CITY OF LONDON
PRIMARY ACADEMY
ISLINGTON

# Allegations of Abuse against Staff
# Policy and Procedure

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| Responsibility: | Full Governing Body |
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**Introduction**

1.1This policy is underpinned by the Statutory Guidance: Keeping children Safe in Education September 2026 and is about managing cases that might indicate a person is unsuitable to continue working with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a teacher, including supply teachers, other staff, volunteers and contractors of the school 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 s/he is unsuitable to work with children.
- Behaved towards a child or children in a way that indicates s/he may pose a risk of harm to children.

**2. Allegations against Staff**

2.1 All allegations should be reported to the Head Teacher as soon as practically possible. In the absence of the Head Teacher the report should be given to the CEO. If the Head Teacher is the subject of an allegation, then the report should be given straight to the CEO and the Chair of Governors. Allegations against a teacher who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police.

2.2 If the allegation meets any of the criteria above then it should be reported straight away to the Local Authority Designated Officer (LADO) and they will be responsible for providing advice and monitoring cases.

2.3 There may be up to 3 strands in the consideration of an allegation:

- 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
- Consideration by the school of disciplinary action in respect of the individual. (Where the person is not employed directly by the school, this may include joint action with another organisation e.g. Supply teacher agency).

2.4 Some cases it may also need to be reported to the Disclosure and Barring Service (DBS) for consideration whether or not to bar the individual, or in cases of serious misconduct consideration by the Secretary of State about issuing a prohibition order.

**3. Supporting those involved**

3.1 Parents or Carers of a child or children involved must be told about the allegation as soon as possible if they do not already know of it. They should also be informed about the progress of the case and told the outcome where there is not a criminal prosecution. Parents/Carers must be told the outcome of any disciplinary process, in confidence, but not the deliberations or the details of the case.

3.2 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, Children's Social Care, or the police, as appropriate, should consider what support the child involved may need.

3.3 The School must also be sensitive to the needs of the person who is the subject of the allegation keeping them informed of the progress of the case and consider what other support is appropriate for the individual. If the person is suspended, it must be clear that this without prejudice and the school should make arrangements to keep the individual informed about developments. If the person is a member of a union or professional association, they should be advised at the outset to contact that body for advice and support.

**4. Confidentiality**

4.1 Every effort should be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated/considered.

4.2 Restrictions under the Education Act 2002 prevent the publication of any material that may lead to the identification of the individual 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.

Additionally, the reporting restrictions will cease to apply 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.

**5. Resignations or "Settlement Agreements"**

5.1 The fact that a person tenders their resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures. 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.

5.2 So called "settlement agreements" by which a person agrees to resign, the school agrees not to pursue disciplinary action, and both parties agree a format of words to be used in any future reference, must not be used in these cases. If such an agreement is made then it will not prevent a thorough police investigation where that is appropriate. Nor can it over ride the statutory duty to make a referral to the DBS where circumstances require that.

**6. Record Keeping**

6.1 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 any allegation is made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached. This will be kept on a person's confidential personnel file, and a copy provided to the person concerned. The record must be retained at least until the person reaches normal retirement age or from a period of 10 years form the date of the allegation if that is longer.

**7. Time Scales**

7.1 Cases must be resolved as quickly as possible consistent with a fair and thorough investigation. Indicative timescales are given in section 9 below.

**8. Oversight and Monitoring**

8.1 Local Authorities with responsibilities for schools should have a named senior officer who has overall responsibility for oversight of the procedures for dealing with allegations; for resolving inter-agency issues, and for liaison with the Local Safeguarding Children Board (LSCB) on the subject.

8.2 In addition, the LADO should also be involved in the management and oversight of individual cases. This person will provide advice and guidance to the Academy, in addition to liaising with the Police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.

8.3 The police have an identified officer who will have strategic oversight of the arrangements and ensure compliance.

**9. Procedures for dealing with allegations against Staff**

9.1 Initial consideration

9.1.1 The LADO will discuss the matter with the Head Teacher and where necessary obtain further details of the allegation and the circumstances in which it was made. (NB. The Head Teacherl should not investigate the allegation at this stage.) The discussion should also consider whether there is evidence/information that establishes that the allegation is false or unfounded.

9.1.2 If the allegation is not patently false and there is a 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 be convened straight away. In those circumstances the strategy discussion should include the LADO and the Head Teacher, with HR support.

9.1.3 If there is not cause to suspect that "significant harm" is an issue, but a criminal offence may 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 should also involve the school and any other agencies involved with the child.

9.1.4 The possible risk of harm to the child or children posed by an accused person needs to be effectively evaluated and managed. In some cases, this will require the school to consider suspending the person until the case is resolved. Suspension will be considered in any case where there is cause to suspect a child is at risk of significant harm, in order to protect the adult concerned, or the allegation warrants investigation by the police, or is so serious that it may be grounds for dismissal. However, a person will not be suspended automatically, or without careful thought. The Head Teacher will decide whether the circumstances of the case warrant a person being suspended from contact with children until the allegation is resolved, and may wish to seek advice from their personnel advisor. The Head Teacher will also consider whether the result that would be achieved from suspension could be obtained by alternative arrangements.

9.1.5 Neither the local authority nor the police or children's social services can require the school to suspend a member of staff or a volunteer. The power to suspend is vested in the Head Teacher, the CEO and the Governing Body of the Schools. However, the LADO will canvass police/social care views to inform the school's consideration of suspension.

**9.2 Action following initial consideration**

9.2.1 Where the initial consideration decided the allegation does not involve a possible criminal offence it will be for the employer to deal with it. In such cases, if the nature of the allegation does not require formal disciplinary action, the Head Teacher should institute appropriate action within 3 working days. If a disciplinary hearing is required the Head Teacher should refer to the school's Disciplinary Policy.

9.2.2 Where further investigation is required to inform consideration of disciplinary action the Head Teacher should follow the school's Disciplinary Policy for instigating investigations, and may discuss who will undertake the investigation with the LADO. In any case the investigating officer should aim to provide the report to the employer as soon as practicable.

9.2.3 On receipt of the report of the disciplinary investigation, the Head Teacher and CEO will consult with the LADO, and decide whether a disciplinary hearing is needed within 2 working days. If a hearing is needed it should be held in accordance with the School's Disciplinary Policy.

9.2.4 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 Head Teacher and CEO should take equal account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

9.2.5 The LADO should continue to liaise with the Academy to monitor progress of the case and provide advice/support when required/requested.

**9.3 Case subject to police investigation**

9.3.1 If a criminal investigation is required the police will aim to complete their enquiries as quickly as possible consistent with a fair and thorough investigation and will keep the progress of the case under review. A target date for reviewing progress of the case should be set at the outset. Wherever possible the review should take place no more than 4 weeks after the initial action meeting and, if the decision is to continue to investigate the allegation, dates for subsequent review should be set at that point.

9.3.2 If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by Court, the police and children's social care should pass on all the relevant information to the employer within 3 working days of the decision. In those circumstances the employer and the LADO should proceed as in paragraph 9.2 above.

9.3.3 If the person is convicted of an offence, the police should inform the employer straightaway so that appropriate action can be taken.

**10. Action on conclusion of a case**

10.1 If on conclusion of the case if the school ceases to use the person's services, or the person ceases to provide their services, the school should consult with the LADO about whether a referral to the DBS and/or National College for Teaching and Learning is required. If a referral is appropriate the report should be made within one month.

10.2 There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

10.3 In cases where it is decided on the conclusion of the case that a person who has been suspended can return to work the Head Teacher will meet with the member of staff concerned and agree how to facilitate a phased return and/or the appropriate provision of a mentor to provide assistance. Also giving due consideration to the person's future contact with the child or children and to consider procedures or practice to help prevent similar events in the future.

11. Action in respect of a false allegation

11.1 If an allegation is determined to be false, the LADO should refer the matter to social care to determine whether the child concerned is in need of services, or may have been abused by someone else. In the rare event that an allegation is shown to have been deliberately invented or malicious, the Head Teacher will consider disciplinary action against the pupil who made it.