



West Byfleet Infant School
We Belong, Inspire, Succeed

MANAGING ALLEGATION AGAINST STAFF POLICY



Our school vision is 'We Belong, Inspire, Succeed'. This reminds us daily that children need to feel safe and secure within the school community, have opportunities to inspire their interests and an enthusiasm for learning, as well as achieving success at all levels.

As staff at the school we take our duty of Safeguarding children very seriously and have the open culture of 'it could happen here'. This policy outlines our steps to ensure that we provide an environment where all children feel safe and content and the procedures and processes we will follow should an allegation against staff be made.

We have a 'Safeguarding Team' at the school in order to ensure all school procedures and protocols are followed by all staff to protect children.

Member of staff responsible	Headteacher
Date Policy Produced	Spring 2022
Policy agreed/last reviewed	Summer 2025
Next review date	Summer 2026
Other Related Policies	Behaviour Policy Safeguarding and Child protection Policy
Is it a Statutory Policy?	Yes
Does it need Governor approval?	Yes

Important Contacts

ROLE/ORGANISATION	NAME	CONTACT DETAILS
Designated safeguarding lead (DSL)	Sam Dudley	sdudley@wbis.org.uk DSL@wbis.org.uk
Deputy DSL	Stacey Clarke Cara Dean Claire Clark	head@wbis.org.uk senco@wbis.org.uk cclark@wbis.org.uk
Local authority designated officer (LADO)	Duty LADO	0300 123 1650 LADO@surreycc.gov.uk
Chair of governors	Angela Woods	awoods@wbis.org.uk
Safeguarding Governor	Sarah Measure	smesure@wbis.org.uk
Channel helpline		020 7340 7264

Aims

West Byfleet Infant School aims to ensure that:

- Appropriate action is taken in a timely manner to safeguard and promote children's welfare
- All staff are aware of their statutory responsibilities with respect to safeguarding
- Staff are properly trained in recognising and reporting safeguarding issues

Legislation and statutory guidance

This policy is based on the Department for Education's statutory guidance Keeping Children Safe in Education (2023) and Working Together to Safeguard Children (2023), and the Maintained Schools Governance Guide. We comply with this guidance and the arrangements agreed and published by our 3 local safeguarding partners.

This policy is also based on the following legislation:

The School Staffing (England) Regulations 2009, which set out what must be recorded on the single central record and the requirement for at least one person conducting an interview to be trained in safer recruitment techniques

The Rehabilitation of Offenders Act 1974, which outlines when people with criminal convictions can work with children

Statutory guidance on the Prevent duty, which explains schools' duties under the Counter-Terrorism and Security Act 2015 with respect to protecting people from the risk of radicalisation and extremism

The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (referred to in this policy as the "2018 Childcare Disqualification Regulations") and Childcare Act 2006, which set out who is disqualified from working with children

Definitions

Safeguarding and promoting the welfare of children means:

- Protecting children from maltreatment
- Preventing impairment of children's mental and physical health or development
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- Taking action to enable all children to have the best outcomes

Safeguarding concerns and allegations against adults who work with children – referral to the Local Authority Designated Officer (LADO) Procedure

This procedure should be used in all cases in which it is alleged a member of staff, including supply staff, volunteer in a school, or another adult who works 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; or
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children or behaved or been involved in an incident outside of a setting which did not involve children but could impact on their suitability to work with children

In dealing with allegations or concerns against an adult, staff must:

- Report any concerns about the conduct of any member of staff, volunteer or other adult to the Headteacher immediately.
- If an allegation is made against the Headteacher, the concerns need to be raised with the Chair of Governor or Vice Chair of Governors as soon as possible. If the Chair of Governors/Vice Chair or Governors is not available, then the LADO should be contacted directly.
- There may be situations when the Headteacher or Chair of Governors/Vice Chair of Governors will want to involve the Police immediately if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence.
- Once an allegation has been received by the Headteacher or Chair of Governors/Vice Chair of Governors they will contact the LADO (as part of their mandatory duty) on 0300 123 1650 option 3 LADO or Email: LADO@surreycc.gov.uk immediately and before taking any action or investigation. See Appendix 1 for detailed information regarding procedures at our school.
- Following consultation with the LADO inform the parents of the allegation unless there is a good reason not to.
- In liaison with the LADO, the school will determine how to proceed and if necessary, the LADO will refer the matter to Children's Social Care and/or the Police.
- If the matter is investigated internally, the LADO will advise the school to seek guidance from local authority colleagues in following procedures set out in part 4 of 'Keeping Children Safe in Education' (2023) and the SSCP procedures.

The DSL is a member of the senior leadership team. Our DSL is Sam Dudley (Deputy Headteacher). The DSL takes lead responsibility for child protection and wider safeguarding in the school. During term time, the DSL will be available during school hours for staff to discuss any safeguarding concerns.

Out of hours the DSL can be contacted via email sdudley@wbis.org.uk or DSL@wbis.org.uk

When the DSL is absent, the deputies – Stacey Clarke, Cara Dean or Claire Clark– will act as cover. If the DSL and deputies are not available, Stacey Clarke will act as cover (for example, during out-of-hours/out-of-term activities).

The governing board

The governing body will:

- Facilitate a whole-school approach to safeguarding, ensuring that safeguarding and child protection are at the forefront and underpin all relevant aspects of process and policy development
- Evaluate and approve this policy at each review, ensuring it complies with the law, and hold the Headteacher to account for its implementation
- Appoint a Safeguarding lead (Sarah Mesure –Safeguarding Governor) to monitor the effectiveness of this policy in conjunction with the full governing board. This is always a different person from the DSL.
- The Chair of Governors/Vice Chair of Governors will act as the 'case manager' in the event that an allegation of abuse is made against the Headteacher, where appropriate (see appendix 3).
- All governors will read Keeping Children Safe in Education in its entirety.

Confidentiality

Our school's approach to confidentiality and data protection with respect to safeguarding is outlined below:

- Timely information sharing is essential for effective safeguarding and we use CPOMS to record all concerns
- The Data Protection Act (DPA) 2018 and UK GDPR do not prevent, or limit, the sharing of information for the purposes of keeping children safe
- If staff need to share 'special category personal data', the DPA 2018 contains 'safeguarding of children and individuals at risk' as a processing condition that allows practitioners to share information without consent if it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk

The government's information sharing advice for safeguarding practitioners includes 7 'golden rules' for sharing information, and will support staff who have to make decisions about sharing information. If staff are in any doubt about sharing information, they should speak directly to the DSL or a Deputy DSL.

Surrey Children's Single Point of Access link:

<https://www.surreycc.gov.uk/children/contact-childrens-services>

Training

All 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, their responsibilities, and can identify signs of possible abuse 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
- 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 being drawn into 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, newsletters and staff meetings).

All volunteers will receive appropriate training.

The DSL and deputies

The DSL and deputies will undertake child protection and safeguarding training at least every 3 years.

In addition, they will update their knowledge and skills at regular intervals and at least annually (for example, through online courses, meeting other DSLs, or taking time to read and digest safeguarding developments from SSCP).

They will also undertake Prevent awareness training.

Governors

All governors receive training about safeguarding, to make sure they have the knowledge and information needed to perform their functions and understand their responsibilities.

As the Chair of Governors/Vice Chair of Governors may be required to act as the 'case manager' in the event that an allegation of abuse is made against the Headteacher, they receive training in managing allegations for this purpose.

Recruitment – interview panels

At least one person conducting any interview for any post at the school will have undertaken Safer Recruitment training. This will cover, as a minimum, the contents of Keeping Children Safe in Education, and will be in line with local safeguarding procedures.

Monitoring arrangements

This policy will be reviewed bi-annually, at every review it will be approved by the full governing board.

Appendix 1: Allegations of abuse made against staff

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.

Based on an assessment of risk, we will consider alternatives such as:

- Redeployment within the school so that the individual does not have direct contact with the child or children concerned
- Providing an assistant to be present when the individual has contact with children
- Redeploy the individual to alternative work in the school so that they do not have unsupervised access to children
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents/carers have been consulted
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work for the local authority.
- If in doubt, the case manager will seek views from the school's personnel adviser and the designated officer at the local authority, as well as the police and children's social care where they have been involved.

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 which supports the allegation being made

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 basic enquiries in line with local procedures 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 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 children's social care services, where necessary). Where the police and/or 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 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 children's social care.

If immediate suspension is considered necessary, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at the school and their contact details

If it is decided that no further action is to be taken in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation

If it is decided that further action is needed, take steps as agreed with the local area designated officer to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate

- Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate.
- Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against teachers (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a teacher will be advised to seek legal advice.

- Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member).
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child.
- 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.

Additional considerations for supply teachers and all 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 below in addition to our standard procedures.

- We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with our LADO to determine a suitable outcome.
- The governing board will discuss with the agency whether it is appropriate to suspend the individual, or redeploy them to another part of the school, while the school carries out the investigation.
- We will involve the agency fully, but the school will take the lead in collecting the necessary information and providing it to the LADO as required.
- We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary).
- When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

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 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 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 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.

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 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

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 children's social care or the police as appropriate.

Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We 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.

References

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 which 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

Learning lessons

After any cases where the allegations are substantiated, the case manager will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual

For all other cases, the case manager will consider the facts and determine whether any improvements can be made.

Non-recent allegations

Abuse can be reported, no matter how long ago it happened.

We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations.

Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

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
- 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 low-level concerns

We recognise the importance of creating a culture of openness, trust and transparency at West Byfleet Infant School to encourage all staff to 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 school's code of conduct.

Record keeping

All low-level concerns will be recorded in writing. 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.

Records will be:

Kept confidential, held securely and comply with the DPA 2018 and UK GDPR

Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified.

Retained at least until the individual leaves employment at the school

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

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 which would ordinarily be included in a reference, such as misconduct or poor performance.