

Viking Academy Trust



Allegations Against Staff Policy

This policy should be read alongside **Child Protection**, **Staff Code of Conduct** and **Low-Level Concern Policies**

Approved by the Trust: Term 1 2024

Last reviewed: Term 1 2026

Reviewed annually

Signed



Chair of Trust

Allegations Against Staff Policy

The Viking Academy Trust

Empowering Children Through Education: One Childhood One Chance

Schools in the Viking Academy Trust (VAT)

Chilton Primary School
Ramsgate Arts Primary School
Upton Junior School

This policy is for all the aforementioned schools. For the purpose of this policy, where the term 'school' is used, it applies to all schools part of the Viking Academy Trust and 'governing body' is the school's LAB (Local Advisory Body) or Board of Trustees.

1. Purpose

Viking Academy Trust is committed to safeguarding and promoting the welfare of children and to ensuring that allegations and concerns about adults working with children are dealt with promptly, fairly, consistently and in accordance with statutory requirements.

This policy sets out the Trust's arrangements for managing allegations and concerns about any adult who works with or provides services to children on behalf of the Trust.

The policy is designed to:

- protect children from harm;
- ensure that allegations are taken seriously and responded to without delay;
- ensure that appropriate safeguarding agencies are involved;
- ensure that adults who are the subject of allegations are treated fairly and supported appropriately;
- ensure that investigations are thorough, proportionate and fair;
- prevent unnecessary delay;
- ensure that information is shared appropriately and lawfully;
- ensure that learning from cases is identified and acted upon.

This policy should be read alongside the Trust's:

- Child Protection Policy
- Low-Level Concerns Policy
- Staff Code of Conduct
- Disciplinary Policy and Procedure
- Complaints Procedure
- Whistleblowing Policy
- Safer Recruitment Policy
- Sexual Harassment Policy

The Trust will comply with the current versions of Keeping Children Safe in Education, Working Together to Safeguard Children, relevant DBS guidance, Teaching Regulation Agency requirements and the procedures of the relevant Local Authority Designated Officer (LADO).

2. Scope

This policy applies to all adults working with or providing services to children on behalf of the Trust, whether paid or unpaid.

- teachers and teaching assistants
- headteachers and senior leaders
- Trust executive and central staff
- supply teachers
- agency workers
- contractors and subcontractors
- volunteers
- governors and trustees
- trainee teachers and students on placement
- sports coaches
- peripatetic staff
- visitors undertaking work with children
- staff employed by another organisation but working within a Trust school

The policy applies to behaviour occurring within a Trust school or workplace; during Trust activities or trips; online; in the community; and in an individual's personal life where the behaviour may indicate a risk to children or that the individual may not be suitable to work with children.

3. Allegation, low-level concern and complaint

3.1 Allegation meeting the harm threshold

An allegation is made where it is alleged that an adult working with children 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; or
- behaved, or may have behaved, in a way that indicates they may not be suitable to work with children.

Where an allegation meets any of these criteria, the Trust will refer the matter to the LADO within one working day.

3.2 Low-level concern

A low-level concern is a concern about an adult's behaviour which does not meet the harm threshold but which may indicate a need for management action, supervision, training, support or other intervention.

Low-level concerns will be managed in accordance with the Trust's Low-Level Concerns Policy. A low-level concern must not be treated as insignificant simply because it does not meet the LADO threshold.

Patterns of low-level concerns may require escalation and reconsideration under this policy.

3.3 Complaint

A complaint is an expression of dissatisfaction about the provision or quality of a service which does not itself constitute an allegation about the suitability or conduct of an adult working with children.

Complaints will normally be managed under the Trust Complaints Policy.

Where a complaint contains an allegation about an adult which meets the harm threshold, the safeguarding allegations procedure takes precedence and the LADO will be informed.

Where there is uncertainty about which procedure applies, advice will be sought from the LADO or an appropriately senior safeguarding professional.

4. Immediate action when an allegation is received

Any allegation concerning an adult working with children must be reported immediately to the Headteacher, Executive Headteacher or other designated senior leader.

The person receiving the allegation must:

1. listen carefully and objectively
2. avoid leading questions or attempting to investigate the allegation
3. record the information accurately, including the date, time, circumstances and words used where possible
4. consider whether the child is at immediate risk of harm
5. contact the police or Children's Social Care immediately where this is necessary
6. ensure that the LADO is contacted within one working day where the allegation meets the relevant threshold.

Where there is an immediate risk to a child, the Trust will take immediate safeguarding action and will not wait for a LADO meeting before acting.

The priority is the safety and welfare of the child while ensuring that the adult concerned is treated fairly.

5. Role of the LADO

The LADO provides advice, oversight and coordination in relation to allegations against adults working with children.

The Trust will inform the LADO within one working day where an allegation meets the relevant threshold.

The Trust will follow the relevant local authority LADO procedures and will cooperate fully with the LADO, police and Children's Social Care.

The LADO will advise on:

- whether the allegation meets the threshold
- whether police or Children's Social Care involvement is required
- the appropriate investigation arrangements
- whether suspension or alternative arrangements should be considered
- information sharing
- communication with the child and family
- timescales
- the conclusion and outcome of the case.

The LADO does not replace the Trust's responsibility as employer. The Trust remains responsible for its employment processes, subject to the direction and advice of the appropriate safeguarding agencies.

6. Case manager

The Trust will appoint a case manager at the earliest opportunity.

The case manager will normally be the Headteacher or Executive Headteacher.

Where the allegation concerns the Headteacher, the Executive Headteacher will be the case manager.

Where an allegation concerns the Executive Headteacher/CEO, the Chair of Trustees will oversee the appointment of an appropriately independent case manager.

Where an allegation concerns the Chair of Trustees, the Vice-Chair or another appropriate trustee will oversee the process.

The case manager will:

- liaise with the LADO
- ensure appropriate safeguarding action is taken
- coordinate the Trust's response
- obtain HR advice where appropriate
- ensure that appropriate records are maintained
- ensure that the member of staff is appropriately supported
- ensure that the investigation is fair and proportionate
- monitor progress and avoid unnecessary delay
- ensure that the outcome is appropriately recorded
- ensure that any required DBS or Teaching Regulation Agency referral is made.

The case manager must not prejudge the allegation.

7. Allegations against the DSL or safeguarding lead

Where the allegation concerns the Designated Safeguarding Lead, the allegation must immediately be reported to the Headteacher or Executive Headteacher.

The DSL must not manage or investigate an allegation concerning themselves.

Where the allegation concerns the Headteacher, Executive Headteacher or another senior safeguarding leader, the Trust will appoint an alternative person to manage the process.

The LADO will be consulted where appropriate.

8. Initial discussion and investigation

The case manager will provide the LADO with sufficient information to enable the LADO to determine the appropriate next steps.

The case manager will not undertake a detailed investigation before consulting the LADO unless immediate action is required to protect a child or preserve evidence.

Following consultation with the LADO, the case manager will establish:

- whether further enquiries are required
- who should undertake those enquiries
- whether the police or Children's Social Care should be involved
- whether disciplinary action may be required
- whether suspension or alternative arrangements should be considered
- how the child and family will be supported
- how the adult who is the subject of the allegation will be supported
- what information may be shared and with whom
- appropriate timescales.

Where the police or Children's Social Care are involved, the Trust will not compromise or interfere with their investigation.

The Trust will, where appropriate, seek to obtain consent from relevant individuals for information and statements to be shared for employment purposes, subject to the advice of the police and other agencies.

9. Informing the adult concerned

The adult who is the subject of the allegation will normally be informed of the allegation and the proposed course of action as soon as possible following consultation with the LADO. Where the police or Children's Social Care are involved, the Trust will first agree with those agencies what information may be disclosed.

The Trust will ensure that the individual:

- understands the nature of the allegation;
- knows who their case manager is;
- has a named contact for support;
- is kept appropriately informed of progress;
- is treated fairly and without pre-judgement;
- has access to appropriate HR advice and support.

The Trust recognises that allegations can be highly stressful and will consider appropriate welfare support, including occupational health, employee assistance or counselling services where appropriate.

10. Informing parents and carers

Parents or carers of the child involved will normally be informed of the allegation as soon as possible.

The timing and content of communication will be agreed with the LADO and, where applicable, the police and Children's Social Care.

The Trust will:

- provide appropriate information about the process
- keep parents/carers appropriately informed about progress
- protect the confidentiality and privacy of the adult concerned
- ensure that information relating to the adult is not unnecessarily disclosed.

Parents/carers will normally receive information about matters concerning their child but will not be provided with confidential employment information concerning the adult who is the subject of the allegation.

11. Suspension and alternative arrangements

Suspension will not be an automatic response to an allegation.

The case manager will consider whether suspension is necessary having regard to:

- the potential risk to children
- the seriousness of the allegation
- whether the allegation may constitute grounds for dismissal
- the possibility of interference with evidence
 - the impact on the investigation

- whether alternative arrangements can adequately manage the identified risk.

Before suspension is considered, the Trust will consider reasonable alternatives, which may include:

- temporary redeployment
- changes to duties
- removing unsupervised contact with children
- additional supervision
- temporary relocation to another Trust school or workplace
- working from home where appropriate
- other proportionate arrangements.

Any alternative arrangement must be based on an appropriate risk assessment.

Where suspension is considered necessary, the Trust will record the rationale and the alternatives considered.

Suspension is a neutral employment measure and must not be presented as indicating that an allegation has been substantiated.

Written confirmation of suspension will normally be provided within one working day, together with details of the individual's named contact.

The case manager will review suspension regularly and consider whether it remains necessary.

12. Supply, agency, contractor and other externally employed staff

Where an allegation concerns an individual who is not directly employed by the Trust, the Trust will still follow this policy and will retain responsibility for safeguarding children within its schools.

This includes supply teachers, agency staff, contractors, volunteers and staff employed by other organisations.

The Trust will:

- inform the relevant employing organisation where appropriate;
- notify and consult the LADO;
- establish the facts in accordance with the agreed process;
- cooperate with the employing organisation;
- ensure that appropriate safeguarding arrangements are maintained;
- consider whether the individual's access to children or Trust premises should be restricted pending the outcome;
- share relevant information lawfully and appropriately.

The Trust will not simply cease using an individual as an alternative to following the appropriate safeguarding process where an allegation has been made.

13. Timescales

The Trust will deal with allegations as quickly as possible, consistent with a thorough, fair and proportionate process.

The LADO will be informed within one working day where an allegation meets the relevant threshold.

Where the police, Children's Social Care or other agencies are involved, the Trust will work with those agencies to agree appropriate timescales.

The case manager will:

- maintain oversight of the case
- monitor progress regularly
- identify and address avoidable delays
- keep the LADO informed where appropriate
- ensure that the individual concerned is kept appropriately informed.

The Trust will not impose arbitrary timescales which could compromise the quality or fairness of an investigation.

14. Criminal investigations

Where the police are investigating a possible criminal offence, the Trust will cooperate fully with the police.

The Trust will obtain advice from the LADO and police before taking employment action which could prejudice a criminal investigation.

The Trust will retain responsibility for considering whether employment measures are necessary to safeguard children.

A criminal investigation and an employment investigation may proceed separately where appropriate.

15. Outcomes

Substantiated

There is sufficient evidence to prove the allegation.

Unsubstantiated

There is insufficient evidence to prove or disprove the allegation. An unsubstantiated outcome does not mean that the allegation was false or that the allegation was made maliciously.

Unfounded

There is no evidence or proper basis which supports the allegation being made.

False

There is sufficient evidence to disprove the allegation.

Malicious

There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm.

The Trust will ensure that these outcomes are not used interchangeably.

16. Disciplinary action

Where the outcome of the safeguarding process indicates that disciplinary action may be required, the Trust's Disciplinary Policy and Procedure will be followed.

The Trust will ensure that:

- safeguarding information is appropriately considered;
- employment procedures remain fair;
- the individual is given an appropriate opportunity to respond;
- decisions are based on evidence;
- the relevant statutory and regulatory requirements are considered.

A safeguarding allegation will not automatically result in disciplinary action.

17. Resignation or cessation of employment

Resignation, retirement, expiry of a contract or cessation of services will not prevent the Trust from completing appropriate safeguarding processes or making required referrals.

Where an individual leaves the Trust while an allegation is being investigated, the Trust will consider whether the investigation should continue and will seek advice from the LADO where appropriate.

The Trust will make any required referral to the DBS, Teaching Regulation Agency or other relevant professional regulator irrespective of whether the individual remains employed by the Trust.

The Trust will not use a settlement agreement, confidentiality clause or other arrangement to prevent or discourage:

- a safeguarding referral
- a DBS referral
- a referral to the Teaching Regulation Agency
- reporting to the police or Children's Social Care
- appropriate information sharing with safeguarding agencies.

18. DBS and Teaching Regulation Agency referrals

The Trust will consider and make referrals to the DBS where the statutory conditions for referral are met.

Where a member of teaching staff may have engaged in conduct requiring consideration of prohibition from teaching, the Trust will consider referral to the Teaching Regulation Agency in accordance with the relevant statutory requirements.

The Trust will maintain records demonstrating the basis for any referral decision.

Where the Trust is notified of an interim prohibition order or other regulatory restriction affecting an individual's eligibility to teach, it will take immediate appropriate action in accordance with the relevant requirements.

19. Allegations which are unfounded, false or malicious

Where an allegation is determined to be unfounded, false or malicious, the Trust will consider the appropriate action.

The Trust will consider whether:

- the child needs additional support
- the person who made the allegation needs support
- the allegation may have been a cry for help
- there are wider safeguarding concerns
- disciplinary action is appropriate where an allegation has been deliberately invented or maliciously made.

An unsubstantiated allegation will not be treated as false or malicious simply because there is insufficient evidence to substantiate it.

20. Confidentiality and information sharing

The Trust will maintain confidentiality and protect personal information throughout the process.

Information will only be shared with those who have a legitimate need to know, in accordance with safeguarding requirements and data protection legislation.

The case manager will take advice from the LADO, police, Children's Social Care and the Trust's Data Protection/HR advisers as appropriate.

The Trust will consider:

- who needs to know;
- what information may be shared;
- how information should be communicated;
- how speculation, gossip and leaks will be managed;
- whether information needs to be provided to the wider school community;
- how any media interest will be managed.

Confidentiality must not prevent information being shared where this is necessary to protect a child or meet a statutory obligation.

21. Record keeping

The Trust will maintain a clear and comprehensive record of every allegation that meets the harm threshold.

Records will include:

- the allegation
- the date it was received
- the people involved
- the actions taken
- advice received from the LADO and other agencies
- decisions made and the reasons for those decisions
- details of any investigation
- the outcome
- any disciplinary action
- any DBS or regulatory referral
- learning and actions arising from the case.

Records will be stored securely and confidentially.

Records of allegations which are found to be malicious or false will be dealt with in accordance with current KCSIE requirements and the Trust's records management arrangements.

Records of allegations which are unfounded or unsubstantiated will not automatically be deleted.

The Trust will comply with current statutory requirements concerning the retention of safeguarding allegations records.

22. References

Where the Trust provides an employment reference, it will comply with applicable employment and safeguarding requirements.

The Trust will not include allegations that have been found to be false, unfounded, unsubstantiated or malicious, unless there is a lawful basis and specific requirement to do so.

Where a substantiated allegation is relevant to a reference, the Trust will ensure that any information provided is factual, accurate and appropriate.

23. Non-recent allegations

Abuse can be reported regardless of how long ago it occurred.

Where an allegation is made about abuse which occurred in the past, the Trust will consider the allegation under the current safeguarding procedures and will consult the LADO in accordance with local arrangements.

Where an adult reports that they experienced abuse as a child, the Trust will support them appropriately and advise them about available routes for reporting the matter, including the police where appropriate.

Where a non-recent allegation concerns a current member of staff or other adult working with children, the Trust will consider whether the allegation meets the current harm threshold and whether LADO involvement is required.

24. Allegations concerning adults outside the Trust

Where a Trust school becomes aware of an allegation concerning an adult who works with children but is employed by another organisation, the Trust will take appropriate safeguarding action and notify the relevant organisation and LADO where required.

Where an allegation concerns an adult using Trust premises or providing an activity for children, the Trust will follow this policy and its safeguarding procedures.

The fact that the adult is not employed by the Trust does not remove the Trust's responsibility to safeguard children attending its schools or activities.

25. Whistleblowing

All staff are expected to raise safeguarding concerns.

Where a member of staff believes that a safeguarding concern or allegation has not been appropriately addressed, they should raise the matter with the Headteacher, Executive Headteacher or another appropriate senior leader.

Where this is not appropriate, or where the concern relates to the senior leader concerned, staff may use the Trust's Whistleblowing Policy.

Staff will not be prevented from raising concerns with an appropriate external safeguarding agency where this is necessary.

No member of staff will be subjected to detrimental treatment for raising a genuine safeguarding concern in accordance with the Trust's procedures.

26. Supporting the child

The welfare of the child remains the central consideration throughout the process.

The Trust will consider whether the child requires:

- immediate safeguarding action;
- additional pastoral support;
- access to appropriate professional support;
- changes to their educational arrangements;
- support in understanding what is happening;
- measures to prevent further contact with the adult concerned where necessary.

The Trust will avoid requiring a child to repeat their account unnecessarily.

Any investigation involving a child will be undertaken in accordance with safeguarding and multi-agency procedures.

27. Supporting the adult who is the subject of the allegation

The Trust recognises that an allegation can have a significant impact on an individual's wellbeing and professional life.

The Trust will ensure that the individual has:

- a named contact
- appropriate information about the process
- access to HR support

- access to appropriate wellbeing support
- information about relevant professional or trade union representation
- appropriate updates during the process.

Support will be provided without prejudging the outcome of the allegation.

28. Return to work following suspension

Where an individual returns to work following suspension, the case manager will consider how best to facilitate the return.

This may include:

- a return-to-work meeting
- temporary adjustments to duties
- additional supervision
- support for the individual
- arrangements concerning contact with the child or children involved
- communication with relevant staff on a strictly need-to-know basis.

The Trust will seek to minimise unnecessary stigma or speculation while maintaining appropriate safeguarding arrangements.

29. Learning and review

Following the conclusion of an allegation, the case manager will consider whether there are lessons for the Trust.

This may include consideration of:

- safeguarding procedures
- staff training
- supervision
- communication
- staffing arrangements
- risk assessment
- the use of suspension
- management practice
- reporting arrangements
- whether similar concerns may have been missed previously
- whether the Trust's policies require amendment.

Where appropriate, learning will be shared across the Trust without identifying individuals unnecessarily.

The Trust will consider whether any learning should be incorporated into safeguarding training, staff induction, supervision or policy review.

30. Governance and oversight

The Board of Trustees retains overall responsibility for ensuring that the Trust has effective arrangements for managing safeguarding allegations.

The Trust will ensure that:

- allegations are managed by appropriately senior staff

- LADO procedures are followed
- statutory referrals are made where required
- appropriate records are maintained
- safeguarding arrangements are reviewed
- learning is acted upon.

The Board of Trustees will receive appropriate assurance about the Trust's management of allegations without being given unnecessary confidential personal information.

Where an allegation concerns a senior Trust leader or trustee, the Trust will ensure that appropriate independence and governance arrangements are put in place.

Related Policies

- Child Protection Policy
- Low-Level Concerns Policy
- Staff Code of Conduct
- Disciplinary Policy
- Complaints Procedure
- Whistleblowing Policy
- Safer Recruitment Policy
- Sexual Harassment Policy