsible for ensuring the process is followed.

This guidance relates to the action the Headteacher (or Chair of Governors in the case of an allegation against the Headteacher) must follow where an allegation has been made against a member of staff. The Headteacher **must not** delegate this responsibility.

This guidance relates to the following legislation:

- The Children Act 1989
- Section 175 of the Education Act 2002 (local authorities, governing bodies of maintained schools and institutions in the further education sector)
- the Education (Independent School Standards) Regulations 2014 and the Education (Non-Maintained Special Schools) (England) Regulations 2011
- Section 11 of the Children Act 2004 (other agencies)
- Sections 141F, 141G and 141H of the Education Act 2002 as amended by Education Act 2011.

This guidance is based on the DfE guidance on allegations of abuse against teachers and other staff in Part 4 of 'Keeping Children Safe in Education' and takes account of Worcestershire Safeguarding Children Board (WSCB) local procedures.

The Worcestershire Safeguarding Children Board also hold regular seminars to advise on the management of allegations against people who work with children. Those responsible for managing such allegations are strongly recommended to attend one or other of these sessions. Management of Allegation training is also available directly from the LADO's and can be booked here [LADO - Managing allegations against persons who work with children | Worcestershire County Council](#)



All members of staff who work unsupervised with children in regulated activity are required to complete an Enhanced Disclosure and Barring Service check to ensure suitability for working with children. It is an offence to employ anybody in regulated activity who has been barred from working with children by the Disclosure and Barring Service (DBS).

All staff and volunteers working in regulated activity must be given appropriate safeguarding training, which includes safer working practice and management of allegations, updated every three years.

All new members of staff and volunteers should be given guidance and training on safeguarding children, safer working practice and allegations of abuse as part of their induction.

All staff supporting children with additional needs (e.g. have an EHCP) must have appropriate information and training.

All adults working with children and young people are in a position of trust in relation to the young people in their care.

3. What is an Allegation?

An **allegation** is a claim or assertion that someone has done something wrong or illegal, typically made without definitive proof. It represents an unproven statement that serves as an accusation until evidence is gathered to either confirm or disprove it.

As such an allegation should be considered under one or a couple of these policies depending upon the nature of the allegation, the seriousness and past concerns:

- Allegation meets LADO threshold – use this policy
- Allegation of a safeguarding nature that doesn't meet threshold – use the low-level concerns policy
- Allegations unrelated to safeguarding i.e. failure to follow management instructions, shouting at colleagues, theft, fraudulent claims for over time etc. - use the disciplinary policy & procedure

Allegations that meet LADO threshold:

For allegations where it is alleged that a member of staff in a school or other educational establishment that provides education for children under 18 has:

- behaved in a way that has harmed, 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 would pose a risk of harm if they work regularly or closely with children;



- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

In accordance with Keeping Children Safe in Education, these allegations would meet the LADO threshold. Some examples are as follows:

- contravened or continued to contravene any safe practice guidance given by his/her organisation or regulatory body that has resulted in risk or harm to a child
- exploited or abused a position of power
- acted in an irresponsible manner which any reasonable person would find alarming or questionable given the nature of work undertaken that has resulted in risk or harm to a child
- demonstrated failure to understand or appreciate how his or her own actions or those of others could adversely impact on the safety and well-being of a child
- demonstrated an inability to make sound professional judgements which safeguard the welfare of children
- failed to follow adequately policy or procedures relating to safeguarding and promoting the welfare of children
- failed to understand or recognise the need for clear personal and professional boundaries in his/her work that has resulted in risk or harm to a child
- behaved in a way in his/her personal life which could put children at risk of harm
- become the subject of criminal proceedings relating to a child
- become subject to enquiries under local child protection procedures
- Engages in sexual activity with or in the presence of that child or to cause or insight that child to engage in or watch sexual activity. For further information see guidance on the Sexual Offences Act 2003 at www.legislation.gov.uk
- been involved in an incident outside of school which did not involve children but could have an impact on their suitability to work with children, e.g. domestic violence at home. Giving rise to a transferable risk

Low level concerns:

Allegations that under KCSIE would be considered a low level concern should be managed under the low level concern policy (please refer to Sharepoint). Typical examples of low-level concerns are:

- Being overly friendly with children
- Having favourites
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Humiliating children
- Using inappropriate sexualised, intimidating or offensive language



If you aren't sure if threshold is met then please see the 7 minute briefing in appendix 2 for further information and/or access the training available on the LADO website - [LADO - Managing allegations against persons who work with children | Worcestershire County Council](#) which includes key information you should consider before making a referral.

4. Safeguarding Children

Educational establishments play an important part in the prevention and detection of abuse and neglect, through their own policies and procedures for safeguarding children, creating and maintaining a safe environment, and through the curriculum. They promote resilience in children by helping them to stay safe from harm and encouraging them to talk to someone if they have worries or concerns. Staff members play a crucial role in this process in noticing indications of abuse or neglect and in reporting concerns to Children's Social Care but in rare circumstances staff in educational establishments have been found to be responsible for child abuse. Given their daily contact with children in a variety of situations, staff are also vulnerable to accusations of abuse, leading to allegations from children, parents or other staff members.

These allegations must be taken seriously, and while they may be found to be false, malicious or unsubstantiated, they may also be well founded.

Children or parents may make a direct referral to the Police or Children's Social Care, who will discuss the allegations with the LADO. Parents can also make a direct referral to the LADO.

5. Restrictive Physical Intervention (RPI)

Where an allegation is made involving the use of physical intervention, consideration should be given to whether the action taken was necessary and proportionate.

Where an incident relates to the use of reasonable force to restrain a child, it will be appropriate for the Headteacher to deal with this in accordance with school procedures, following guidance in the 'Use of Reasonable Force' Use of reasonable force in schools - [Use of reasonable force and other restrictive interventions guidance](#)

All such incidents should be reported, recorded and discussed with parents as soon as possible in line with the school policy.

If an allegation of assault is made following a restraint, consideration should be given to any injuries the child sustained and may be seen as a child protection matter following discussion with the LADO in accordance with these procedures.

If in doubt, the Headteacher should consult with the LADO to establish whether the use of force was necessary and proportionate.

6. Procedure for Managing Allegations



Allegations may be made directly to the Headteacher by children, parents, members of staff or other persons. In some instances, allegations are made directly to the Police, who will inform Children's Social Care if they believe the allegation meets the threshold for referral. The LADO will contact the Headteacher to discuss the allegation and advise on the action needed.

All staff have a responsibility to report a member of staff they believe is 'harming' or using unacceptable behaviour towards a child or to self-refer, to the Headteacher. Where a child or adult reports concerns to a member of staff, they must be listened to and taken seriously. The member of staff **must not attempt to investigate the allegation** but inform the Headteacher and provide a full written and dated account of what has been reported.

The Headteacher should inform the LADO of all allegations **on the same day** or next working day if they believe that LADO threshold has been met. They may wish to seek advice from the LADO before making a referral once initial fact finding has been undertaken (LADO number is 01905 846221). Church Schools should also inform their Diocesan Boards of allegations. Schools or settings registered with Ofsted, should also inform Ofsted.

When an allegation has been made consideration should be given to whether the LADO threshold has been met. If it has, then a referral should be made to the LADO, if the allegation is a low-level concern that the school should follow its own procedures for managing low level concerns and if necessary, seek HR advice regarding disciplinary procedures.

Carrying out some initial fact-finding can significantly help improve the quality of the referral and result in more detailed and timely advice from the LADO.

Fact finding enquiries may include:

- viewing CCTV
- getting a basic account from the alleged victim and witnesses – adding the context makes all the difference!
- checking any written records

In some situations, where the allegation is low risk, it is not going to meet a criminal threshold and will not impact on the child then it may be helpful to seek the alleged perpetrators initial account.

If you're not sure whether to do this, speak to your **Headteacher/DSL for advice and they may then seek further advice from Education Safeguarding or the LADO.**

Once this initial fact finding has been completed the referral to the LADO may not be needed, because the allegation is no longer credible and the threshold to refer is no longer evidenced to be met.

If the Headteacher believes the LADO threshold has been met they should make an on-line LADO referral [LADO Concern](#)

It is important that the LADO referral form is completed as comprehensively as possible. The individual's address and DOB is important as well as any known past addresses to determine if they



have worked in another area so appropriate checks can be made. The LADO may ask the Headteacher to provide or obtain any additional information which may be relevant such as previous history, whether the child or their family have made similar allegations and the individual's current contact with children.

This 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 Headteacher and the LADO, and agreement reached as to what information should be shared with the individual concerned and by whom. The Headteacher should then consider with the LADO what action should follow in respect of the individual and those who made the initial allegation.

The Headteacher should inform the staff member about the allegation as soon as possible **after** consulting the LADO. He or she should provide them with as much information as possible at the time. However, where a Position of Trust Meeting is needed, or Police or Children's Social Care need to be involved, the Headteacher **should not** do that until those agencies have been consulted and have agreed what information can be disclosed to the person. Employers must consider carefully whether a safety plan can be put in place and the employee remains in school or the circumstances of the case warrant a period of suspension until an investigation has been completed (refer to Suspension Guidance on Sharepoint). If the allegation is not demonstrably false or unfounded, and there is cause to suspect a child is suffering or is likely to suffer significant harm, a Position of Trust Meeting should be convened in accordance with 'Keeping Children Safe in Education'.

Where it is clear that an investigation by the Police or Children's Social Care is unnecessary, or the Position of Trust Meeting or initial evaluation decides that is the case, the LADO should discuss the next steps with the Headteacher. In those circumstances the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available and will range from taking no further action to disciplinary action, up to and including summary dismissal or a decision to terminate a casual contract.

7. Position of Trust Meeting

When an allegation has been referred to the LADO and threshold is met, a Position of Trust Meeting will be convened as soon as practicable, this may also be conducted as a series of discussions.

The purpose of the Position of Trust Meeting is to consider the allegation or concern and decide on what action, if any, needs to follow. It is Chaired by the LADO.

The member of staff who is the subject of the allegation will not be invited to the meeting. However, the member of staff should normally be informed of the outcome and whether the matter will be investigated, at a time and in a form agreed at the meeting and as soon as possible after the meeting, unless prior knowledge may prejudice a police investigation. A leaflet entitled 'What happens if an allegation of abuse is made against you' is available on SharePoint for the Headteacher to give to the member of staff, to ensure they are aware of the process that will be followed.



Attendance at the Position of Trust Meeting

May include the following as appropriate:

- Local Authority Designated Officer (Chair).
- Children's Social Care Team Manager or Social Worker.
- Police Public Protection Unit.
- Headteacher (or Chair of Governors where allegation is against the Headteacher).
- Church Diocesan Officer, as appropriate.
- HR Representative
- Representative of other Local Authorities where relevant, e.g. if the child is residing outside their 'home' authority in a residential school, foster placement, etc. or the staff member works in more than one authority or lives and works in different authorities.
- Any other relevant professional who has information or professional expertise, which could assist the meeting, e.g. health professional.
- Another employer or voluntary organisation i.e. scouts/guides

Purpose of the Position of Trust Meeting

- Consider the nature, content and context of the allegation and whether there have been any previous allegations.
- Consider the risk to the child/other children within or outside the workplace.
- Determine the need for a strategy meeting and/or criminal investigation (joint or single agency).
- Establish a clear action plan with timescales.
- Decide who to inform and when.
- Consider the safety plan in place and any next steps regarding an internal investigation
- Consider the need to inform other relevant parties such as the TRA/DBS
- Consideration of any media statements/advice.
- Agree criteria for a re-referral if new evidence comes to light in any 'internal' procedure which suggests a further Position of Trust Meeting is needed.

Outcome of the Initial Position of Trust Meeting

Following consideration of the allegation and other relevant information, the following courses of action may be agreed:

- no further action;



- a Police investigation of a possible criminal offence;
- enquiries and assessment by Children's Social Care about whether a child is in need of protection or in need of services;
- an internal Local Authority/school investigation which may lead to management guidance/training and/or disciplinary procedures.

8. External Investigations

Where the Police or Social Care are investigating an allegation, a school internal investigation is normally held in abeyance until the outcome is known. However, in consultation with the Police an internal investigation may be conducted in parallel.

Investigations should be conducted as quickly as possible and the member of staff given regular progress updates.

9. Managing an Internal Investigation / the Disciplinary Process

Following completion of an external investigation or if the matter is not pursued by the Police or Children's Social Care an allegation against a member of staff may require an internal investigation to determine whether disciplinary action is needed. Disciplinary action should not be taken until the alleged misconduct has been properly investigated.

The Headteacher will appoint an investigator (normally another Senior Leader or an independent person in very serious cases of misconduct or misconduct concerning the Headteacher) or investigate themselves if there is no other Senior Leader in school that can undertake an investigation. The investigation process will normally involve the consideration of witness statements, any CCTV footage, the account from the member of staff and any possible relevant conduct issues (unspent disciplinary sanctions and management guidance). HR Consultancy for Schools will support throughout this process.

The investigation may conclude that:

- no further action is required;
- it may be appropriate to offer support or further training;
- it would be appropriate to give management guidance in order to register concerns, without recourse to disciplinary action;
- a referral to the formal disciplinary procedure is needed.

Supporting those involved

It is important that the member of staff is supported throughout this process, kept informed of the course of the investigation and advised of other support available.



The school 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.

Trade Union – the member of staff subject to the allegation should be advised to contact their trade union or professional association for support, including legal support. A Trade Union representative or work colleague can support them in an investigation meeting if they make a request to the Headteacher. If they are invited to attend a disciplinary hearing then they have the right to be accompanied by a Trade Union representative or work colleague. If a member of staff is interviewed by the Police they can ask for their union solicitor to be present, if applicable.

A school may have an **Employee Assistance Programme (EAP)** that a member of staff can access for counselling support. Education Support is a charity that supports all staff in Education and can provide free support and counselling: [Education Support, supporting teachers and education staff](#)

Occupational Health Service – will be able to provide advice on adjustments if a member of staff is unwell and signed off sick.

Support for Colleagues – concerns are sometimes raised by colleagues who have witnessed behaviour that they consider to be abusive or inappropriate. It is important to enable staff to disclose their views without fear of retribution, even if the concerns are subsequently unsubstantiated. Such staff should be supported in accordance with the school's Whistleblowing Policy.

10. Supply, Casual or Volunteer Workers

In some circumstances the school at which a person works will need to consider an allegation where the person does not have an ongoing employment contract with them, for example: supply teachers, casual/agency workers, volunteers or contractors.

Whilst schools are not the employer, they need to ensure that allegations are dealt with properly. In no circumstances should a school cease to use a supply teacher, for example, due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome. The school should have a discussion with the employment agency (in the case of a supply teacher) about whether it is appropriate to suspend the supply teacher or redeploy to another part of the school whilst they carry out an investigation. The member of staff should be advised to contact their trade union representative or work colleague for support.

Both the school and the employer of the member of staff should fully co-operate with the LADO to ensure proper sharing of information, particularly taking account of any previous concerns or allegations known by the employer during the investigation and also regarding the need to make a referral to the DBS, if necessary.

If schools are using staff employed by another company they should inform them of their process for managing allegations (specifically this procedure).

Communication with Staff, Governors, Parents, Children and the Media



It is important that every effort is made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated. Details of the complaint should not be discussed with members of staff or Governors, although the Headteacher may wish to inform the Chair of Governors that an allegation is being investigated.

Similarly, when an allegation concerns the Headteacher the Chair of Governors investigating the matter should not inform or discuss the allegation with the full governing body but may wish to take advice from Governor Services or their school's HR Consultant.

Consideration should be given to:

- who needs to know and, importantly, exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any information can be reasonably given to the wider community to reduce speculation; and
- how to manage press interest if and when it should arise.

In the event of schools, other than academies, receiving media enquiries, Worcestershire County Council's Communications team should be contacted for advice on the timing and content of a press statement. (Church Schools may also need to contact the Diocesan Press Officer.) Academies should consult with their legal advisers when preparing a press statement.

The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation).

'Publication' includes 'any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public'. This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

If the parents or carers of a child or children involved are not aware of the allegation, they should be advised of the allegation as soon as possible, after discussion with the LADO. In circumstances in which the Police or Social Care may need to be involved, the LADO will consult those colleagues about how best to inform parents. In some circumstances the school may need to advise parents of an incident involving their child straight away, for example if a child has been injured while at school or in a school related activity and requires medical treatment.

Parents should be assured that the school is following appropriate safeguarding procedures. Parents should not be told the outcome of a disciplinary procedure but should be assured that the school has investigated and taken appropriate action in accordance with its procedures.



11. False, Unsubstantiated, Unfounded or Malicious

([See Appendix 1](#) for definitions)

The Headteacher/Police/Position of Trust Meeting may conclude, without or following an investigation, that an allegation is unfounded. In this case the Headteacher in consultation with the LADO should:

- inform the member of staff orally and in writing that no further action is being taken against them under child protection or disciplinary procedures;
- offer counselling and/or professional support to the member of staff, as appropriate;
- inform the parents of the child/ren of the allegation that it has been dealt with appropriately: parents do not have the right to know the detail of any investigation;
- consider appropriate support for the person who made the allegations.

In the event that the allegation is made by someone external to the school, the Police should be asked to consider whether any action might be appropriate against the person responsible.

Discussions should take place on how to support the member of staff if the allegation was made by a child within the school. This may include moving classes and/or providing another adult to work in the class.

Pupils that are found to have made malicious allegations are likely to have breached school behaviour policies. The school should therefore consider whether to apply an appropriate sanction, which could include temporary or permanent exclusion (as well as referral to the Police if there are grounds for believing a criminal offence may have been committed). In September 2010 The Crown Prosecution Service provided guidance on harassment under the Protection of Harassment Act 1997. This can be found at: www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2012/018-2012/.

12. Referral to the Disclosure and Barring Service (DBS) and / or Teaching Regulation Agency

If the allegation is substantiated and the person is dismissed or the school 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 school and its HR Consultant whether a referral to the Disclosure and Barring Service (DBS) for consideration of inclusion on the barred lists or to the Teaching Regulation Agency is required.

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child or if a person otherwise poses a risk of harm to a child. In such circumstances, the duty to refer an individual to the DBS arises where an employer has removed the individual from relevant work with children or the person has chosen to cease relevant work in circumstances where they would have been removed had they not done so. Professional misconduct cases should be referred to the relevant regulatory body. The DBS will consider whether to bar the



person from working in regulated activity, which will include work in schools and other educational establishments. Local authorities, schools, academies and other bodies all have a statutory duty to make reports, and to provide relevant information to the DBS. Referrals should be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person's services. This is from the date of dismissal not the date of the appeal hearing. HR Consultancy for Schools will provide further details on this process, where applicable.

13. Resignations and Settlement Agreements

The fact that a member of staff tenders his/her resignation or ceases to work at the school in a voluntary or casual capacity, must not prevent an allegation being followed up under these procedures. It is important that every effort is made to reach a conclusion and wherever possible, the member of staff is given the opportunity to answer the allegations and make representations before a conclusion is reached.

But the process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused does not co operate.

Settlement agreements , whereby a member of staff agrees to resign if the school agree not to pursue disciplinary action and may agree a form of wording to be used in a future reference, **must not** be used where the person is the subject of an allegation. Any agreement would not in any event prevent a Police investigation, where appropriate, nor override the statutory duty to report the case to the TRA and/or DBS, where applicable.

14. Timescales

It is in everyone's interests to resolve cases as quickly as possible without unnecessary delay, whilst enabling a fair and thorough investigation to take place. The time taken to investigate and resolve individual cases will depend on the seriousness and complexity of the investigation.

15. Cases Subject to Police Investigation

Where a case is subject to Police investigation, the Police should aim to complete their enquiries as quickly as possible, consistent with a fair and thorough investigation and keep the progress of the case under review. In cases where the Police are involved the LADO will usually review every 6 weeks.

However, staff need to be aware that allegations that require the forensic examination of computers, phones or other IT equipment is likely to take several months.

When the Police involvement is ended the guidance recommends that all information which may be relevant to a disciplinary case should be passed to the employer. The Police investigating officer may need to seek authorisation before releasing documents and statements, which may delay the process. Where a conviction takes place the Police should also inform the employer. The LADO will liaise with the designated Police officer to obtain this information.



16. Record-keeping

It is important that clear and comprehensive summary of the allegation and outcome ([see Appendix 1](#)) is kept on the member of staff's confidential personal file in school and a copy provided to the member of staff. This will ensure that accurate information is given in response to a future DBS Disclosure or a reference request and prevent unnecessary reinvestigation. However, this is not required if a LADO referral form has been completed. This should not be kept on the Child's file

Details of allegations that are found to have been malicious should be removed from personnel records.

The safeguarding guidance recommends that the record 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 longer.

The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on employment retention.

Other agencies involved in any investigation and the LA will keep their own records of the allegation.

17. References

Cases in which an allegation was proven to be false, unsubstantiated, unfounded or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious etc. should also not be included in any reference.

18. 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 Headteacher, to determine whether there are any improvements to be made to the school'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 Headteacher should consider how future investigations of a similar nature could be carried out without suspending the individual.



19. Further Advice

For further advice, please contact the Schools HR Consultancy Team on 01905 844560 or via SchoolsHRconsultancy@worcestershire.gov.uk

20. Policy History

Version	2
Issued	Dec 2022
Updated	May 2026
Review	March 2029



21. Appendix 1 – Summary of Investigation into an Allegation of Abuse

Only required if a LADO referral has not been completed

Name:	
Establishment:	
Explanatory Statement	
This statement is made in accordance with 'Keeping Children Safe in Education'. There is a requirement to keep a clear and comprehensive summary of allegations, how the allegation was followed up and resolved, and a note of any action taken and decision reached. This should be kept on a member of staff's confidential personnel file, a copy provided to the person concerned and a copy held centrally by the LADO for Safeguarding Children in Education. The purpose of this record is to enable accurate information to be given in response to any future request for a reference and will provide clarification in cases where a future DBS Disclosure reveals information from the Police about an allegation that did not result in a criminal conviction. It will also help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. This record 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.	
Summary of Allegation made, including date:	
How Allegation was followed up:	
*Outcome of Investigation:	
Action taken and decisions reached:	
Signed: (Headteacher/Manager)	Date:
I have been fully informed of the investigation.	
Signed: Member of staff	Date:



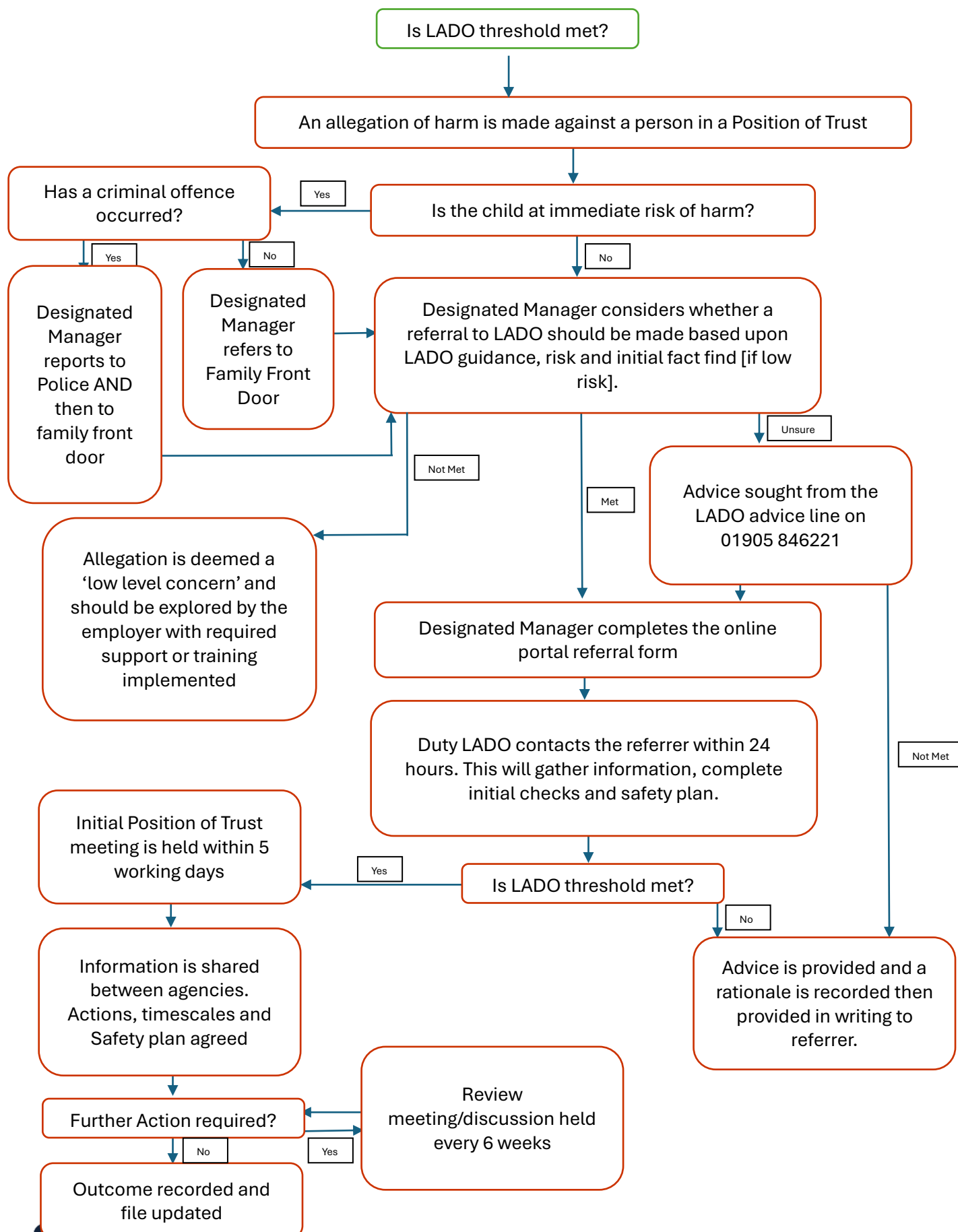
Definitions

- (a) **Substantiated:** there is sufficient evidence to prove the allegation;
- (b) **False:** there is sufficient evidence to disprove the allegation;
- (c) **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- (d) **Unfounded:** to reflect cases where is no evidence or proper basis which supports the allegation being made;
- (e) **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

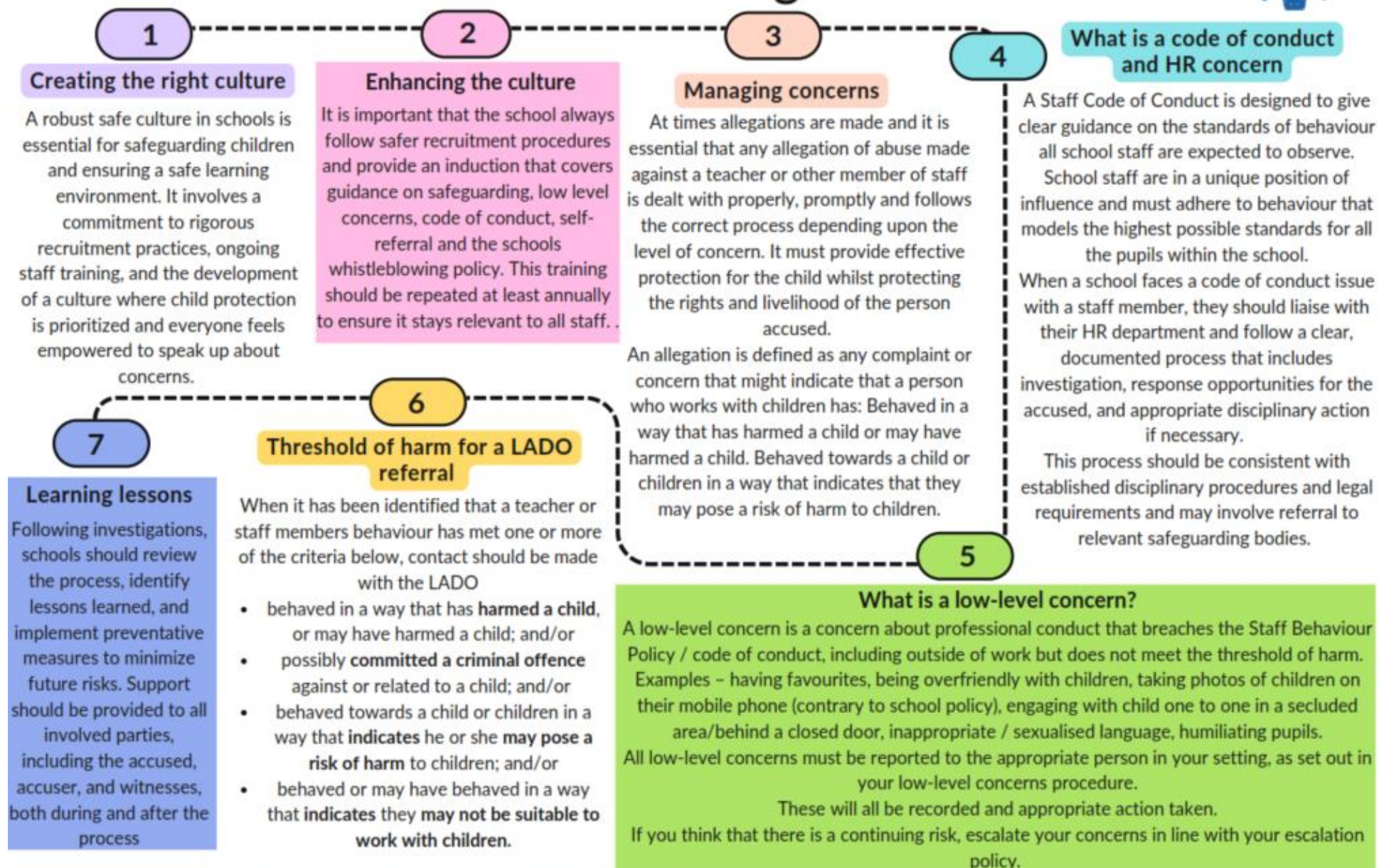
**These definitions are taken from Part 4 of 'Keeping Children Safe in Education': Allegations of abuse made against teachers and other staff.*



22. Appendix 2 – Flow Chart and Managing Conduct and Allegations Factsheet



Managing conduct and allegations



23. Appendix 3 – Useful Contacts

Local Authority Designated Officer (LADO) 01905 846221

HR Consultancy for Schools 01905 844560

Family Front Door 01905 822666

Out of Hours Emergency Duty Team 01905 768020

Police Public Protection Unit: 101

Emergency: 999

REFERENCES

- 'Keeping Children Safe in Education' – [Keeping children safe in education - GOV.UK](#)
- 'Guidance for Safer Working Practice for those working with Children and Young People in Education Settings' – [Safer Recruitment Consortium training information](#)

For further reference please see:

- Local procedures contained on The Worcestershire Safeguarding Children Board website: [WSCP Training and Events - Worcestershire Safeguarding Boards](#)
- Disclosure and Barring Service: [Disclosure and Barring Service - GOV.UK](#)
- Teacher Regulation Agency: [Teaching Regulation Agency - GOV.UK](#)

