Policy: Allegations against Adults

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Date Reviewed:	September 2025
Next Review:	September 2026
Review Frequency:	Annually or as Legislation requires

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Mission Statement

At Abbey School our aim is to teach to inspire, motivate and nurture the next generation of creative and critical thinkers. We work in partnership with parents and the community to achieve the highest standards. Our main goal is to encourage our children to be resilient, respectful, responsible independent learners, equipped for lifelong learning. Through stimulating, safe learning environments and excellent opportunities to succeed in and out of the classroom, we encourage children's progress and achievements.

Our Core Values

RESPECT, RESPONSIBILITY, RESILIENCE

These 3 core values underpin the ethos of Abbey School. Our young pupils are encouraged to understand these values and how they develop, initially, at the micro level around themselves, their friendships, their families and our school. Later, our older pupils begin to understand how these self-same values affect our lives on the macro level, with all this means for their lives as they grow into adults and their environment of Devon, the United Kingdom, and also the planet in which we live.

Statutory Policies

The following safeguarding legislation and guidance has been considered when drafting this policy:

- Section 175 of the Education Act 2002
- Section 157 of the Education Act 2002

- The Independent Schools Standards 2019
- The Safeguarding Vulnerable Groups Act 2006
- The Teacher Standards 2012
- Working Together to Safeguard Children 2023
- Keeping Children Safe in Education 2025
- Education and Training (Welfare of Children) Act 2021 (Post 16 providers)
- Information Sharing 2024
- What to do if you're worried a child is being abused 2015
- Prevent 2023
- Relationships, Sex and Health Education (RSHE) 2020
- Equality Act 2010

Rationale

This policy applies to all cases in which it is alleged that a current member of staff, supply staff or volunteer has:

- Behaved, or may have 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 would 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.

It applies regardless of whether the alleged abuse took place in the school. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

We will deal with any allegation of abuse against a member of staff or volunteer very quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

Our procedures for dealing with allegations will be applied with common sense and judgement and are in line with Torbay Council LADO guidance.

Procedure for Making an Allegation

Allegations against an adult, whether a member of staff or volunteer must be brought to the immediate attention of Miss Fleur Greinig, Headteacher.

This can be in writing (marked confidential & private for the attention of Miss Greinig), verbally or electronically via direct email to headteacher@abbeyschool.co.uk

Allegations about the Headteacher or Principal/ Proprietor must be referred directly to the Local Authority Designated Officer. The LADO can be contacted on 01803 208541 or 07929 247310.

Procedure for dealing with allegations

In the event of an allegation that meets the criteria above, the Headteacher, Miss F. Greinig, (NB: allegations about the Headteacher or Principal/Proprietor must be referred directly to LADO) – the 'case manager' – will take the following steps:

• Immediately discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police before consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police)

• Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies

• Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children's social care services, as appropriate

• **If immediate suspension is considered necessary**, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details

• **If it is decided that no further action is to be taken** in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation

• **If it is decided that further action is needed**, take steps as agreed with the designated officer to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate.

• Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and

considering what other support is appropriate. Steps will be taken to ensure confidentiality and guard against publicity whilst the allegation in being investigated or considered. The individual will be advised to contact their union or professional association. Individuals may also be signposted to outside agencies if they wish to seek welfare counselling or medical advice.

• Inform the parents/carers or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents/carers or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice

• Keep the parents/carers or carers of the child/children involved informed of the progress of the case and the outcome, where there is not a criminal prosecution, including the outcome of any disciplinary process (in confidence).

• There is a legal duty to refer to the DBS anyone who has harmed or poses a risk of harm to a child or vulnerable adult where:
- The harm test is satisfied in respect of that individual
- The individual has received a caution or conviction for a relevant offence
- There is reason to believe that the individual has committed a listed relevant offence; and - The individual has been removed from working (paid or unpaid) in regulated activity or would have been removed had they not left.

For further guidance please consult *Keeping Children Safe in Education 2025* and Torbay LADO guidance – Allegations against People who work with Children
• If the school is made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.
• Where the police are involved, wherever possible the case manager will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process, should this be required at a later point.

Abbey School Nursery

We will inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere), and any action taken in respect of the allegations. This notification will be made as soon as reasonably possible and always within 14 days of the allegations being made.

Suspension

Suspension will not be the default position, and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. In such cases, we will only suspend an

individual if we have considered all other options available and there is no reasonable alternative.
Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the school so that the individual does not have direct contact with the child or children concerned
- Providing an assistant to be present when the individual has contact with children Redeploying the individual to alternative work in the school so that they do not have unsupervised access to children
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents/carers have been consulted

Definitions for outcomes of allegation investigations

Substantiated: there is sufficient evidence to prove the allegation

Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive

False: there is sufficient evidence to disprove the allegation

Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)

Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made

Timescales

• Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved within 1 week
• If the nature of an allegation does not require formal disciplinary action, we will institute appropriate action within 3 working days
• If a disciplinary hearing is required and can be held without further investigation, we will hold this within 15 working days

Specific actions

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

Conclusion of a case where the allegation is substantiated
If the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the case manager and the school's personnel advisor will discuss with the designated officer whether

to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

If the individual concerned is a member of teaching staff, the case manager and personnel advisor will discuss with the designated officer whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

Individuals returning to work after suspension

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.
The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending the school.

Unsubstantiated or malicious allegations
If an allegation is shown to be deliberately invented, or malicious, the Headteacher, or other appropriate person in the case of an allegation against the Headteacher, will consider whether any disciplinary action is appropriate against the pupil(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a pupil.

Confidentiality

The school will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.
The case manager will take advice from the local authority's designated officer, police and children's social care services, as appropriate, to agree:
• Who needs to know about the allegation and what information can be shared
• How to manage speculation, leaks and gossip, including how to make parents/carers or carers of a child/children involved aware of their obligations with respect to confidentiality • What, if any, information can be reasonably given to the wider community to reduce speculation
• How to manage press interest if, and when, it arises

Record-keeping

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case. Such records will include:
• A clear and comprehensive summary of the allegation
• Details of how the allegation was followed up and resolved
• Notes of any action taken and decisions reached (and justification for these, as stated above)
If an allegation or concern is not found to have been malicious, the school will retain the records of the case on the individual's confidential personnel file, and provide a copy to the individual.
We will retain records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.
The records of any allegation that is found to be malicious will be deleted from the individual's personnel file.

References

When providing employer references, we will not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious.

Learning lessons

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

This will include consideration of (as applicable):

• Issues arising from the decision to suspend the member of staff
• The duration of the suspension
• Whether or not the suspension was justified
• The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual

Low-level Concerns

A low-level concern is any concern that an adult has acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work
- doesn't meet the threshold of harm or is not considered serious enough for the school or college to refer to the local authority.

Low-level concerns are part of a spectrum of behaviour. This includes:

- inadvertent or thoughtless behaviour
- behaviour that might be considered inappropriate depending on the circumstances
- behaviour which is intended to enable abuse.

Examples of such behaviour could include:

- being over friendly with children
- having favourites
- adults 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.

Having clear procedures for responding to low-level concerns is part of creating a school culture of openness and trust. It helps ensure that adults consistently model the school's values and helps keep children safe. It will also protect adults working in school from potential false allegations or misunderstandings.

Please refer to Abbey School Low Level Concerns policy for more information.

Contacting LADO : Call 01803 208541 / 07929247310 and ask for the LADO on duty.
If a LADO referral form is required this should be emailed to cpunit@torbay.gov.uk

Appendix: Investigation Proforma

Staff/volunteer details			
Name of staff member/volunteer			
Employee details (role)			
Details of registration with any regulatory body			
Reason for Investigation: It is believed that the individual 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 and/or	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.
Date reported to Headteacher			
Person(s) making the allegation			
Date and time of alleged incident(s)			
Location of alleged incident			
Description of alleged incident			
Full name of pupil(s) affected			
Managing Immediate Risk			
Date and time LADO informed			
Date and time Police informed (if relevant)			
Details of immediate steps taken to secure possible risk			
Date of suspension (if relevant)			
Managing The Investigation			
Date family members were informed (if applicable) and details of what was shared.			

Details of other agencies involved (if relevant)				
Details of management investigation, including of hearings/ interviews				
Details of inter-agency investigations, including strategy agencies				
Support given to Accused Individual				
Named representative to keep individual informed				
Support offered to individual				
Outcomes				
Substantiated	**False**	**Malicious**	**Unsubstantiated**	**Unfounded**
Date reported to OFSTED/ISI (if appropriate)				
Details of referrals to any regulatory agencies				
Any further action taken (e.g. informed HR/insurance)				