



Allegations Against Staff Policy.

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Introduction

Allegation – this is a technical term based on the definition provided by Working Together to Safeguard Children. It is different to the dictionary definition of the word and the procedure still needs to be followed even if there is clear evidence that the incident has or has not happened. An allegation does not need to be formally made or explicitly described for this process to be followed.

Person who works with children – this covers paid and unpaid employees, contractors, volunteers and those in positions of leadership and management. This applies to any person, who manages or facilitates access to an establishment where children are present.

Employer – is used to describe the organisation, company, agency or provider that the adult is working for, in addition to those who manage or oversee the volunteer or member of staff.

This procedure applies when it is alleged that a person who works with children under 18 years of age 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 they 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

These behaviours can refer to incidents within and outside of the workplace. If the concerns are about someone's behaviour toward their own children, the police and/or children's social care must consider informing the employer in order to assess whether there may be implications of transferable risk within the role that the person holds, in which case this procedure will apply.

For allegations that are historic/non-recent (delayed reporting), please refer to the relevant [procedure](#). It is also important to investigate whether the person against whom the allegation is made is still working with children, and if so, follow the procedure and report to the [LADO](#) of the area where the individual is currently working.

Consideration will need to be given to any risk by association posed by those who live with, or are in a relationship with, adults who are being investigated for or have been convicted of offences in relation to children.

Roles and Responsibilities.

Working Together to Safeguard Children states:

Organisations and agencies working with children and families should have clear policies for dealing with allegations against people who work with children. Such policies should make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint.

County level and unitary local authorities should ensure that allegations against people who work with children are not dealt with in isolation. Any action necessary to address corresponding welfare concerns in relation to the child or children involved should be taken without delay and in a coordinated manner. Local authorities should, in addition, have designated a particular officer, or team of officers (either as part of multi-agency arrangements or otherwise), to be involved in the management and oversight of allegations against people that work with children. Any such officer, or team of officers, should be sufficiently qualified and experienced to be able to fulfil this role effectively, for example qualified social workers. Any new appointments to such a role, other than current or former designated officers moving between local authorities, should be qualified social workers. Arrangements should be put in place to ensure that any allegations about those who work with children are passed to the designated officer, or team of officers, without delay.

Local authorities should put in place arrangements to provide advice and guidance on how to deal with allegations against people who work with children to employers and voluntary organisations. Local authorities should also ensure that there are appropriate arrangements in place to effectively liaise with the police and other agencies to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

Each agency or organisation should have a policy which is in keeping with the process set out in this procedure and defines what a concern, a complaint and an allegation is.

Each agency or organisation should have a senior manager who is responsible for dealing with allegations or suspicions of [abuse](#) about someone who works with children. This may be the same person who is the nominated child protection lead for the organisation.

This person should be fully trained in managing allegations against, or concerns about [abuse](#) by, a member of staff or volunteer, and should know who to contact if any concerns are raised.

All staff and volunteers should know who the responsible person is and how to contact them. If there is a concern about the nominated person, it should be reported to their deputy or another senior manager.

Each local authority has a Local Authority Designated Officer ([LADO](#)) who receives reports about allegations. The [LADO](#) provides advice and guidance to organisations, liaises with other agencies when there are allegations, and monitors the progress of any allegations.

There are a few situations where consideration is required to determine where [LADO](#) responsibility rests.

The general principle is that the [LADO](#) of the local authority area where the individual is engaged in work with children holds responsibility. For most cases this is clear and does not require cross-border discussion.

Where an individual works in settings in two local authority areas, the [LADO](#) of the setting where the incident took place will take the lead and communicate with the other [LADO](#)(s) as required.

If the allegation is in respect of an incident in the personal life of the member of staff, then the [LADO](#) where the member of staff works (and where a potential risk to children has been identified) will take responsibility. If there are multiple roles carried out across different local authority areas, the [LADO](#) in the area with the substantive employment will lead. However, if there is no

substantive employment, the [LADO](#) involvement will be based on the home address of the member of staff. For staff who are contracted with agencies, then the [LADO](#) where the member of staff works (and where a risk to children has been identified) will take responsibility.

The exception to this rule will be for foster carers who are registered with a local authority but live outside of that area. In these situations, the [LADO](#) of the local authority that “employs” the carers should take responsibility and notify the [LADO](#) in the geographical area where the children are placed.

Confidentiality.

Confidentiality should be maintained while an allegation is being investigated. Information should be restricted to those involved in the investigation or who need to know in order to protect children.

Teaching Staff

The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher in a school 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). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation.

The reporting restrictions are disapplied if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so.

The legislation imposing restrictions makes clear that “publication” of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. “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).

In accordance with the Authorised Professional Practice published by the College of Policing (May 2017), the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates’ court to request that reporting restrictions be lifted.)

For education establishments, there is information in [Keeping children safe in education](#) on supporting those involved in an allegation, recordkeeping, resignations and settlement agreements, and suspension.

Responding to an allegation

When an allegation is first reported, the person to whom it is reported to should keep a written record of everything related to the allegations, including dates, times and places. They should report the allegations immediately to the school’s Designated or Deputy Designated Safeguarding Lead (DSL).

The DSL should then obtain written details about the concern and report the allegation to the [LADO](#) (Local Area Designated Officer for Hampshire County Council).

If a DSL is not available, the report to [LADO](#) should not be unnecessarily delayed and should be made by the next most appropriate person.

They should discuss the decision in relation to the agreed threshold criteria as soon as possible and within one working day. Referrals should not be delayed in order to gather information. Failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.

Parents or carers of the 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.

The school or employer should seek advice from the [LADO](#), the police and children's social care about how much information should be disclosed to the person whom the allegation is about. If information can be shared and won't impact the investigation, the employer should inform the accused person about the nature of the allegation as soon as possible, how the enquiry will take place and what action may be taken.

The employer or children's social care should inform [Ofsted](#) of any allegation or concern made against a member of staff in any establishment that is regulated by them. [Ofsted](#) should also be invited to take part in any subsequent strategy meeting/discussion in those cases where they have regulatory responsibility.

If the allegation occurs outside of office hours and needs immediate action, the children's social care emergency out of hours team should be contacted, or the police.

If a police officer receives an allegation that is not a crime, they should report it to the designated detective sergeant on the child [abuse](#) investigation team (CAIT).

The [LADO](#) and the DSL manager should assess whether there is evidence that the allegation may be false.

If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or is likely to suffer [significant harm](#), the [LADO](#) should consider referring to children's social care and ask them to convene an immediate [Section 47](#) child protection strategy meeting/discussion.

The [LADO](#) may not be directly involved in the [Section 47](#) strategy discussion, but the decision of the police and social care should be reported to them as soon as possible.

If the allegation highlights that a crime has taken place, the [LADO](#) will refer directly to the relevant police force. The decision made by the police will be reported back to the [LADO](#) as soon as possible.

Following any referral to the police and/or social care there will be one of four potential outcomes:

- Joint investigation with police and children's social care
- Single investigation by children's social care
- Single investigation by the police
- Internal investigation with [LADO](#) oversight

Following it being established if a criminal investigation and/or social care assessment will take place, the [LADO](#) will discuss with relevant partners the need for a meeting to co-ordinate the strategy for investigation and share information. A meeting will only be called if there is a clear purpose or the outcome cannot be achieved via other methods of information sharing.

For cases being assessed under [Section 47](#), the [LADO](#) will attend any meetings called and chaired by the relevant social care manager.

Allegation meeting/discussion

Where an allegation meeting is considered appropriate, it will be called. However, if there is a [Section 47](#) assessment and review meetings held as part of this, the [Section 47](#) process will take precedence for the agenda and the allegation will be considered within the scope of that process. In these cases the social care manager will chair the meeting.

For all other meetings the [LADO](#) (the chair) will consider inviting from the following list of possible participants:

- Relevant social worker and their manager
- Supervising social worker and their manager when an allegation is made against a foster carer or prospective adopter
- Detective sergeant
- The designated and/or named safeguarding children health professional ([CCG](#)) when an allegation concerns a health agency worker /professional
- Designated senior manager for the employer concerned
- Where there is multiple employments, representatives from each employer
- Human resources representative
- [CQC](#), [GMC](#) or [Ofsted](#).

During the meeting, a decision should be made about what is needed, for example a [Section 47](#) enquiry, a police investigation, disciplinary processes or a [complex abuse investigation](#). The meeting should ensure arrangements are made to protect the child involved, and any other children who may be affected, and appropriate support given to all children who are impacted.

Other considerations for the meeting include:

- Recommendations for suspension or equivalent
- Potential media interest
- Risk assessment of employer's safeguarding arrangements
- Timescales for future review meetings

Review meetings will:

- Review the actions from the prior meeting
- Seek updates from relevant parties and share information
- Review the support offered to the young person and the subject of the allegation
- Consider how messages are managed with media and other parties
- Set any further actions required

A final review meeting may be held at the end of the investigation process. This meeting will consider if the threshold for a referral to the Disclosure and Barring Service (DBS) has been met, will consider if there are lessons to be learnt from the process, and will record the outcome determined by the employer or the criminal and/or social work process.

Referral to the Disclosure and Barring Service (DBS).

The [Disclosure and Barring Service \(DBS\)](#) was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). The relevant legislation is set out in the [Protection of Freedoms Act 2012](#).

If an allegation is substantiated and the person is no longer working in their position (either through dismissal or resignation or some other means), the [LADO](#) should discuss with the employer whether a referral should be made to the DBS.

The duty to make a referral to the DBS may not be triggered by temporary suspension, it depends if there is sufficient information to meet the referral duty criteria. Following investigation, if the person is returned to a position working in regulated activity with children or vulnerable adults then there may not be a legal duty to make a referral. But, if a decision is made to dismiss the person or remove them from working in regulated activity, a referral needs to be made.

Regulated activity providers (employers or volunteer managers of people working in regulated activity in England, Wales and Northern Ireland) and personnel suppliers have a legal duty to refer to DBS where conditions are met. This applies even when a referral has also been made to a local authority safeguarding team or professional regulator.

If you are a regulated activity provider or fall within the category of personnel supplier, you must make a referral when both of the following conditions have been met:

Condition 1

- You withdraw permission for a person to engage in regulated activity with children and/or vulnerable adults. Or you move the person to another area of work that isn't regulated activity.

This includes situations when you would have taken the above action, but the person was re-deployed, resigned, retired, or left. For example, a teacher resigns when an allegation of harm to a student is first made.

Condition 2

You think the person has carried out one of the following:

- Engaged in relevant conduct in relation to children and/or adults. An action or inaction has harmed a child or vulnerable adult or put them at risk or harm or;
- Satisfied the harm test in relation to children and / or vulnerable adults, e.g. there has been no relevant conduct but a risk of harm to a child or vulnerable still exists; or
- Been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

Relevant conduct for children is:

- endangers a child or is likely to endanger a child
- if repeated against or in relation to a child would endanger the child or be likely to endanger the child
- involves sexual material relating to children (including possession of such material)
- involves sexually explicit images depicting violence against human beings (including possession of such images)

- is of a sexual nature involving a child.

A person's conduct endangers a child if they:

- harm a child
- cause a child to be harmed
- put a child at risk of harm
- attempt to harm a child
- incite another to harm a child.

[More information can be found on the Gov.uk website](#)

Organised abuse

Investigators should be alert to signs of organised or widespread [abuse](#) and/or the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with complex [abuse](#) procedures which, if applicable, will take priority. See [Organised and Complex Abuse Procedure](#).

Whistleblowing

All staff will be made aware of the school's whistleblowing policy and feel confident to voice concerns about the attitude or actions of colleagues.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the [LADO](#).

Outcomes of allegation investigations

Employers should take into account the following definitions when determining the outcome of allegation investigations:

1. **Substantiated:** there is sufficient identifiable evidence to prove the allegation.
2. **False:** there is sufficient evidence to disprove the allegation.
3. **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
4. **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to either prove or disprove the allegation; the term therefore does not imply guilt or innocence.
5. **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made or there is an alternative explanation being offered.

Allegations against staff outside of the workplace.

If an allegation is about a member of staff but takes place outside of their work with children, the principles outlined in these procedures still apply. These concerns will be reported to the police or social care

If an allegation or concern arises about the behaviour of a member of staff outside of their work, and this may present a risk of harm to children for whom the member of staff is responsible, the general principles outlined in these procedures still apply.

The evaluation or strategy meeting/discussion should decide whether the concern justifies approaching the employer for further information and/or inviting the employer to a further evaluation or strategy meeting/discussion about the possible risk of harm.

The [Section 47](#) strategy meeting/discussion should decide whether the concern justifies:

- A referral to the [LADO](#)
- Approaching the member of staff's employer for further information, in order to assess the level of risk of harm, and agreement of who will make this approach
- Inviting the employer to a further [Section 47](#) strategy meeting/discussion to support them in understanding and managing about dealing with the any possible transferable risk of harm.

If an allegation of [abuse](#) is against someone closely associated with a member of staff, and there is the risk of harm by association to children for whom the member of staff is responsible, a strategy meeting or a discussion should be convened held.

Disciplinary action.

Where a strategy meeting decides that police investigation or a referral to children's social care is not necessary (or an investigation is complete, or there is no charge or prosecution), the [LADO](#) and the DSL should discuss whether disciplinary action is appropriate. In the case of supply, contract and volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the [LADO](#) and employer or school (organisation contracting the agency) should support the providing agency in their investigation.

In addition, the organisation contracting the worker will decide whether to continue to use the person's services, or provide future work with children, and if not, whether to make a report to the DBS or regulatory body.

The agency will follow the principles followed by any other employer in their internal investigation.

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 checks 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. Schools and colleges have an obligation to preserve records which contain information about allegations of sexual [abuse](#) for the Independent Inquiry into Child Sexual [Abuse](#) (IICSA), for the term of the inquiry (further information can be found on the IICSA website). All other records should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

Unsubstantiated, false and malicious allegations.

False and malicious allegations are rare and may be a strong indicator of [abuse](#) elsewhere which requires further exploration. If an allegation is demonstrably false, or considered to be malicious, the employer, in consultation with the [LADO](#), should refer the matter to children's social care.

If it is established that an allegation is malicious, that is has been deliberately invented, the [LADO](#) and employer will consider if the police should be asked to consider review the case and consider what action may be appropriate.

Local Information

[Suitability assessment/Risk assessment Template](#)

[Fourth allegation criteria process flowchart](#)

[Flowchart guidance](#)

Please click below to access local information for allegations against staff or volunteers:

- [Hampshire](#)