



Broadway Academy Trust Policies

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Managing Allegations Made Against Staff Policy

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(Written to comply with DfE statutory guidance – [Keeping children safe in education, September 2025](#) and [Working together to safeguard children](#), December 2023)

1. Introduction

- 1.1 This policy is to be used where allegations are made against teachers and others (including supply staff, volunteers, contractors and governing board members), which might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position or in any capacity.
- 1.2 These procedures apply to all staff, regardless of role, as well as to supply staff, volunteers, contractors and governing board members of the Academy Trust, who may not be employees of the Academy. However, the term “(member of) staff” is used for ease of description.
- 1.3 They apply to members of staff who are currently working at Broadway Academy Trust, regardless of whether the Academy is where the alleged abuse took place. Allegations against a member of staff, including supply staff, who is no longer working at Broadway Academy Trust will be referred to the police.
- 1.4 These procedures should be used in all cases where it is alleged that a member of staff has:
 - behaved in a way that has harmed a child, or may have harmed a child and/or
 - possibly committed a criminal offence against or related to a child and/or
 - behaved towards a child or children in a way that indicates they may pose a risk of harm to children and/or
 - behaved or may have behaved in a way that indicates they may not be suitable to work with children. This includes behaviour taking place inside and outside the Academy.
- 1.5 Broadway Academy Trust recognises that it has a duty of care to its employees and will seek to provide effective support to anyone facing an allegation. A member of staff who is suspended will be provided with a named contact. Any allegation of abuse made against a member of staff or volunteer at the Academy will be dealt with quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

2. Initial considerations

- 2.1 The procedures for dealing with allegations need to be applied with common sense and judgement. The Headteacher and CEO (HT/CEO) will carry out an urgent initial consideration in order to establish whether there is substance to the allegation. The HT/CEO should not carry out the investigation him/herself or interview pupils.
- 2.2 Some cases may not meet the criteria set out above or may do so without warranting consideration of a police investigation or enquiries by Local Authority Designated Officer (LADO) at Birmingham Children’s Trust. In these cases, an internal investigation and, if appropriate, staff disciplinary procedures should be followed. For all allegations that do meet the criteria above, or where there is doubt about whether a concern meets the harm threshold, the LADO must be informed.

3. Definitions

3.1 The following definitions will be used to describe the 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. 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

4. Receiving an allegation

4.1 A member of staff who receives an allegation about another member of staff, including supply staff, from a child should follow the same guidelines as for any safeguarding concern about a child/young person. These are to:

- Listen carefully to what the young person has to say, be reassuring and take it seriously.
- Never investigate or take sole responsibility for a situation where a child/young person makes a disclosure.
- Always explain to children and young people that any information they have given will have to be shared with others.
- Ensure that a written statement is completed including the date and the signature of the member of staff receiving the disclosure/reporting the concern.
- Respect confidentiality and file documents securely.

4.2 In addition, a member of staff receiving an allegation must:

- Ensure that the child is safe and away from the person against whom the allegation is made
- Report the allegation immediately to the Headteacher unless this is the person against whom the allegation is made, in which case the report should be made to the Chair of the Governing Board.

5. Referral to the LADO

5.1 In the event an allegation meets the criteria in section 1, the HT/CEO (or Chair of Governing Board where the HT/CEO is the subject of the allegation) will immediately discuss the allegation with the Birmingham Children's Trust Local Authority Designated Officer (LADO) at 0121 675 1669 or by emailing ladoteam@birminghamchildrenstrust.co.uk.

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.

- 5.2 The HT/CEO (or Chair of Governing Board) may consider it necessary to involve the police immediately before consulting the designated officer – for example, if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the LADO will be notified as soon as practicably possible after contacting the police.

Where there is no such evidence, the allegations will be discussed with the LADO to determine whether police involvement is necessary.

6. Informing the person against whom allegations have been made

- 6.1 The HT/CEO (or Chair of Governing Board) will inform the accused person about the allegation and course of action as soon as possible after consulting the LADO. However, where a strategy discussion is needed, or where the police and/or children's social care services are involved, only information which has been agreed with those agencies will be shared.

7. Suspension

- 7.1 The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. The HT/CEO (or Governing Board) must therefore consider carefully whether the circumstances of a case warrant the staff member who has been accused being suspended from contact with students at Broadway Academy Trust or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step.
- 7.2 Suspension will not be automatic 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 it might be grounds for dismissal.
- 7.3 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/children concerned
 - Providing an assistant to be present when the individual has contact with children
 - Redeploying 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
- 7.4 If the HT/CEO (or Governing Board) is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at Broadway Academy Trust, it will be necessary to immediately suspend that person from duty pending the findings of the Teachers' Regulation Authority investigation.
- 7.5 Where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the LADO will canvass police and children's social care services for views

about whether the accused member of staff needs to be suspended from contact with children. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

- 7.6 In many cases an investigation can be resolved quickly and without the need for suspension. The HT/CEO (or Governing Board) should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.
- 7.7 If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the HT/CEO and the LADO. This should also include what alternatives to suspension have been considered and why they were rejected.
- 7.8 Where it has been deemed appropriate to suspend the person, written confirmation of the decision should be given within one working day, providing as much detail as appropriate about the reasons for the suspension. The individual will also be given a named contact within the organisation for support and provided with their contact details.

8. Determining next steps

- 8.1 If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with [Working Together to Safeguard Children](#).
- 8.2 If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should consider that teachers and other Academy Trust staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.
- 8.3 Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the HT/CEO (or Chair of Governing Board). In those circumstances, the options open to the Academy Trust 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. Where appropriate, staff disciplinary procedures will be followed.
- 8.4 If it is decided that no further action is to be taken against the subject of the allegation, this decision and the justification for it will be recorded following agreement with the LADO about 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.
- 8.5 If it is decided that further action is needed, steps as agreed with the LADO will be taken to initiate the appropriate action in the Academy Trust and/or liaise with the police and/or children's social care services as appropriate.

- 8.6 In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the HT/CEO (or Chair of Governing Board) how and by whom the investigation will be undertaken. In straightforward cases, a senior member of staff will normally undertake the investigation.
- 8.7 Where the police are involved, wherever possible the HT/CEO or Governing Board 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.

9. Supporting those involved

Employees

- 9.1 The Academy has a duty of care to its employees and should act to manage and minimise the stress inherent in the allegations process. Support for the individual is important to fulfilling this. Individuals should be informed of concerns or allegations as soon as possible and the course of action explained unless there is an objection by children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to wellbeing counselling or medical advice through the Academy's employee assistance programme.
- 9.2 The HT/CEO will appoint a named representative to keep the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. Particular care needs to be taken when employees are suspended to ensure that they are kept informed of the progress of their case and current work-related issues. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

Parents or carers

- 9.3 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 services need to be involved, the HT/CEO (or Chair of the Board of Governors) should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers.
- 9.4 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, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot be disclosed, but the parents or carers of the child should be told the outcome in confidence.
- 9.5 Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations and the specific prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2011. If parents or carers wish to have the confidentiality restrictions removed in respect of a teacher, they should be advised to seek legal advice

Child or young person

- 9.6 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services or the police, as appropriate, should consider what support the child or children involved may need.

10. Confidentiality

- 10.1 It is important that when an allegation is made, the Academy Trust makes every effort to maintain confidentiality and guard against unwanted publication while an allegation is being investigated or considered. "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public." This means that a parent who published details of the allegation on a social networking site would be in breach of publication restrictions under the Education Act.
- 10.2 The police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence.
- 10.3 The HT/CEO (or Chair of the Board of Governors) should take advice from the LADO, police and children's social care services to agree the following:
- 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/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 should arise.

11. Referral to Disclosure and Barring Service (DBS)

- 11.1 A referral to the DBS will be made where it is thought that the individual facing the allegation has engaged in conduct that has harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child.

12. Timescales

- 12.1 It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. The time taken to investigate and resolve individual cases will depend on a variety of factors including the nature, seriousness and complexity of the allegation.
- 12.2 Cases where it is clear immediately that the allegation is unsubstantiated or malicious should be resolved within one week.
- 12.3 Case where the initial consideration determine that the allegation does not involve a possible criminal offence will be dealt with in line with the Academy's staff disciplinary procedures.

- 12.4 If the nature of the allegation does not require formal disciplinary action, the Academy should take appropriate action within three working days.
- 12.5 If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

13. Specific actions

Action following a criminal investigation or a prosecution

- 13.1 The police should inform the employer and LADO immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge or not to continue to prosecute the case after a person has been charged. In those circumstances the HT/CEO (or Chair of Governing Board) should discuss with the LADO whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account the information provided by the police and/or children's social care services.

Conclusion of a case where the allegation is substantiated

- 13.2 If the allegation is substantiated and the individual is dismissed or the Academy Trust ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the HT/CEO (or Chair of Governing Board) and the Academy's HR adviser will discuss with the LADO whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.
- 13.3 If the individual concerned is a member of teaching staff, they will discuss with the designated officer whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

There is a legal requirement for employers to make a referral to the DBS where they think that 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.

Individuals returning to work after suspension

- 13.4 Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the HT/CEO (or Chair of Governing Board) should consider how best to facilitate that. Most people will benefit from some support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. Consideration should also be given to how the person's contact with the child/children who made the allegation can best be managed if they still attend the Academy.

Malicious, unfounded or unsubstantiated allegations

- 13.5 If an allegation is shown to be unsubstantiated, unfounded, false or malicious, the DSL should consider appropriate next steps. If they consider the child and/or person who made the allegation needs help, or the allegation may have been a cry for help, this should include referring the matter to the children's social care services.

- 13.6 If an allegation is shown to be deliberately invented or malicious, the HT/CEO (or Chair of Governing Board) should consider whether any disciplinary action is appropriate against the student(s) who made it; or whether the police should be asked to consider if action against those who made the allegation might be appropriate, even if he or she was not a pupil.

14. Record Keeping

- 14.1 Clear records will be maintained about any case where the allegation or concern meets the criteria above and will be kept on the individual's confidential personnel file for the duration of the case. Such records will include:
- 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 justification for these, as stated above)
- 14.2 If an allegation or concern is not found to have been malicious, the Academy Trust will retain the records of the case on the individual's confidential personnel file and provide a copy to the individual, in agreement with the police and social care as appropriate. A declaration will also be made about whether the information will be referred to in any future reference.
- 14.3 All other records will be retained until the individual has reached normal retirement age, or for 10 years from the date of the allegation if that is longer.
- 14.4 If an allegation is found to be malicious or false, they will be deleted from the individual's personnel file, unless the individual requests that they are retained.

15. References

- 15.1 When providing employer references, the Academy Trust will:
- not refer to any allegation that has been proven to be false, unsubstantiated or malicious, or any history of allegations where all such allegations have been proven to be false, unsubstantiated or malicious
 - include substantiated allegations provided the information is factual and does not include opinion.

16. Learning lessons

- 16.1 At the conclusion of a case in which an allegation *is* substantiated, the HT and CEO/ Chair of the Governing Board should review the circumstances of the case with the LADO to determine whether there are any improvements to be made to Academy Trust procedures or practice to help prevent similar events in the future. This should include:
- issues arising from the decision to suspend the member of staff
 - the duration of the suspension
 - whether or not suspension was justified.
 - the use of suspension when the individual is subsequently reinstated.

16.2 Consideration will be given to how future investigations of a similar nature could be carried out without suspending the individual.

16.3 For all other cases the HT/CEO will consider the facts and determine whether any improvements can be made.

17. Managing resignations/ failure to co-operate

17.1 If the individual against whom an allegation has been made 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 Disclosure and Barring Service (DBS) must be made if the criteria are met.** In these circumstances it would not be appropriate to consider reaching a compromise/settlement agreement.

17.2 It is important that every effort is made to reach a conclusion in all cases of allegations which have a bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible the accused should be given a full opportunity to answer the allegation and make representations about it.

17.3 The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if the individual against whom the allegation has been made does not cooperate.

17.4 'Settlement/compromise 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, should not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

18. Additional considerations for supply staff or external agency staff

18.1 In some circumstances the school will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency or business.

18.2 Whilst the Academy Trust is not the employer of supply teachers, it should ensure allegations are dealt with properly. In no circumstances should the Academy Trust decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the local authority designated officer (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, whilst they carry out their investigation.

18.3 Agencies should be fully involved and co-operate in any enquiries from the LADO, police and/or children's social services. The Academy Trust will usually take the lead in collecting information and providing it to the LADO as required.

Supply teachers, whilst not employed by the Academy, are under the supervision, direction and control of the governing Board or proprietor when working in the school. They should be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency are considered by the school during the investigation.

- 18.4 When using an agency, the Academy Trust should inform the agency of its process for managing allegations. This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.

19. Managing concerns that do not meet the harm threshold (this section complies with [part 4 of Keeping Children Safe in Education 2025](#))

- 19.1 This section applies to concerns (including allegation) about members of staff, including supply teachers, volunteers and contractors, which do not meet the harm threshold set out in the preceding sections.

- 19.2 Concerns may arise through suspicion or routes such as:

- complaints
- disclosure made by a child, parent or other adult within or outside the Academy
- safeguarding concerns from members of staff
- pre-employment vetting checks

The Academy Trust recognises the importance of responding to and dealing with concerns in a timely manner to safeguard the welfare of children.

Definition of low-level concerns

- 19.3 The term ' low-level' concern is any concern, no matter how small, that an adult working in or on behalf of the Academy Trust 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 over 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
- humiliating pupils

Sharing low-level concerns

- 19.4 The Academy Trust 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. This culture is created by:

- ensuring staff are clear about what appropriate behaviour is and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or unexpected behaviour in themselves and others
- empowering staff to share any low-level concerns
- empowering staff to self-refer
- addressing unprofessional behaviour and supporting individuals to address behaviour standards
- providing a responsive, proportionate and sensitive handling of concerns when they are raised
- identifying any weaknesses in the Academy's safeguarding system

Responding to low-level concerns

19.5 If the concern is raised via a third party, the HT/CEO (or delegated Senior DSL) will collect evidence where necessary by:

- speaking directly to the person who raised the concern, unless it has been raised anonymously
- speaking to the individual involved and any witnesses

19.6 The HT/CEO will use the information collected to categorise the type of behaviour and determine any further action in line with the Academy's staff code of conduct.

Record keeping

19.7 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 Data Protection Act 2018 and UK GDPR
- reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, the Academy Trust will decide on a course of action, either through the staff disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 1 of this policy, we will refer it to the LADO
- retained at least until the individual leaves employment at the Academy Trust

19.8 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

19.9 The Academy Trust will not include low-level concerns in references unless:

- the concern (or group of concerns) has met the threshold for referral to the LADO 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.