Bushey St James Trust

Managing Allegations of Abuse by Staff Policy

Last Reviewed:	March 2026	**Next Review:**	March 2028
Approved by:	Trust Board	**Date:**	19.3.26

Rationale

The Bushey St James Trust takes the responsibility of care for all pupils very seriously and fully endorses the principles and practices of high-quality safeguarding. We recognise that any possibility that a member of staff (including volunteers) may have hurt a student must be investigated thoroughly, but in a way that does not prejudice either the student or the member of staff. Any investigation of an allegation of abuse against a member of staff must follow the objective, professional standards and routines described here.

NB: Allegations of abuse by staff will not be dealt with under the Trust's general complaints procedure.

The procedures for managing allegations of abuse by staff are based on the following:

Safeguarding Children and Safer Recruitment in Education (Statutory Guidance from 26.4.12)

and the framework for managing cases of allegations of abuse against people who work with children set out in:

Working Together to Safeguard Children 2026

Aims

The aim and purpose of this policy is to provide guidance on dealing with managing allegations of abuse by staff.

Practice

Initial allegation made to the school
Any allegation of abuse of a pupil by a member of staff must be reported to the Headteacher/Executive Principal. Should the initial allegation first be made to any other member of staff then that member of staff must either request the person raising the allegation to report it to the Headteacher/Executive Principal or, if that is not possible, pass details of the allegation to the Headteacher/Executive Principal immediately.

If the allegation is made against the Headteacher/Executive Principal then this should be brought to the attention of the Chair of Governors immediately. Should the allegation meet any of the following criteria then the Headteacher/Executive Principal or Chair of Governors should report the allegation to the Local Authority Designated Officer (LADO) the same day that the allegation is received that a member of staff at the school has:

a) behaved in a way that has harmed a child, or may have harmed a child or;

b) possibly committed a criminal offence against or related to a child or;

c) 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.

Initial Considerations

The Headteacher/Executive Principal will discuss the matter with the (LADO at Hertfordshire County Council and provide any further details of the allegation and the circumstances in which it was made. The telephone contacts details are: 0300 123 4043

The Headteacher/Executive Principal should not investigate the allegation at this stage. The discussion will also consider whether there is evidence or information that establishes that the allegation is false or unfounded.

If the allegation is not patently 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 in accordance with Working Together to Safeguard Children to be convened straight away. In those circumstances the strategy discussion should include the LADO and the Headteacher/Executive Principal.

If there is not cause to suspect that 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 will also involve the school and any other agencies involved with the child.

Action Following Initial Consideration

Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the Headteacher/Executive Principal to deal with it in consultation with School Governors. In such cases, if the nature of the allegation does not require formal disciplinary action appropriate action should be instituted 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.

Where further investigation is required to inform consideration of disciplinary action the Headteacher/Executive Principal and the School Governors should discuss who will undertake that with the LADO.

The investigating officer should aim to provide a report to the employer within 10 working days. The following definitions should be used when determining the outcome of allegation investigations:

1. Substantiated: there is enough identifiable evidence to prove the allegation;
2. False: there is enough evidence to disprove the allegation;
3. Malicious: there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
4. Unfounded: there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances;
5. Unsubstantiated: this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

On receipt of the report of the disciplinary investigation, the Headteacher/Executive Principal and the school Governors should consult the LADO, and decide whether a disciplinary hearing is needed within two working days. If a hearing is needed it should be held within 15 working days.

In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the School Governors and Chair of Governors 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 school to monitor progress of the case and provide advice or support when required or requested.

A Case Subject to Police Investigation

If the police and/or Crown Prosecution Service decide not to charge the individual with an offence, or 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 Headteacher/Executive Principal within three working days of the decision. In those circumstances the Headteacher/Executive Principal and the LADO should proceed as described above.

In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, any information obtained in the course of those enquiries which is relevant to a disciplinary case should also be passed to the school and the Headteacher/Executive Principal should request this information.

Support for Those Involved

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 key 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 person who is the subject of the allegation should be kept informed of the progress of the case and consideration should be given to 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. (See Appendix 1)

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers.

Parent or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence.

Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice. In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, should consider what support the child or children involved may need. (See Appendix 2)

Resignations and 'Compromise' Agreements

If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible the accused should be given a full opportunity to answer the allegation and make representations about it.

However, the process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated based on all the information available, should continue even if that cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

So-called 'compromise agreements', by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in these cases. Such an agreement will not prevent a thorough police investigation where that is appropriate. Nor can it override the statutory duty to make a referral to the Disclosure and Barring Service where circumstances require that

Record Keeping

Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS Disclosures reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal retirement age or for a period of 10 years from the date of the allegation if that is 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.

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.

Review

This policy will be reviewed by the Trust Board every 2 years.

Managing Allegations Against Adults that Work with Children

A guide for subject of the allegation

Any allegation of abuse is likely to cause a great deal of anxiety and concern. This guide is intended to help you to be as well informed as possible should you be faced with an allegation.

Introduction

Becoming the subject of an allegation is always stressful for the individual concerned and for their family. The challenge for everyone involved is to ensure that children are effectively safeguarded, that their welfare is promoted while at the same time treating persons accused fairly and honestly.

Terminology

The following references may be made:

LADO - The LADO (Local Authority Designated Officer) provides advice and guidance to employers and other individuals/organisations who have concerns relating to an adult who works with children and young people (including volunteers, agency staff and foster carers) or who is in a position of authority and having regular contact with children (for example religious leaders or school governors).

Children's Services - is the new term that has replaced "social services". These services support and protect vulnerable children, young people, their families and young carers.

Child Abuse Investigation Unit – This is the department of Hertfordshire Police that investigates allegations against adults that work with children.

Some of these terms may differ in other local authorities.

Managing Allegations Against Adults that Work with Children

A guide for families

Any allegation of abuse is likely to cause a great deal of anxiety and upset to all concerned: the child or young person reporting the abuse, their parents, carers and family members.

This leaflet is intended to guide you through the process and support you to understand the different ways in which an allegation may be dealt with.

Introduction

Telling someone about any kind of abuse that you have suffered can be very scary, particularly if you have had to speak out against a member of staff, or someone in a position of trust. It is important to remember that you have done nothing wrong, and that what you have said will be taken seriously.

What happens when you tell someone?

If you tell someone such as your teacher or youth worker, they should inform the correct professional in their organisation (e.g. Head Teacher, Nursery Manager).

There is a specialist worker called the Local Area Designated Officer (LADO for short) who will also be informed, if the professional believes the allegation suggests the adult 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; or**
- **behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.**