



# Dealing with Allegations Against Staff Policy

Draft: September 2025

Ratified: October 2025

Review: October 2026

Chair of Governors:

A handwritten signature in black ink, consisting of a series of loops and a horizontal line, positioned to the right of the 'Chair of Governors' label.

Headteacher:

A handwritten signature in black ink, appearing to read 'A. Ahmad', positioned to the right of the 'Headteacher' label.



## Ethos of The Orchard School

At The Orchard School, **Everyone Matters, Everyone Cares**. Our ethos is rooted in the belief that every child has the potential to grow, thrive, and succeed when provided with the right environment, relationships, and support. **The Orchard Way** guides everything we do, ensuring that our approach is therapeutic, inclusive, and centred on understanding behaviour as communication. We are committed to nurturing the social, emotional, and mental health (SEMH) needs of our pupils, recognising their unique challenges while celebrating their individuality. Through strong relationships and a culture of care, we create a school where every pupil feels safe, valued, and empowered to reach their full potential.

### Principles of Our Ethos:

1. **Respect for the Individual:** Every pupil deserves respect, dignity, and the opportunity to be heard.
2. **Relationships at the Heart of Learning:** Positive, trusting relationships form the foundation of our work.
3. **Equity and Inclusion:** We ensure all pupils have access to the support they need to succeed.
4. **Therapeutic and Nurturing Approaches:** We integrate trauma-informed strategies to promote resilience.
5. **High Expectations with Compassion:** Balancing aspirations with understanding and personalisation.
6. **Collaboration with Stakeholders:** Families, carers, and agencies work together to support pupils.
7. **A Safe and Predictable Environment:** Structure and boundaries foster trust and confidence.
8. **Restorative Practices:** Addressing conflicts through understanding, accountability, and growth.

## Mission Statement

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## 1. Introduction

The Orchard School takes its responsibility of care for pupils seriously. If there is any possibility that a member of staff may have harmed a pupil, this must be investigated thoroughly, fairly, and without prejudice to either party.

Allegations against staff must follow the professional standards and processes outlined in this policy and must not be managed under the school's general complaints procedure.

The welfare of the pupil is paramount.

## 2. Legislative and Statutory Framework

This policy is informed by:

1. Keeping Children Safe in Education (KCSIE, 2025)
2. Working Together to Safeguard Children (DfE, 2023)
3. Education Act 2011 – anonymity provisions for teachers
4. Children Acts 1989 and 2004 – safeguarding duties
5. Data Protection Act 2018 (UK GDPR) – confidentiality and records management
6. Human Rights Act 1998 – right to respect for private and family life
7. DfE Guidance: Dealing with Allegations of Abuse against Teachers and Other Staff (2012)
8. Kent Safeguarding Children Multi-Agency Partnership (KSCMP) Procedure.
9. Whistleblowing Guidance

## 3. Initial Allegation Made to the School

- Any allegation must be reported immediately to the Designated Safeguarding Lead (DSL).
- If the allegation concerns the DSL, report to the Headteacher.
- If the allegation concerns the Headteacher, report to the Chair of Governors (via the DSL).

- In all cases, the Headteacher/DSL must contact the Local Authority Designated Officer (LADO) on the same day.

Threshold for Reporting:

The LADO must be informed if it is alleged that a member of staff or volunteer has:

- Behaved in a way that has harmed a pupil, or may have harmed a pupil.
- Possibly committed a criminal offence against or related to a pupil.
- Behaved in a way towards pupils that indicates they may pose a risk of harm if working regularly or closely with children.

#### **4. Anonymity**

Under Section 13 of the Education Act 2011, it is an offence to publish identifying information about a teacher subject to an allegation before charge or court outcome. The school will take particular care in handling enquiries from parents or the media.

#### **5. Initial Consideration**

- The DSL will liaise with the LADO to assess the allegation.
- If there is cause to suspect significant harm, the LADO will refer to Children's Social Care and a strategy discussion will be convened.
- If a criminal offence may have occurred, the police will be informed immediately.
- The DSL must not investigate at this stage.

#### **6. Action Following Initial Consideration**

- If no criminal offence is suspected, the allegation may be managed internally under disciplinary procedures.
- Timescales:
  - Initial action within 3 working days.
  - Investigating officer's report within 10 working days.
  - Disciplinary hearing, if required, within 15 working days.

Outcomes of Allegations:

- a) Substantiated – sufficient evidence to prove the allegation.
- b) False – sufficient evidence to disprove the allegation.
- c) Malicious – deliberate act to deceive.
- d) Unfounded – no evidence to support allegation; misinterpretation or mistake.
- e) Unsubstantiated – insufficient evidence to prove or disprove.

#### **7. Case Subject to Police Investigation**

If police/CPS decide not to charge, the police should share relevant information within 3 working days.

The Headteacher and LADO will then determine whether a disciplinary process is required.

## **8. Supporting Those Involved**

- Staff subject to allegations will receive:
- Early and clear communication, unless restricted by agencies,
- Regular updates on progress.
- Access to support services (occupational health, counselling).
- Contact with colleagues, unless prejudicial.
- Parents/carers of the pupil will be informed at the earliest safe opportunity and kept updated throughout.
- Pupils will receive safeguarding and pastoral support as required.

## **9. Confidentiality**

- Sensitive information will be shared only on a need-to-know basis.
- Staff, pupils and families must be protected from reputational harm.
- All data will be handled in line with UK GDPR and the school's Confidentiality Policy.

## **10. Resignations and Compromise Agreements**

- Allegations will be pursued to conclusion even if the member of staff resigns or refuses to cooperate.
- Compromise agreements must not be used to avoid an investigation or referral to the Disclosure and Barring Service (DBS) where required.

## **11. Record Keeping**

- Malicious allegations will be removed from personal records.
- All other allegations must be recorded and kept on the individual's confidential personnel file.
- Records will be retained until normal retirement age or 10 years from the allegation (whichever is longer).

## **12. References**

- False, unfounded, unsubstantiated or malicious allegations must not be included in references.
- A pattern of repeated but unsubstantiated allegations must also not be included.

## **13. Preventative Measures – How Staff Can Protect Themselves**

- Record all injuries to pupils in the accident book and inform parents/carers.
- Record explanations for pre-existing injuries on a Yellow Form.
- Ensure all staff complete regular safeguarding training.

- Avoid being alone with a pupil unless unavoidable and agreed.
- Use Team Teach strategies for physical intervention; no physical sanctions.
- Avoid rough play or unnecessary physical contact.
- Do not carry out personal tasks pupils can do themselves.
- Follow safer recruitment and reference checks.
- Maintain an open-door ethos to discuss concerns with senior leaders.

#### **14. Links to Other Policies**

- Safeguarding and Child Protection Policy
- Whistleblowing Policy
- Staff Code of Conduct and Discipline Policy
- Confidentiality and Data Protection Policy
- Relational and Therapeutic Behaviour Policy

**Always remember: The welfare of the pupil is paramount.**