



MANAGING ALLEGATIONS GUIDANCE

Version 3.0

Allegations made about an Esteem Member of Staff or Volunteer

What is the nature of the allegation?

Financial?

Safeguarding.
Risk to
Children?

Professional /
Personal
Conduct

Something
else?

Professional Guidance to be sought from...

Finance
Director
HR Lead

Safeguarding
Lead
Director of
Education

Safeguarding
Lead
HR Lead

Headteachers
will decide on
the most
suitable link

Key documents

Academies
Financial Hand-
book
Esteem Financial
Regulations

KCSIE 2020 Part 4
Working
Together 2018
CP and
Safeguarding
Policy

KCSIE 2020 Part 4
Working
Together 2018
Code of Conduct

Dependant upon
the nature of the
concern /
allegation

Information on ...

Page 2

Page 4

Page 8

Refer to most
appropriate
guidance

Financial Allegation

Immediate Considerations

Do I need to alert Headteacher?

What access to cash and finance systems does the person have and does it cause an immediate potential risk?

Do I need to restrict the person's access immediately?

What evidence do I think I will need to confirm if the allegation is true or false?

How can I investigate whilst maintaining confidentiality and without alerting the person to the investigation?

Who will be involved in the Investigation

Finance Director

HR Manager

Line Manager

Financial Investigation Guidance

Informal investigation is the initial 'fact finding' that would be done usually by a line manager when an allegation is made against a member of staff.

For financial allegations, the person must not be alerted to the investigation until basic facts can be established/evidence gathered.

The investigation will differ depending on the specific allegation, so the Trust Finance Director and Trust HR Lead should advise on:

- what restrictions to access should be applied and from when.
- what evidence needs to be gathered and by whom.
- who should be approached for witness statements and/or evidence gathering.

Once initial investigation has been completed, a meeting with the member of staff will be required and they will be asked for a signed and dated statement.

Once you have spoken to all those involved you will have a better picture to see if the allegation is likely to be:

- Substantiated: there is sufficient identifiable evidence to prove the allegation;
- Malicious: there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- Unfounded: there is no evidence or proper basis which supports the allegation being made, or there is evidence to prove that the allegation is untrue. It may also indicate the person making the allegations misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances;

- Unsubstantiated: this is not the same as a false allegation - it simply means that there is insufficient identifiable evidence to prove the allegation. The term therefore, does not imply guilt or innocence. If the allegation is unfounded then the member of staff, who the allegation was made against, will be informed that no further action will be taken and this will not proceed to a formal investigation.

Decide Course of Action

If the allegation is malicious then the investigation will turn to focus on the person making the malicious allegation. This may move to a formal investigation against this person. See substantiated allegation process below.

If the allegation is unfounded or unsubstantiated, the appropriate outcome must be agreed by the Trust HR Lead and Trust Finance Director – no further action required, further training required and/or controls to be refined.

If there is a belief that the allegation is substantiated then this would proceed to a formal investigation. The Headteacher must allocate the responsibility of the formal investigation to an Investigation Officer who must be someone not previously involved in this specific case. The informal investigator must pass all the evidence they have gathered over the formal Investigation Officer who will begin the Formal Investigation process supported by the Trust HR lead and the Trust Finance Director. They will conduct a full investigation and will produce an investigation report.

Safeguarding Allegation

Immediate Considerations

Do I need to ensure the immediate safety of a young person?

Do I need to trigger an emergency internal procedure?

Do i need to dial 999?

Does this allegation meet the threshold for a referral to the Local Area Designated Officer?

Is it alleged that the individual 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 he or she may pose a risk of harm to children; or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Yes

Continue to LADO Flow Chart and Further Information on Page 5

Full Safeguarding Locality Procedures:

[Derbyshire and Derby City](#)

[Staffordshire](#)

The LADO will over see the investigation, of which you will take part but there will be other agencies involved.

You must still maintain a chronology and use the report format in appendix A

Ensure that the Trust Safeguarding Lead has been informed

No

but there is sufficient cause for concern to investigate this allegation

Continue to Informal / Formal Investigation Procedures on Page 8

- Refer to school:
- Disciplinary Policy
- Bullying and Harassment Policy
- Code of Conduct
- Grievance Policy

The Investigation and subsequent actions will be lead by the school, with the support of a member of the Trust Central Team

Ensure that the Trust HR Lead has been informed

LADO Referral and Investigation

Follow your schools procedure to secure this. Do you need to alert emergency services?

Assess & ensure the immediate safety of the children/Young People. Consider the safety of the alleged perpetrators own children

Do not inform or question the employee until advised by Police or LADO

Notify & consult with a Headteacher / Senior Leader.

If the Senior Leader/Headteacher/ Governor is the subject of the concern or connected, contact The Trust SG Lead or Director of Education

Has the member of staff / carer / volunteer:

- 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 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

Derbyshire and City—[Complete Allegations Against Staff, Volunteers & Carers Referral Form](#)
Staffordshire—Contact the Duty LADO at Staffordshire Childrens Advice and Support Service on 0300 1118007

Ensure that the Trust Safeguarding Lead has been informed

The LADO does not investigate or replace a safeguarding process or a HR procedure, you should be putting in place those safeguards and not waiting for LADO to respond

Email / Contact details

Derbyshire Professional.Allegations@derbyshire.gov.uk
01629 533190

Derby cypsafeguarding@derby.gov.uk
01332 642376

Staffordshire staffordshire.lado@staffordshire.gov.uk
0800 113126

LADO

Within 24 hours LADO will screen and assess whether the allegation/concern meets the criteria and will advise, support, plan a response. They will also advise when the member of staff accused should be informed. A joint Child Protection and Police response may follow.

LADO Resources and Recording / Reporting / Info Sharing

Considerations for the LADO

There are up to three strands in the consideration of an allegation:

- A Police investigation of a possible criminal offence;
- Children's Social Care enquiries and/or assessment about whether a child is in need of protection or services
- Consideration by an employer of the need for disciplinary action, including undertaking an immediate initial risk assessment

After consideration by the LADO, it may be decided that there is no further action to be taken; justification for this should be recorded by the headteacher and the LADO and a decision made regarding what information is to be shared in writing with the employee and by whom.

Where it is clear that an investigation by the Police or Children's Social Care is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the headteacher. In those circumstances, the options open to the headteacher depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal.

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the headteacher how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a school senior leader. In some circumstances such as the lack of resource or inexperience of the available staff, or the nature or complexity of the allegation, the headteacher may wish to consider requesting support from the Trust Safeguarding Lead or the HR Lead.

Communication, Confidentiality and Support

Employers have a duty of care to their employees and should act to manage and minimise the stress inherent in the allegations process. The LADO will advise when it is appropriate to inform the individual that an allegation has been raised against them. This is to ensure that any criminal investigation is not jeopardised. They will also provide any leaflets or information for the accused employee to help guide them through the process.

Headteachers must appoint a named representative to keep the person informed about the progress of the case and consider what other support may be appropriate, i.e Westfield Health.

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a Strategy Discussion is required, or Police or Children's Social Care need to be involved, the headteacher should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution .

You must make every effort to maintain the confidentiality of all parties while an allegation or concern is being investigated. Make sure everyone involved in the investigation understands this.

You can take advice from the LADO, the Police and Children's Social Care to agree the following:

- Who needs to know and, exactly what information can be shared;
- How to manage speculation, leaks and gossip;
- What, if any information can be reasonably given to the wider community to reduce speculation; and
- How to manage press interest if and when it should arise.

Recording and Reporting

The LADO will not investigate the concern / allegation, but they will advise and coordinate. It will depend on the nature and severity of the allegation how much of an investigating role schools are required to carry out. It is vital that you accurately record all actions taken from being notified of the allegation. This is most effectively done using a chronology. This can then be shared at Strategy Meetings and may become part of a Formal Investigation moving forward. See Appendix A

If following a LADO referral, or an Initial discussion, the threshold is not met, but the LADO wishes to be informed of the outcome of the investigation, you must follow the Esteem Informal / Formal Investigation procedure and inform the Trust HR Lead immediately.

If a member of staffs employment is terminated because they pose a risk of harm (or you would have but the person has resigned or left) you have a legal duty to inform the [disclosure and barring service](#).

You may also be required to make a report to the Teaching Regulation Agency.

Full procedures and additional guidance can be found by following the Local links below

Guidance and Resources

National

[Working together to safeguard children: a guide to inter-agency working to safeguard and promote the welfare of children](#). (Department for Education, 2018).

[Keeping children safe in education: statutory guidance for schools and colleges](#) (Department for Education, 2021)

[NSPCC—Managing Allegations of Abuse](#)

[Safer working Practice for Adults Working with Children and Young People in Education Settings 2019](#)

Local

[Staffordshire Safeguarding Children Board](#)—Allegations Against a Member of Staff

[Staffordshire LADO information Leaflet](#)

[Staffordshire County Council](#)—Child Protection. Contacts including ESAS

[Derby and Derbyshire Safeguarding Children Partnership](#)—Allegations Against Staff, Carers and Volunteers

[Derbyshire LADO information Leaflet](#)

[Derby City LADO information Leaflet](#)

[Derbyshire Schools Net](#)—Allegations Against Staff, Carers and Volunteers

Conduct In or Outside School Allegation

Internal Investigation

Informal Investigation moving to a Formal Investigation

Informal investigation is the initial 'fact finding' that would be done usually by a line manager when an allegation is made against a member of staff. This would involve meeting with the member of staff and asking them for a signed and dated statement. Meeting with witnesses and asking them for signed and dated statements. Once you have spoken to all those involved you will have a better picture to see if the allegation is likely to be:

- **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- **Unfounded:** there is no evidence or proper basis which supports the allegation being made, or there is evidence to prove that the allegation is untrue. It may also indicate the person making the allegations misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances;
- **Unsubstantiated:** this is not the same as a false allegation - it simply means that there is insufficient identifiable evidence to prove the allegation. The term therefore, does not imply guilt or innocence.

If the allegation is unfounded then the member of staff, who the allegation was made against, will be informed that no further action will be taken and this will not proceed to a formal investigation.

If the allegation is malicious then the investigation will turn to focus on the person making the malicious allegation. This may move to a formal investigation against this person. See substantiated allegation process below.

If there is a believe that the allegation is substantiated then this would proceed to a formal investigation. The Headteacher must allocate the responsibility of the formal investigation to an Investigation Officer who must be someone not previously involved in this specific case. The informal investigator must pass all the evidence they have gathered over the formal Investigation Officer who will begin the Formal Investigation process supported by the Trust HR lead and/or the Trust Safeguarding lead. They will conduct a full investigation and will produce an investigation report.

Investigation Report

An investigation report template is available from HR when required. Please see Appendix A.

The main sections of the report are :

Investigation Brief/Allegations: This is a brief statement relating to the allegations being investigated.

Chronology: This is a time line of the full investigation and will include details of both the informal and formal investigation process.

Background: This details who the member of staff is, how the allegation came to light and what action has been taken so far i.e. suspension etc.

Analysis of Evidence: This section needs to draw all the evidence together and analyse it in order to demonstrate how you have reached a conclusion.

Conclusion: Is the allegation proven "on the balance of probabilities" in your view? Are there any mitigating factors? Are there any other conclusions you have drawn from the evidence?

Recommendations: This draws to the panels attention a list of outcomes for consideration for example, File Note/ Professional Guidance, No Action, Written Warning, Final Written Warning, Dismissal with notice, Summary Dismissal (no notice). The outcome is not for you to determine. HR will support the panel and guide them to the appropriate sanction level based on the evidence and counter response from the employee.

Appendices: List of Appendices that have been gathered through the investigation process. This may include policies that you believe have been breached.

If the allegation isn't serious enough to warrant a full disciplinary hearing, but falls short of the expectations for them in their role, then some professional guidance may be required. Please see HR for the Professional Guidance Template and support through this process. This document will need to be signed by the employee and will be held on their personnel file indefinitely.

If an allegation is unsubstantiated and it would be inappropriate to take it to a disciplinary panel, a File Note may be appropriate. HR will support you with this process and will provide the letter to be sent to the member of staff and to be placed on the employee's personnel file.

Informal / Formal Investigation Script and Questions

Thank you for attending this investigatory interview.

To confirm, we are currently investigating allegations relating to your conduct.

I have been appointed by school to act as the informal/formal investigating officer.

The allegation is that [\[set out allegation\(s\)\]](#)

Confidentiality is very important in this process and I would like to emphasise that matters should be treated as confidential by all parties and should not be discussed with any other employees unless the employee is your chosen companion, it is necessary for this investigation or in order to resolve the matter. Any breach of this could result in disciplinary action being taken against you.

Information that you tell me today that is relevant to the investigation may be included in the investigation report which may go to a hearing.

I have already interviewed the following people in relation to this allegation, as it was identified that they may be able to help me with my investigation: [\[list people you have interviewed\]](#).

They have provided me with information that I am now able to put to you.

If at any time you would like to take a break during the meeting, then please ask and we will adjourn.

We will be taking notes of what you say, and you will be able to check these notes for accuracy and then you will be asked to sign your witness statement.

[\[minute taker name\]](#) is here to take a note of the meeting. Please ensure you answer the questions fully and honestly.

You have been informed of your right to be accompanied by a trade union representative or a colleague within the school. You have chosen to:

- Bring with you [\[name\]](#)

OR • Attend this meeting unaccompanied.

Before we proceed can I confirm that you are okay to proceed?

So, the purpose of this meeting is to establish the facts in order to inform the investigation. To confirm, this meeting is not a disciplinary hearing.

My task is to look for evidence that refutes the allegation as well as backs it up. As part of my investigation, I will determine whether:

- There is insufficient or no evidence to support the allegation or misconduct and no further action will be taken: or
- Refer the matter to a disciplinary meeting at which disciplinary action including dismissal is considered.

The investigation will be carried out in accordance with the school's disciplinary policy which you have been given a copy of.

The outcome of the investigation will be communicated to you as soon as possible.

Questions

1. How long have you been employed by the [\[school/academy/trust\]](#)?
2. What is your job role in school?
3. What are the main tasks of your role in school?
4. Tell me how long you have undertaken this role here
5. What training have you received in relation to [\[specify\]](#)?
6. Tell me about: [\[set out here relevant information\]](#)
7. What do you think the implications are in terms of your job role?
8. Are there any documents that you could give me that may be relevant to the investigation?
9. Anything else you would like to add?
10. Are there any issues outside the work that impacts on you that you would like me to be aware of?

Closing remarks:

I appreciate that this is very difficult for you and I will endeavour to conclude the investigation as soon as possible. Thank you for meeting with me today and I will inform you of the outcome in due course.

Appendix A



Strictly Private and Confidential: INVESTIGATION REPORT

REPORT FOLLOWING AN INVESTIGATION UNDER DISCIPLINARY PROCEDURE

SUBJECT: NAME OF STAFF MEMBER

Job Title:

Place of Work:

Subject of Allegations:

EXAMPLE: Consumption of alcohol on a school trip which is in breach of risk assessment:

EXAMPLE: Swearing in front of children and following a referral to LADO, this is to be investigated internally

Date of Report:

Investigating Officer:

Guidance taken from: (please tick multiple if required)

Esteem HR Lead

Esteem Safeguarding Lead

Esteem CEO

LADO

Esteem Finance Director

Esteem Director of Educa-

Esteem COO

Other—Please state

CONTENTS

Page Number

1. Investigation Brief/Allegations
2. Chronology
3. Background
4. Analysis of Evidence
5. Conclusion
6. Recommendations

APPENDICES

All relating documents should be numbered, described and noted who the information was from here

For Example

Appendix 1	Hand written statement	Teacher X
Appendix 2	LADO Referral	Headteacher

1. **Investigation Brief/Allegations**

1.1 [This report has been compiled following a request by [*Commissioning Officer i.e. Headteacher*] to investigate allegations that [xxx]].

[The purpose of this investigation is to determine whether there is a case to answer in respect of the allegations that (*name of employee*) has.....]

2. **Chronology**

Step by step how it was investigated. Include sent and received, advice sought, emails, letters sent

Date and Time	Information / Actions	Follow up
19 June 2019	<i>Alleged misconduct was reported to headteacher</i>	
19 June 2019 10am	Headteacher discussed with Trust Safeguarding Lead and Referral made to LADO as felt threshold may have been met.	19 June 2021 1pm LADO confirmed threshold not met and school are to follow in-
19 June 2019 3.30pm	<i>Headteacher met with X to informally investigate alleged misconduct</i>	19 June 3pm After discussion with Trust HR lead, formal investigation com-
20 June 2019	<i>Headteacher asked Z to be Investigating Officer and conduct a formal investigation to determine if there was a case to answer.</i>	
27 June 2019:	<i>Formal investigation meeting held with X and union rep (name and union) present.</i>	

3. **Background**

3.1 [[name] is a (job title) employed at (location). Include any relevant structural/line management/complaint/witness details

3.2 Explain:

- how potential irregularity came to light, and when;
- action taken by Department as a result (ie suspension, investigation)
- format of investigation (who you spoke to, what evidence you considered, etc)]
- Previous disciplinary record

4. Analysis of Evidence

This section needs to draw all the evidence together and analyse it in order to demonstrate how you have reached conclusions.

Person / People of	Evidence Gathered	Evidence located
Teacher W	Heard X swearing Infront of children. When W challenged this, X responded aggressively and swore at her	Teacher W statement appendix 1
TA Y	TA Y observed Teacher W challenge X and heard X swear at W. Did not hear initial incident that lead to the challenge	TA Y statement asppendix 2

Concentrate on incident on the day as one element, and then draw in any other allegations made about potential previous incidents.

Do not include personal comments/conclusions/statements:

5. Findings

Is the allegation proven “on the balance of probabilities” in your view?

What is the mitigation?

Are there any other conclusions you have drawn from the evidence?

You are looking (from your analysis) for corroboration of evidence

6. Recommendations

Need to make recommendations about:

a disciplinary hearing

anything else which has been uncovered (eg better communication of procedures, or changing system, or changing policy, or training needs, etc).



Managing Allegations Checklist

Is the nature of the allegation clear and who from the Central Team has been made aware?

Has the CEO been informed where there is a criminal investigation? (LADO / Police involvement)

Is the Chronology up to date and shows clearly the process of the investigation?

Is it clear who has taken any minutes of meetings? Is it clear what is a question and what is a response?

Are all statements / accounts signed by the correct persons? Including the minute taker

Are all statements / accounts dated?

Where there are more than one set of minutes for a meeting, is it clear which are the

Are copies of any onward referrals included in the Appendix section?

Are all outcomes of onward referrals / escalations clear?

Are all letters inviting the member of staff in question to meetings included in the Appendix section?

Are any correspondence with unions / professional bodies documented on the chronology and in the