



# EBOR ACADEMY TRUST

**Policy Number**

**33a**

## ALLEGATIONS AGAINST STAFF POLICY

Ebor Academy Trust works closely with Trade Union Partners to develop and implement a fair and effective suite of people policies. Please seek advice from your trade union representative if you require support with this policy. If you are not a member of a trade union, please visit the Union tab or HR Self-service. Ebor Academy Trust welcomes Trade Unions to support staff throughout the processes associated with this policy.

<b>Approved By:</b>	<b>CEO</b>
<b>Approval Date:</b>	<b>July 2025</b>
<b>Review Period:</b>	<b>1 year</b>
<b>TU Consultation Date:</b>	<b>June 2025</b>
<b>Equality Impact Assessment:</b>	<b>July 2025</b>
<b>Effective From:</b>	<b>1<sup>st</sup> September 2025</b>
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<b>Related Policies:</b>	<b>Staff Code of Conduct, Disciplinary, Safeguarding</b>

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## INCLUSION

Ebor Academy Trust is committed to:

- Promoting equality and diversity in its policies
- Delivering high quality teaching and services that meet the diverse needs of its children and workforce, ensuring that no individual or group is disadvantaged
- The application and outcomes from this policy will be monitored to ensure staff are treated equitably when approaching, taking and returning from family leave, and that they are not disadvantaged by taking family leave or having caring responsibilities.

**1 Aims:**

This policy is intended to ensure that any allegations of abuse made against a member of staff in our schools will be dealt with thoroughly and efficiently, maintaining the highest level of protection for the child whilst ensuring that a fair process is applied without prejudice but with support for the subject of the allegation. The Trust recognises the commitment of our colleagues and through the fair applications of this policy, aims to protect and support them during times of challenge while allegations are investigated.

In the case of an allegation against the Headteacher, the Executive Headteacher (or their designated representative) is responsible for ensuring the process is followed.

Note: See safeguarding policy for details of relevant legislation. This policy is non-contractual.

Related Policies: Staff Code of Conduct, Disciplinary, Safeguarding

**2 Proactive measures to promote safeguarding and protect our staff**

All staff members will undertake safeguarding and child protection training at induction, including on whistle-blowing procedures and online safety, to ensure they understand the school's safeguarding systems and their responsibilities, and can identify signs of possible abuse, exploitation or neglect.

This training will be regularly updated and will:

- Be integrated, aligned and considered as part of the whole-school safeguarding approach and wider staff training, and curriculum planning
- Be in line with advice from the 3 safeguarding partners
- Include online safety, including an understanding of the expectations, roles and responsibilities for staff around filtering and monitoring
- Have regard to the Teachers' Standards to support the expectation that all teachers:
- Manage behaviour effectively to ensure a good and safe environment
- Have a clear understanding of the needs of all pupils

All staff will have training on the government's anti-radicalisation strategy, Prevent, to enable them to identify children at risk of becoming involved with or supporting terrorism, and to challenge extremist ideas.

Staff will also receive regular safeguarding and child protection updates, including on online safety, as required but at least annually (for example, through emails, e-bulletins and staff meetings).

When an allegation is made against our staff, the member of staff will be advised as soon as is reasonably possible. Sources of support and advice will be recommended, and staff will be encouraged to contact their Trade Union Representative at the earliest opportunity.

**3 Cases where the harm threshold is likely to be met:**

This section applies to cases in which it is alleged that a current member of staff has:

- Behaved in a way that has harmed a child, or may have harmed a child, and/or
- Possibly committed a criminal offence against or related to a child, and/or
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children, and/or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children – this includes behaviour taking place both inside and outside of school

If we're in any doubt as to whether a concern meets the harm threshold, we will consult our local authority designated officer (LADO).

## This policy is part of the Ebor People Policy Suite

Please refer to Self Service HR for the latest version of this and other Ebor People Policies

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

A 'case manager' will lead any investigation. This will be the headteacher, or the Executive Head where the headteacher is the subject of the allegation. The case manager will be identified at the earliest opportunity.

The standard Ebor Investigations template (See Appendix 2) should be used to ensure that a comprehensive, fair and objective investigation takes place and that all necessary details are recorded.

Our procedures for dealing with allegations will be applied with common sense impartiality and fair judgement.

If we receive an allegation of an incident happening while an individual or organisation was using the school premises to run activities for children, we will follow our safeguarding policies and procedures and inform our LADO.

Many cases may well either not meet the criteria set out above at all or may do so without warranting consideration of a police investigation or enquiries by Local Authority Children's Services. In these cases, internal arrangements should be followed to resolve cases quickly and without delay.

### Suspension of the accused until the case is resolved

Suspension of the accused 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 there 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.

The suspension and redeployment risk assessment (See Appendix 1) will be used to determine whether it is appropriate to suspend or redeploy staff. Use of this risk assessment does not automatically imply that disciplinary action will follow.

If a member of staff is to be suspended or redeployed, the decision must be taken by the Head Teacher or Executive Head, along with the approval of the Chief Executive Officer.

### 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, or to cause harm to the subject of the allegation
- **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 that supports the allegation being made

In cases where the outcome of the investigation is **Substantiated**, the matter will be considered under the Trust's disciplinary policy. The investigation template will be used, and the process will integrate at section 4.3 of the Disciplinary Policy.

Where the Police are investigating an allegation, a Trust internal investigation and subsequent action under the disciplinary policy is normally held in abeyance until the outcome is known. However, in consultation with the Police an internal investigation may be conducted in parallel. This will be determined on a case-by-case basis.

Actions under the Trust's safeguarding policy will take place to ensure that the reporting requirements of LADO, DBS, Police, NCTL and other relevant authorities are met. Stakeholders including parents, carers and children's social care agencies will be included in the relevant safeguarding procedures via the agreed channels of communication outlined in the safeguarding policy.

### **Procedure for dealing with allegations**

In the event of an allegation that meets the criteria above, the case manager will take the following steps:

- Conduct an investigation in line with Ebor investigation process to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below
- 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 local authority 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 local authority children's social care services, where necessary). Where the police and/or local authority 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 local authority children's social care services, as appropriate
- Where the case manager is concerned about the welfare of other children in the community or the individual's family, they will discuss these concerns with the DSL and make a risk assessment of the situation. If necessary, the DSL may make a referral to local authority children's social care
- Provide effective support for the individual facing the allegation or concern, Confidential and independent support and advice will be available to staff via the Employee Assistance Programme (EAP). Details of the EAP service can be found on HR Self Service.

### **Further Considerations:**

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 school 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.

### **Timescales**

We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable:

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious should be resolved within 10 days
- If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken within 10 days
- If a disciplinary hearing is required and can be held without further investigation, this should be held under the timescales outlined in the disciplinary policy.

However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

### **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 local authority 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 school will 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 school will consider 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, unfounded, false or malicious reports**

If a report is:

- Determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to local authority children's social care may be appropriate
- Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it

### **Unsubstantiated, unfounded, false or malicious allegations**

If an allegation is:

- Determined to be unsubstantiated, unfounded, false or malicious, the LADO and case manager will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to local authority children's social care may be appropriate
- Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made it

## **4 Supply teachers and contracted staff**

If there are concerns or an allegation is made against someone not directly employed by the school, such as a supply teacher or contracted staff member provided by an agency, we will take the actions under the Trust Safeguarding policy.

**This policy is part of the Ebor People Policy Suite**  
**Please refer to Self Service HR for the latest version of this and other Ebor People Policies**

When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary.

## **5 Confidentiality and information sharing**

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 LADO, police and local authority 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 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

## **6 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.

The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file).

For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Notes of any action taken, decisions reached and the outcome
- A declaration on whether the information will be referred to in any future reference

In these cases, the school will provide a copy to the individual, in agreement with local authority children's social care or the police as appropriate.

We will retain all records at least until the accused individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

## **7 Concerns that do not meet the harm threshold**

This section is based on 'Section 2: Concerns that do not meet the harm threshold' in part 4 of Keeping Children Safe in Education.

This section applies to all concerns (including allegations) about members of staff which do not meet the harm threshold set out in section 1 above.

Concerns may arise through, for example:

- Suspicion
- Complaint
- Safeguarding concern or allegation from another member of staff
- Disclosure made by a child, parent or other adult within or outside the school
- Pre-employment vetting checks

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We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

### **Definition of low-level concerns**

The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the school may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, **and**
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority

Examples of such behaviour could include, but are not limited to:

- Being overly friendly with children
- Having favourites
- 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
- Humiliating pupils

### **Sharing low-level concerns**

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to confidentially share low-level concerns so that they can be addressed appropriately.

We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- Empowering staff to share any low-level concerns
- Empowering staff to self-refer
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in the school's safeguarding system

### **Responding to low-level concerns**

If the concern is raised via a third party, the headteacher will collect evidence where necessary by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously
- To the individual involved and any witnesses

The headteacher will use the information collected to categorise the type of behaviour and determine any further action, in line with the Staff Code of Conduct. The headteacher will be the ultimate decision-maker in respect of all low-level concerns, though they may wish to collaborate with the DSL / Trust safeguarding lead.

Please refer to the safeguarding policy

### **Record keeping**

All low-level concerns will be recorded in writing using the Ebor low level concerns log (Appendix 3). In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

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Records will be:

- Kept confidential, held securely and comply with the Data Protection Act 2018 and the UK GDPR
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harm threshold as described in section 1 of this appendix, we will refer it to the designated officer at the local authority
- Retained at least until the individual leaves employment at the school

Where a low-level concern relates to a supply teacher or contractor, or other adult non-staff member, please refer to the safeguarding policy.

## 8 **References**

We will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues that would ordinarily be included in a reference, such as misconduct or poor performance

When providing employer references, we will:

- Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations that have all been found to be false, unfounded, unsubstantiated or malicious
- Include substantiated allegations, provided that the information is factual and does not include opinions

**APPENDIX 1 PRECAUTIONARY ACTION CHECKLIST**

[CLICK TO DOWNLOAD THE EBOR SUSPENSION AND REDEPLOYMENT CHECKLIST](#)

**APPENDIX 2 Ebor Investigation Template**

[CLICK THIS LINK TO DOWNLOAD THE EBOR STANDARD INVESTIGATION TEMPLATE](#)

**APPENDIX 3**

**Staff Low Level Concern Log**

Staff member who the concern refers to: .....

Staff member making the complaint: .....

Are you happy for your name to be shared with the staff member this log relates to: YES / NO

Date: \_\_\_\_\_

Nature of concern: (inappropriate language, unprofessional behaviour)

Outline of incident: (continue on additional sheets if necessary)

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Action Taken:

By:

Date: