OXFORDSHIRE COUNTY COUNCIL

Dealing with Allegations Against Staff and Volunteers

Kirtlington CE Primary School

Produced in line with Keeping Children Safe in Education 2026

Kirtlington
C.E. School

Date agreed and ratified by Governing Body: October 2026
Review date: October 2027

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1. Introduction

Despite all efforts to recruit safely there will be occasions when allegations of abuse by staff or volunteers against children are raised.

It is essential that any allegation of abuse made against a teacher or other member of staff (including supply staff, volunteers or a governor of the school) is dealt with fairly, quickly and consistently, in a way that provides effective protection for the child, and at the same time supports the person who is the subject of the allegation.

Our school is committed to maintaining a strong culture where all concerns about adults working with children are recognised, responded to promptly and managed fairly. Throughout any allegation process, the welfare of the child remains paramount, while ensuring staff are treated fairly, consistently and in accordance with statutory guidance.

This procedure has been developed in accordance with:

- Working Together to Safeguard Children
- The Children Act
- Education Act
- Keeping Children Safe in Education (KCSiE)
- Guidance for Safer Working Practice

2. Thresholds for allegations

Our school creates and maintains a culture where concerns about adults working with children can be shared, openly, promptly and without fear of reprisals.

These procedures should be applied when there is an allegation that any person who works in regulated activities with children, in connection with their employment or voluntary activity, with the children's workforce 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.**

Allegations can be made in relation to restrictive physical interventions and restraint but can also relate to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see Sexual Offences Act 2003).

- 'Grooming' i.e. meeting a child under 16 with intent to commit a relevant offence (Sexual Offences Act 2003).
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text/e-mail messages or images, gifts, socialising etc.
- Possession of indecent images/pseudo-photographs of children.

In addition, these procedures should be applied when there is an allegation that any person who works with children:

- Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon or indecent images of children. Where the individual is a parent or carer, their own child becomes subject to child protection procedures, and/or they and their family become involved with social care for safeguarding reasons.

- Is closely associated with someone in their personal lives (e.g. partner, member of the immediate family or other household member) who may present a risk of harm to children.

This policy should be followed where a person's employment is covered by the Childcare Act 2006 (See definition in the statutory guidance) and:

Is living in the same household where another person who is disqualified lives or is employed - a person is disqualified if they are 'found to have committed' an offence which is included in the 2009 Regulations updated July 2018 (a 'relevant offence').

It is also important to note that, whilst not specifically covered by statutory guidance, the risks associated with the wider family and close associates of the member of staff may also need to be considered.

This policy should be followed where allegations are made against a 16 and 17-year-old who has been put in a position of trust by an organisation in relation to anyone under the age of 18. For example, where they might be involved in coaching a sport or in another school, out of school activity or undertaking training and work placements.

The policy for dealing with allegations needs to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above or may do so without warranting consideration of either a police investigation or Section 47 child protection enquiries by Local Authority children's social care services. In these cases, our school would follow their safeguarding and other relevant policies to resolve cases without delay.

The difference between an allegation and a low-level concern

It might not be clear whether an incident constitutes an 'allegation'. It is important to remember that in order to be an allegation the alleged incident has to be sufficiently serious as to suggest that harm has or may have been caused to a child/ren or that the alleged behaviour indicates the individual may pose a risk of harm to children. Issues that do not meet this threshold may

constitute conduct, performance or disciplinary issues and should be addressed by our school using the appropriate organisations policies. If in doubt, our school will consult with the LADO.

If it is difficult to determine the level of risk associated with an incident our school will consider:

- Was the incident a disproportionate or inappropriate response in the context of a challenging situation?
- Where the incident involved an inappropriate response to challenging behaviour, had the member of staff had training in managing this?
- Does the member of staff understand that their behaviour was inappropriate and express a wish to behave differently in the future? For example, are they willing to undergo training?
- Does the child or family want to report the incident to the police, or would they prefer the matter to be dealt with by the employer?
- Have similar allegations previously been made against the employee – is there a pattern developing?

Incidents which fall short of the threshold could include an accusation that is made second or third hand (by someone who did not witness the alleged incident) and the facts are not clear, or the member of staff alleged to have done this was not there at the time, or there is confusion about the account.

Whether an incident constitutes an allegation and hence needs to be dealt with through these policies, may need to be discussed between the LADO and our school. If it falls short of this threshold there may still be a role for the LADO to provide advice and support to our school. Where the matter constitutes a conduct or performance issue, our school should follow the appropriate disciplinary procedures and let the LADO know of the outcome.

Oxfordshire LADO have a consultation referral document that supports LADO in triaging whether the referral meets the allegation threshold or is a low-level concern. Our school will use the LADO consultation form to support our decision making.

3. Roles and Responsibilities

Roles and responsibilities for all organisations

Allegations about staff should be reported to the Headteacher or the manager of the setting and if that person is not available the matter should be referred to a Deputy Headteacher. If the Headteacher or manager wishes to delegate the allegation to another member of staff to investigate, this would need to be a staff member on the senior leadership team. Our school will:

- Seek advice from the LADO regarding incidents where it is unclear whether it is an allegation or a low-level concern.
- Report all allegations of harm to the LADO within one working day of when the incident occurs/when the disclosure is made.

Our school recognises that effective management of allegations requires timely information sharing and effective multi agency working between the school, the LADO, children's social care, the police and any other relevant agencies, in accordance with Working Together to Safeguard Children.

Organisations or individuals using school premises

If our school receives an allegation relating to an incident that happened within an external club or activity within the school premises, we will follow our safeguarding policies and procedures, including informing the Local Authority Designated Officer (LADO).

Whistleblowing

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

Roles and responsibilities for Local Authorities

Oxfordshire has a team of LADOs to:

- Assess and review referrals and decide if an allegation meets the Harm threshold.
- Manage and have oversight of individual cases.
- Provide advice and guidance to employers and voluntary organisations.
- Liaise with the police and other agencies.
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.
- Provide advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS), Teaching Regulation Agency (TRA) and regulatory bodies such as Ofsted.

Our school understands that the LADO does not carry out investigations into allegations and will remain impartial. The responsibility for the investigation remains with the employer (or whoever is commissioned by the employer to investigate the process) and/or the Police.

The LADO can provide advice and, where necessary, co-ordinate the process.

Supply teachers and contracted staff

In some circumstances schools and colleges will have to consider an allegation against an individual not directly employed by them; for example, supply teachers, trainee teachers or contracted staff provided by an employment agency or business. Where this applies, our school will share safeguarding responsibilities with the employing agency or business. Our school will remain responsible for gathering the facts and managing the safeguarding process, while working closely with the employing agency or business, who will usually lead on any disciplinary action.

Whilst our school is not the employer of supply teachers, we are still responsible for ensuring that allegations are dealt with properly. Our school will liaise with the LADO to determine a suitable outcome, and we will discuss with the supply agency, including where the supply teacher works across more than one school or college, whether suspension or temporary redeployment is appropriate while the investigation is undertaken.

Agencies should be fully involved and co-operate with any enquiries from the LADO, Police and/or Local Authority children's social care. Our school will usually take the lead on handling allegations to ensure that all appropriate action is taken. This is because agencies do not have direct access to children or other school or college staff and are therefore unable to gather the facts when an allegation is made or hold all the relevant information required by the LADO as part of the referral process.

The supply teacher should be advised to contact their trade union representative, where they have one, or a colleague for support. Any allegations management meeting arranged by the LADO should consider information sharing between the school and agency, including whether the agency is aware of any previous concerns or allegations which should be considered as part of the investigation.

When using a supply agency, our school will ensure the agency is informed of the school's process for managing allegations and will take account of the agency's own relevant policies and its duty, as a personnel supplier, to make referrals to the Disclosure and Barring Service (DBS) where appropriate. The agency's Human Resources Manager, or equivalent, should be invited to relevant meetings and kept appropriately informed throughout the process.

Where a concern or allegation relates to a trainee teacher placed within our school, these arrangements will also apply. The relevant teacher training provider will be expected to follow the same procedures as supply agencies.

Roles and responsibilities for the Police

An investigation into the allegation is normally carried out by the local authority area in which the allegation occurred in e.g. criminal allegations will be investigated by the Police and non-criminal allegations will be investigated in the first instance by the school. This will be agreed at the initial evaluation stage. Where the School is not conducting the investigation, it will cooperate with investigative agencies. The investigation will be overseen by the Local Authority Designated Officer (LADO). Internal investigations may need to be delayed until the external investigation is completed, the LADO will support with liaison between the Police and School for this to be agreed.

Police bail

Police will make an informed decision on making an arrest based on the information known at the time. If an arrest is justified, and following the custody process, the officer in the case will consider if the threshold for bail conditions has been met and either release the suspect on bail with conditions or release under investigation (RUI) without conditions. The decision to arrest is

not always an accurate reflection of the risk posed, and any decisions around management of the suspect and arrest/interview should be shared with the LADO for ongoing risk management.

4. Responding to an allegation or concern – the role of the employer

An allegation or concern raised about a member of staff may arise from a number of sources, for example, a report from a child, a concern raised by another adult in the organisation or a complaint by a parent. It may also arise in the context of the member of staff and their life outside work or at home.

Initial action by person receiving or identifying an allegation or concern

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind. They should not:

- Investigate or ask leading questions.
- Make assumptions or offer alternative explanations.
- Promise confidentiality.

They should follow our school procedures, which should include the following:

- Making a written record of the information (where possible in the child's/adult's own words), including the time, date and place of incident/s, persons present and what was said.
- Signing and dating the written record.
- Immediately reporting the matter to the Headteacher or the Deputy Headteacher in their absence or where the Headteacher is the subject of the allegation report to the Chair of Governors.
- A "case manager" will lead any investigation. The case manager will be appointed by the Headteacher or Chair of Governors.
- Our school will undertake an immediate risk assessment which involves ensuring immediate safety of the child and/or children and seeking medical attention if required.

Initial action by the Headteacher /employer

When informed of a concern or allegation at our school, the Headteacher /Case Manager will not investigate the matter but will gather initial information and liaise with the LADO.

As part of the process the Headteacher /Case Manager will:

- Obtain written details of the concern/allegation, signed and dated by the person receiving it (not the child / adult making the allegation or the alleged person).
- Record any information about times, dates and location of incident/s and names of any potential witnesses.
- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

Notifying the LADO within one working day of an allegation

The Headteacher /Case Manager at our school will inform the LADO within one working day after an allegation is made and prior to any further investigation taking place. A failure to report an allegation in accordance with procedures is a potential disciplinary matter as this could place a child at further risk of harm.

- If it is outside of normal working hours and there is an immediate risk to a child/ren our school will call the Local Authority Children's Social Care Emergency Duty Team and the Police, if necessary.
- Our school will carry out a risk assessment. This will include ensuring safety, identifying a safety plan and any potential organisational risk.

Contact numbers:

LADO - LADO.safeguardingchildren@oxfordshire.gov.uk / 01865 810603 EDT – 0800 833 408

Suspension – when it should be considered

Our school will not suspend a member of staff without serious consideration and will not do it automatically when an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working. Our school is responsible for the decision to suspend an employee but will listen to the views of the police, other agencies and/or LADO regarding suspension. In the case of suspension, the employee will receive written confirmation of the reason for the suspension. Our school will complete the LADO Suspension Risk assessment to help inform decision making.

6. Outcomes Following an Investigation

The following definitions should be used by the investigator when determining the outcome of allegation investigations:

- **Substantiated allegations**

There is sufficient evidence to prove the allegation that a child has been harmed or there is a risk of harm.

- **Malicious**

There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive. The police should be asked to consider what action may be appropriate in these circumstances.

- **False allegations**

There is sufficient evidence to disprove the allegation, however, there is no evidence to suggest that there was a deliberate intention to deceive.

- **Unsubstantiated allegations**

There is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

- **Unfounded**

There is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

Outcome Letter

Our school will put the outcome and recommendations in writing to the alleged person and share with the LADO.

References

It is noted in Keeping Children Safe in Education that cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious will not be included in our school references.

Substantiated allegations will be included in references, provided that the information is factual and does not include opinions. A timeframe for this may be agreed on a case-by-case basis.

Record keeping in relation to the outcome of an investigation

Details of allegations, following an investigation, that are found to have been malicious or false should be removed from personnel records unless the individual gives their consent for retention of the information. However, for all other allegations, it is important that the following information is kept on the file of the person accused:

- 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 the outcome i.e substantiated, unsubstantiated etc
- a copy provided to the person concerned, where agreed by children's social care or the police and
- a declaration on whether the information will be referred to in any future reference.

Where records contain information about allegations of sexual abuse, these will be preserved for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. Our school will retain all other 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.

Substantiated Outcomes

If the allegation is substantiated and the individual is dismissed or our school ceases to use their services, or the individual resigns or otherwise ceases to provide their services, our school will make a referral to the DBS for consideration of whether inclusion on the barred lists is required. There is a legal requirement for employers to make a referral to the DBS where they consider 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.

If the individual concerned is a member of teaching staff, our school will consider whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

Ofsted should be informed of any allegation or concern made against a member of staff in any day care establishment for children under 8 or against a registered child minder. They should also be invited to take part in any subsequent meeting/discussion.

Ofsted will also be informed if there is an allegation against a teacher or worker in a reception class or an early year setting.

7. Disciplinary or Suitability Process and Investigation

The Designated Officer and the Headteacher /Case Manager should discuss whether disciplinary action is appropriate in all cases where:

- It is clear at the outset or decided in the POT meeting that a Police investigation or Local Authority children's social care services enquiry is not necessary or
- Our school is informed by the Police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.

The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:

- Information provided by the Police and/or Local Authority children's social care services
- The result of any investigation or trial
- The different standard of proof in disciplinary and criminal proceedings.

The investigation and any subsequent disciplinary hearing should be held in accordance with our school's disciplinary policy and procedure with the support of Human Resources (HR).

For supply staff, the process described above will be the responsibility of the supply agency and not the school.

Resignations and settlement agreements

Every effort should be made to reach a conclusion in all cases even if the individual refuses to co-operate, having been given a full opportunity to answer the allegation and make representations.

Settlement agreements, by which a person agrees to resign if the employer agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference, will **not** be used where there are allegations that indicate the person is a risk or poses a risk of harm to children or deemed not suitable to work with children.

Such an agreement will not prevent a thorough Police and/or school or employer investigation where that is appropriate.

Our school will not cease our investigations if the person leaves, resigns or ceases to provide their services. We will ensure that every effort is made to reach a conclusion in all cases of allegations bearing on the safety and welfare of children, including any in which the person concerned refuses to cooperate.

Returning to work

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Headteacher /HR will consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. The Headteacher /HR will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still attending the school.

8. General responsibilities when investigating an outcome

Support to the child and family involved

Our school, together with LA children's social care and/or Police, where they are involved, will consider the impact on the child concerned and provide support as appropriate. Liaison between the agencies should take place to ensure that the child's needs are addressed. The wishes, feelings and lived experience of the child will be considered throughout the process ensuring safeguarding decisions remain child centred.

Keeping parents/carers and children informed

Parents or carers of the child or children involved should be:

- formally told about the allegation as soon as possible. The case manager should consult the LADO and where involved, Local Authority children's social care and/or the Police on what information can be disclosed.
- kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member.
- made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress.

The parent and the child, if sufficiently mature, should be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome, as appropriate, where there is no criminal prosecution.

Responsibilities to employees/volunteers alleged to have caused harm

Support to the accused member of staff

As soon as possible after an allegation has been received, the accused member of staff should be advised to contact their union or professional association. HR should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's occupational health or employee welfare arrangements.

Keeping the accused member of staff informed

Subject to restrictions on the information that can be shared, our school should, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g. disciplinary action and dismissal, referral to the DBS or regulatory body). If the matter is subject to Police involvement, the Police should always be consulted prior to any discussion with the accused so criminal investigations are not compromised.

The accused member of staff should:

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved.
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process.
- If suspended, be kept up to date about events in the workplace.

Confidentiality

Every effort should be made to maintain confidentiality while an allegation is being investigated or considered. This includes staff involved and parents/carers. Apart from keeping the child, parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know, in order to protect children, facilitate enquiries and manage related disciplinary or suitability processes.

Information sharing will be proportionate, lawful and in accordance with safeguarding responsibilities, balancing confidentiality with the need to protect children from harm.

9. Non-Recent Allegations (historic)

Where an adult makes an allegation of a non-recent nature to our school that they were abused as a child, our school will advise the individual to report the allegation to the police, and we will report the allegation to the LADO.

10. Low-level Concerns

This section applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers and contractors, which do not meet the LADO threshold.

Definition of low-level concerns

Low-level concerns may include behaviour that is inconsistent with the Staff Code of Conduct or the Guidance for Safer Working Practice, including, maintaining professional boundaries, appropriate physical contact, one-to-one working, online conduct and use of personal devices.

The term 'low-level' concern is any concern, no matter how small, that an adult working in or on behalf of our 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 LADO

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
- Using inappropriate sexualised, intimidating or offensive language
- Sharing personal mobile numbers with children
- Social media use

Sharing low-level concerns

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

All staff are required to report low-level concerns to the Headteacher.

Responding to low-level concerns

The Headteacher will collect all available 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 information collected will then be used to categorise the type of behaviour and determine any further action, in line with the staff Code of Conduct.

If the concern is of a safeguarding nature, liaison with the LADO will be carried out, in line with the expectations from Oxfordshire LADO team. The LADO can be re-contacted at any time if the evidence that is gathered raises further concerns and may meet the Harm threshold.

Record keeping

All low-level concerns at our school will be recorded. 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.

Our school records will be:

- Kept confidentially.
- 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.
- Retained at least until the individual leaves employment at the school

Where a low-level concern relates to a supply teacher or contractor, our school will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

Patterns of low-level concerns relating to the same individual will be reviewed collectively to identify whether the behaviour may indicate an escalating concern requiring management under the allegations procedures.

11. Oxfordshire LADO Managing Allegations Flowchart

Managing concerns about people that work or volunteer with children
(This flowchart describes the process for reporting concerns and allegations)

Concern identified or allegation made about professional/volunteer

Any immediate action to safeguard child/ren is taken if required

Agency completes LADO referral and consultation form and sends to Duty LADO
Email - lado.safeguardingchildren@oxfordshire.gov.uk
Phone - 01865 810603 (within one working day)

The Duty LADO reviews the referral and consultation form (within one working day) – this decision making may require the LADO to have further conversation with the referrer

Harm Threshold is **met**

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LADO allocated to have oversight of case

Concern that the person poses a risk of harm -

LADO will consider the need for a **Position of Trust** meeting (this may involve Police, Social Care, Employer and HR) to gather and share information, plan and direct the investigation
Or LADO will advise an **internal management investigation** is required and this will be quality assured by the allocated LADO (ideally concluded within four weeks)

Harm Threshold is **not met**

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Duty LADO offers advice, signposting, supports risk assessment

Outcome of consultation detailed on LADO consultation and referral form and shared with the referrer

LADO records consultation on secure recording system