



Allegations

CHARITY POLICY & PROCEDURE

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Aims

Talbot House Children's Charity Limited ("the Charity") believes safeguarding of all children and young people is paramount. The Charity has a set of policies designed to determine the actions we will take in order to meet that goal. This policy will provide the framework for dealing with allegations of harm towards a child by an adult working with children (whether in a paid or unpaid capacity). It is our intention, as detailed here, to also raise awareness and promote fairness and consistency in the treatment of anyone raising or facing an allegation.

In line with our commitment to inter-agency working, we will co-operate with all relevant external agencies to aid any investigations required as a result of an allegation being made.

This policy applies to all Charity employees, agency staff and volunteers (including trustees and governors) working with our children, whether employed directly by the Charity or not plus visitors and contractors. It must be used in respect of all cases in which it is alleged that an adult who works with children may have:

- 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 he or she would pose a risk of harm to children.
- Behaved in a way that indicates they may not be suitable to work with children (an allegation against a member of staff who no longer works for the Charity should be referred to the Police).

The last bullet point above includes behaviour that may have happened outside of the Charity, in an individual's private life or another role that might indicate that an individual is unsuitable to work with children. This is known as transferable risk.

Throughout this policy the terms "child" and "children" are used, for the avoidance of doubt, this includes anyone under the age of 18 who attends our school.

This policy and procedure should be read in conjunction with the Charity's **Safeguarding, Disciplinary and Whistleblowing Policies** and any other relevant policies and procedures.

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1. Legal Framework

This policy has been created with due regard to all relevant legislation and guidance.

2. Designated Safeguarding Leads and Deputies (DSLs and DDSLs)

The Charity has two Designated Safeguarding Leads (DSLs), two Deputy Designated Safeguarding Leads (DDSLs) and a Trustee allocated to safeguarding (this individual may change from time to time). These individuals make up the safeguarding team in the Charity although all staff are responsible for safeguarding children.

Deirdre Pearson	DSL	CEO
Christine Smiles	DSL	Head Teacher
Gavin Jackson	DDSL	Deputy Head Teacher & SENDco
Karen Cowans	DDSL	Family Liaison Coordinator
Trudy Johnson	Safeguarding Monitor	Trustee / Governor

- 2.1 Each of our DSLs and DDSLs attend appropriate external training sessions. They are required to attend at least biannual Experienced DSL Training provided by a Child Protection in Education (CAPE) registered provider. Although this is the statutory requirement, the Charity endeavour to provide a very high standard of safeguarding awareness to its safeguarding team and the wider workforce at a greater frequency than statutory requirements. For this reason, training provided will be specialised for our setting and locality.
- 2.2 When dealing with an allegation about a member of staff, a DSL or DDSL will be allocated (referred to as the Case Manager in KCSIE, but the Investigating Officer internally) to investigate the matter and will apply common sense and judgement; making sure to protect the child and also that any action is quick, fair and consistent.
- 2.3 An allegation about a member of staff must be reported to the CEO and / or Head Teacher, and not a DSL or DDSL. Please see section 5 for full reporting details.

3. General Principles

The welfare principle “the welfare of the child is paramount”, Children Act 1989 must be upheld at all times and in all cases. The child must be listened to and never be made to feel they are causing problems, and any concerns must be taken seriously. The Chief Executive Officer (CEO) and Head Teacher make up the Senior Management Team (SMT) who have a continuing duty of care to any employee who becomes the subject of an allegation. They should ensure that employees in this position are treated fairly and offered support throughout.

- 3.1 Examples of actions which could lead to an allegation
An allegation of harm made by a child about a staff member is an allegation of abuse. Examples of abuse include, but are not limited to, the following (including failed attempts):
 - Physical Abuse.
 - Sexual Abuse.
 - Emotional Abuse.
 - Neglect.

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In some case, reported allegations of abuse may constitute a criminal offence, however, some will not. Some reported allegations of abuse may not reach a threshold of significant harm, but they all constitute professional misconduct. Such incidents may be managed as a low-level concern as detailed within the **Safeguarding Policy**.

3.2 Ways in which concerns may become apparent:

Employees have regular daily contact with our children and those relationships allow them to hold a unique position to identify the signs of abuse from others in the workplace. Staff must share any concern about a staff member with the CEO and / or Head Teacher immediately, no matter how small.

3.3 Here are some examples of the ways in which an allegation may be raised:

- Direct allegation or disclosure may be made by the child.
- Indirect disclosure by the child through schoolwork or through a friend.
- Complaints from a parent or carer to:
 - An employee, DSL, DDSL or other.
 - Local Authority Children's Social Care (LACSC).
 - Police.
- Through other colleagues, agency staff or visiting worker e.g. Children and Adolescent Mental Health Services (CAMHS) or Children and Young People's Service (CYPS).
- Anonymously (allegations may be made anonymously).
- Observation of an injury - special care must be taken when interpreting any injury without an accompanying disclosure.
- Via a third party – e.g. a taxi escort.
- By a significant change in behaviour of the child (this is a very subjective area, and so special care must be taken in interpretation, in the absence of an accompanying disclosure).
- Through review of CCTV footage by at least two members of the SMT.

4. Listening to the Child

If a child tells you that a staff member has harmed them in any way, your first priority must be to ensure the child is safe. You should understand that, if a child has chosen to tell you this information, you are in a position of trust. You should listen carefully to the child, asking questions for clarity, but you must not ask leading questions.

In responding to a child who makes an allegation about a member of staff, every effort should be made to create an environment conducive to speaking freely, however, this should not be in a room with no other adult present.

You must also make it clear to the child that you will need to pass on the information. Do not make promises that cannot be kept (e.g. do not promise that you will not tell anyone / keep a secret) Explain to the child that the matter will only be disclosed to those people who need to know about it. See our **Safeguarding Policy** for full details.

5. Process for Reporting an Allegation about a Member of Staff

- Anyone who suspects a child may have been abused by a member of staff or adult in our organisation, should report the matter immediately to the CEO and / or Head Teacher, unless it is about the Head Teacher, in which case it should then be reported to the CEO. This should take precedence over any other business, activity or meeting. Where the allegation is about the CEO, it should be reported to the Chair of Trustees. If an allegation

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is made about a Trustee or Governor, one or more members of the SMT will manage the referral.

- The decision about whether or not to report an allegation of abuse about a member of staff may feel difficult, although it really is not. Employees should always remember these principles:
 - Even minor injuries, behaviour changes, or seemingly unimportant reports can be very significant when combined with information from other professionals.
 - To do nothing about a concern you have about a staff member's treatment of a child would be negligent and could also be a crime.
 - Trust your judgment, the consequences of misinterpretation and wrong reporting can be difficult, even unpleasant, but the consequences of not reporting could be much more unpleasant for the child.
- Any written information should be:
 - Factual, but should also include context.
 - Bullet pointed, although not brief.
 - Detailed, leave nothing out even if you feel it is not relevant.
 - Dated and named (and signed if printed).
- Where possible, two members of the SMT, who are also DSLs, will review the information independently and view any CCTV footage of the incident which is available. SMT have access to CCTV footage, both in live time, and in playback for up to 12 weeks. If the incident can be viewed on CCTV footage, and it is apparent to the two SMT / DSLs that the allegation is untrue, no referral to the LADO need be made. Please refer to the **CCTV Policy** for further details on camera locations and type and the use and retention of footage. If two DSLs are not available, this will be one DSL and one DDSL.
- A DSL or DDSL will then be allocated to oversee all further investigations in accordance with relevant Charity policies and procedures and may consult employees within the Charity who have knowledge of the child, but only at the discretion of the LADO or Police.
- A decision will be made about what action to take, from a number, or combination, of options below:
 - No further action - only if the allegation can be seen to be false, malicious or unfounded by the two SMT / DSLs who have viewed the footage. In this case, the allocated DSL or DDSL will record the result of the allegation on CPOMs using the category "Allegation made about Staff" and the appropriate result.
 - Internal investigation – for the purposes of fact finding which may be followed by an external report to the LADO or the Police, if the information is found to support this action. This should happen when there is not enough information to make a clear report, or when instructed to do so by the LADO or Police.
 - LADO – in all other cases, an allegation of harm will result in a referral to the LADO and any other external agency such as LACSC.
 - Police - in cases where an alleged crime is thought to have been committed or a child is at risk of harm, the Police will be informed.
 - Suspension – will potentially be considered, and will be discussed if required, by the CEO, Head Teacher and HR Manager.
- The allocated DSL or DDSL will keep full written details on the actions taken using the categories "LADO" and "Allegation made about Staff" within CPOMs. Using these categories will ensure confidentiality for the staff member involved until the matter is concluded.

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6. Referrals to the Local Authority Designated Officer (LADO)

Although we have children attending our school, from a wide regional area, as our workplace is in Newcastle upon Tyne, all allegations regarding staff will be reported to the LADO in Newcastle. There may be liaison with other LADOs after that initial report, but all further actions will be managed by the LADO in Newcastle. Where Police involvement is required the case will usually be allocated to the Child and Adult Protection (CAP) Team within Northumbria Police. The LADO has overall responsibility for oversight of the procedures for dealing with allegations.

- Any concern must be reported within one working day, however, it should be reported immediately, where possible.

6.1 The role of the LADO:

- Chair any external meeting or meetings attended by external agencies that take place as a result of allegations.
- Provide advice and guidance regarding any allegation about a staff member.
- Advise when to inform the staff member about the allegation (in cases where they are not already aware).
- Advise whether the parents or carers should be told and when.
- Advise on next steps, and what route any internal investigation should follow.
- Liaise with the Police and other agencies.
- Ensure that child protection procedures are initiated when a child is considered at risk of harm.
- Monitor the progress of cases with regular reviews.
- Inform other LADOs, where appropriate.

The Local Authority Designated Officer contact details are: Allendale Road Depot, Allendale Road, Byker, Newcastle Upon Tyne, NE6 2SZ, 0191 277 4636.

The report will be made verbally by telephone. If no conversation can be had with the LADO initially, contact should be made with the duty LADO in their absence, on the telephone number above and within the timescales set.

6.2 In making a report, the LADO will need the following details emailed or reported verbally:

- The full name, address and date of birth of the child.
- The parent's name and number.
- If not the parent, the contact details for whoever the child lives with.
- If the child has a social worker, their contact details.
- The full name, date of birth, address and phone number for the member of staff or adult who has allegedly committed the abuse. Authorities may also want to know details about this person which relate to their lives outside of school, for instance, whether they work anywhere else with children, have children of their own or live with someone who does.
- The details of the allegation, what happened, how it was discovered, and which SMT / DSLs reviewed the CCTV, if it is available.

6.3 What further responsibilities does the allocated DSL or DDSL have?

- Ensure investigation documents and CPOMs records are kept up to date.
- Ensure a response is gained to the referral.
- Attend strategy meetings with the LADO and / or other external agencies, if required.
- Provide written reports, documentation and CCTV footage for any meetings, as appropriate.

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- Continue to accurately record relevant details or information relating to the child.
- Manage the process of the report and be mindful not to let timescales drift.
- Report to the Disclosure and Barring Service and / or TRA (Teaching Regulation Agency) as required.

7. Strategy Meetings

Once the LADO has reviewed the report of the allegation and any evidence available, they may advise on next steps. If the allegation meets the threshold of harm, a strategy meeting will be called to discuss next steps. The meeting should usually take place within 15 days of the notification that a meeting is required. In complex cases there may be a requirement for more than one meeting.

7.1 Strategy meetings are for professionals only and may be attended by:

- The allocated DSL or DDSL.
- The LADO.
- A LACSC representative.
- A health representative (where medical assessment has taken place).
- A Police officer, usually a child protection officer.

7.2 The Police forces are responsible for:

- Liaising with the LADO.
- Taking part in the strategy discussion and initial evaluation.
- Reviewing the progress of Police investigations.
- Sharing information on completion of the investigation or any prosecution.
- Sharing information about the individual's Police record where there may have been previous concerns about their interactions with children.

8. Support for Children, Parents and Carers involved in Allegations of Abuse

- The Charity recognises the importance of support for the child, and for the family of a child who makes an allegation of abuse. The allocated DSL or DDSL will ensure that the child and family are supported and signposted to the appropriate services. The Charity's priority will be to the child and their safety and wellbeing.
- Parents or carers of a child or children involved should be told about the allegation as soon as possible (paying particular attention to the terms of our **Data Protection and Safeguarding Policies**).
- Parents or carers should also be kept informed about the progress of the case, where appropriate to do so. This may include the outcome of any disciplinary hearing if appropriate.
- Parents or carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002. See <https://www.legislation.gov.uk/ukpga/2011/21/section/13/enacted>. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.
- In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services will be involved.

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9. Wellbeing for Employees Facing Allegations of Abuse

A staff member facing an allegation of abuse may experience high levels of stress and worry as a result. Support is available for members of staff who find themselves in this position. The HR Department will allocate a member of staff to act as a “keeping in touch” contact and / or ensure the staff member facing allegations of abuse undergo regular welfare check ups, as necessary.

- 9.1 If an employee is suspended as a result of an allegation, they can refer to the Charity’s **Disciplinary Policy**, however, they are reminded of the following:
- Where an allegation has been made against an employee, the Charity will consider taking advice from the LADO in the first instance and they may have been part of the decision to suspend.
 - If an individual is suspended they must immediately return all access keys, employment related identification, IT equipment, financial cards etc. to the HR Department before leaving the premises.
 - During any period of suspension, the suspended employee is not permitted to visit the premises at any time, contact employees, trustees, governors, pupils, contractors or suppliers, unless authorisation is given by the CEO / Head Teacher. This will only be granted where it is felt that such contact will not prejudice the investigation or the gathering of evidence.
 - They must not post about the Charity, or about the situation, including ongoing investigation, on social media, whether directly, anonymously, through a third party or otherwise.
 - During any period of suspension, the member of staff will continue to be paid full basic salary (providing staff continue to cooperate, attend meetings and ensure they are available to return to work during normal working hours).
 - Suspension is not a disciplinary sanction and does not imply that any decision has already been made about the outcome of the allegation.
 - Suspension will be for no longer than is necessary to fully investigate the allegations and confirm next steps.
- 9.2 The Charity may not be able to share information with the staff member while investigations are live. If the LADO recommends that a referral is made to the Police or other external agencies as part of any strategy meetings held, any internal investigation by the Charity is placed on hold until such time that the Charity is able to proceed.
- Police may contact staff members or other witnesses directly and they may be asked to attend an interview which may be under caution.
 - If the accused person resigns or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. A referral to the DBS must be made if the criteria are met.
 - The Charity will never agree to a settlement agreement where the Charity would be asked to agree not to refer the allegation to the DBS and TRA. Such an agreement is likely to result in a criminal offence being committed for failure to comply with the duty to refer.
 - Cases in which an allegation was proven to be false, unsubstantiated, unfounded or malicious will not be included in employer references.
 - Specific support will be given to employees returning to work after a suspension. The Charity may consider a plan which includes adjustments to allow the employee to return to normal life, coaching and supervision.

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10. Whistleblowing

Concerns can be reported in accordance with the Charity's **Whistleblowing Policy**. However, you are encouraged to report any concerns internally in the first instance so that investigations can commence without delay.

11. Confidentiality

The Charity recognises that it can be difficult when an allegation has been made about an employee or a colleague; however, it is vitally important that confidentiality is maintained for the purposes of fair investigation. Members of staff who are the subject of, or witness to, an allegation must not discuss it with other staff members. If the Charity becomes aware that staff are discussing an allegation with each other, an investigation to establish what has been discussed and with whom will commence separately to the safeguarding allegation. Disciplinary action may occur, and in certain cases the Police may also bring charges. Charity employees are reminded not to gossip, it could harm internal investigations or impede Police action and ultimately be harmful to the wellbeing of the colleague concerned.

12. Outcomes of an Allegation

Once the investigation is complete the incident outcome will be recorded in full on our systems. The employee's file will contain a full record as well as any Child Protection or Child in Need file for the child. There are five possible outcomes for an allegation once all enquiries have been satisfied and the investigation is complete. These definitions are taken from Keeping Children Safe in Education.

- 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 cause harm to the person 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. The term, therefore, does not imply guilt or innocence.
- Unfounded – to reflect cases where there is no evidence or proper basis which supports the allegation being made.

12.1 The Charity may decide to take disciplinary action as a result of the outcome of an allegation. In that case:

- The LADO will be made aware of the resulting disciplinary action taken and will advise on further referrals (DBS, TRA and other employers or services).

Further information may be found in the **Disciplinary Policy**.

12.2 Records will be kept appropriate to the outcome reached in accordance with regulations.

13. Review

This policy is non-contractual and is subject for review on a regular basis in the light of operating experience and/or changes in legislation, but at least annually. The HR Department, in conjunction with a DSL who is also part of the SMT, will be responsible for reviewing this policy.

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I have read, understood and acknowledge this Policy and will endeavour to follow the guidance outlined within.

Print name: _____

Job Title: _____

Department: _____

Sign: _____

Date: _____

Please complete full details above, once complete please return to the HR Department within 5 working days.

Please do not hesitate to contact HR should you have any questions.

HR Department

Talbot House Children's Charity