



ALLEGATIONS MANAGEMENT POLICY

Seaside Learning Ltd

May 2024

Allegations Management Policy

Dealing with Allegations of Abuse Against Members of Staff

Statement of intent

Seaside Learning Ltd. takes its responsibility of care for students seriously. The Director, James Lumber will thoroughly and swiftly investigate allegations of abuse against staff members – this will be done applying common sense and judgement, in a fair way that does not prejudice either the student or the staff member, and with effective protection for the student and support for the person subject to the allegation. This policy will apply to concerns or allegations against those working on behalf of Seaside Learning Ltd.

Any investigation of an allegation of abuse will be made in line with this policy and James Lumber, in conjunction with appropriate support agencies, if needed will provide both the accuser and accused with the support they require during the investigation.

Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Children Act 1989
- Education Act 2002
- Children Act 2004
- Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- DfE (2023) 'Keeping children safe in education 2023'
- DfE (2018) 'Working Together to Safeguard Children 2018'

This policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy
- Staff Code of Conduct
- Data Protection Policy
- Behaviour Policy
- Safer Recruitment Policy

Definitions

References made to 'child' and 'children' refer to children and young people under the age of 18 years. However, the principles of the document apply to professional behaviours towards all students, including those over the age of 18 years. 'Child' should therefore be read to mean any student at Seaside Learning Ltd.

The term 'allegation' means where it is alleged that a person 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 they may pose a risk of harm to children.
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

These behaviours should be considered within the context of the four categories of abuse (i.e. physical, sexual and emotional abuse and neglect). These include concerns relating to inappropriate relationships between members of staff and children or young people and must be reported.

Introduction

All children and staff members have a fundamental right to be protected from harm.

James Lumber has a duty to safeguard and promote the welfare of children and create and maintain a safe learning environment ([section 175](#) of the Education Act 2002). Staff members working for Seaside Learning should identify where there are child welfare concerns and take action to address them, in partnership with other organisations where appropriate, and in accordance with local inter-agency procedures. Seaside Learning is not a maintained school but is committed to ensuring that its education functions are exercised with a view to safeguarding and promoting the welfare of children in accordance with [KCSIE 2023](#), [Working Together to Safeguard Children](#) and [The Education Act 2002](#).

Seaside Learning Ltd.'s staff members have a positive role to play in child protection, as their position often allows them to be able to observe outward signs of abuse and changes of behaviour in children. Because of their role however, they are also open to accusations of abuse. Such allegations may be true, but they may also be false, misplaced or malicious.

This policy has been compiled in line with Part 4 of the Department for Education statutory guidance document [Keeping Children Safe in Education](#). It should be read in conjunction with the procedure for dealing with allegations of abuse against members of staff and volunteers and other relevant statutory and guidance documents issued nationally or by the Department for Education and HM Government, as well as other related Seaside Learning Ltd policies. See appendix 1 of this policy.

This policy aims to ensure that all allegations are dealt with fairly, consistently and quickly and in a way that provides protection for the child, whilst supporting the person who is the subject of the allegation.

In the event that a staff member does not wish to report an allegation directly, or they have a general concern about malpractice within Seaside Learning Ltd, reference can also be made to Seaside Learning's Whistle blowing policy.

This policy complies with the framework for managing cases of allegations of abuse against people who work with children, as set out in relevant guidance and in the local inter-agency procedures; [Pan-Dorset Safeguarding Children Partnership](#).

Scope and reporting concerns and allegations

This policy applies to all staff members of Seaside Learning Ltd and Seaside Learning's Director and DSL, James Lumber.

Staff members must report allegations without delay, in line with the following reporting lines:

- Allegations regarding another staff member will be reported to James Lumber, Director of Seaside Learning Ltd. and DSL.
- Allegations regarding James Lumber will be reported to the LADO [Report an allegation against James Lumber, DSL](#)
- BCP LADO, telephone 01202 817600 (0-18 years old)- the secure email for the service is
- LADO@bcpcouncil.gov.uk

- Adult Safeguarding Concerns BCP (vulnerable adults) - 01202 123654 or email asc.contactcentre@bcpcouncil.gov.uk
- Alternatively, more information about reporting abuse or adult safeguarding concerns can be found online at: <https://www.bcpsafeguardingadultsboard.com/>
- DORSET LADO: telephone 01305 221122 <https://pdscp.co.uk/>

Initial response

Children's social care services and, as appropriate, the police will be contacted immediately if a child has been harmed, if there is an immediate risk of harm to a child, or the situation is an emergency. Reporting will be made in line with Seaside Learning Ltd.'s Child Protection and Safeguarding Policy.

In cases where the police are not contacted immediately the DSL will conduct a basic enquiry in line with local procedures to establish the facts to help determine whether there is any foundation to the allegation and then contact the LADO. During this basic enquiry, the DSL will ensure that any information that will be required by the LADO is collected and will be careful not to jeopardise any potential future police investigation.

Once the DSL has conducted the basic enquiry, they will contact the LADO. The DSL and LADO will discuss the nature, content and context of the allegation and decide if:

- No further action is needed.
- A strategy discussion should take place.
- There should be involvement from the police

If the DSL is concerned about the welfare of other children in the community or the staff member's family, they will discuss these concerns with the LADO and conduct a risk assessment of the situation.

If the allegation is about physical contact, e.g. restraint, the strategy discussion or initial evaluation with the LADO will take into account that staff members and other staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour. Further information about the use of reasonable force can be found at paragraphs 163- 165 in Part Two of this guidance and on GOV.UK.

Where the allegation includes behaviour outside of school, an assessment of transferable risk to children with whom the person works will be undertaken where appropriate; advice will be sought from the LADO where there is any doubt.

No further action

Where the initial assessment leads to no further action, the DSL and LADO will:

- Record the decision and justification for it.
- Agree on what information should be put in writing to the individual concerned and by whom.

Strategy discussion

If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion involving the police will take place. Strategy discussions will take place in line with the 'Working Together to Safeguarding Children' statutory guidance.

The discussion will be used to:

- Share available information.

- Agree the conduct and timing of any criminal investigation.
- Decide whether enquires under section 47 of the Children Act 1989 must be undertaken

Investigation

Where it is clear than an investigation by the police or CSCS is unnecessary, or the strategy discussion or initial assessment decides that this is the case, the LADO will discuss the next steps with the DSL, James Lumber.

Where further enquiries are required to enable a decision about how to proceed, the LADO and DSL will discuss how the investigation will be undertaken and who should conduct the investigation. In most cases, the investigation will be undertaken by the DSL. However, if there is a lack of appropriate resources within Seaside Learning Ltd. or the nature or complexity of the allegation requires it, the DSL will seek the advice of the LADO.

The DSL will monitor the progress of the investigation to ensure that it is dealt with thoroughly, fairly and as quickly as possible. The first review will take place no later than four weeks after the initial assessment where possible. Dates of subsequent reviews will be set at the review meeting if the investigation continues and will be conducted at least at fortnightly interval.

Core Principles

This policy should be used in all cases in which it is alleged that a staff member has:

- behaved in a way that has harmed a child, or may have harmed a child, or;
- possibly committed a criminal offence against or related to a child, or;
- behaved towards a child or children in a way that indicates s/he would pose a risk of harm to children

In addition, the policy also applies if a concern arises about a staff member in his/her private life which indicates that s/he would pose a risk of harm to children.

It is imperative that everyone who deals with allegations of abuse maintains an open and enquiring mind. Even allegations that appear less serious must be followed up and taken seriously by staff members of Seaside Learning Ltd. and its DSL. This policy aims to provide effective protection for the child and support for the person who is the subject of the allegation.

This policy is applied to the two levels of concerns and allegations:

1. Concerns / allegations that may meet the harm threshold.
2. Concerns / allegations that do not meet the harm threshold – referred to for the purposes of this guidance as ‘low-level concerns.’

The procedures executed by Seaside Learning Ltd are consistent with PDSCP and BCP schools and colleges safeguarding procedures and statutory guidance.

Timescales

It is in everyone's interests to resolve cases as quickly as possible, consistent with a fair and thorough investigation and without delay. It is recognised that the time taken to investigate and resolve individual cases may depend on a variety of factors, including the seriousness and complexity of the case. In complex cases, where timescales are lengthy, the reasons for delay should be recorded.

Confidentiality

Reporting restrictions under the Education Act 2002 will be observed. Information regarding an allegation will only be shared with necessary parties. Every effort will be made to protect the privacy of all parties involved in an allegation. Confidentiality will also be maintained to ensure a fair investigation can be undertaken.

All parties involved in an allegation will be made aware of the requirement to maintain confidentiality and guard against unwanted publicity about any allegations made against staff members whilst investigations are in progress.

In circumstances where Seaside Learning Ltd. needs to make parents aware about an allegation, it will ensure parents and others are aware that there are restrictions on publishing information. Breaches in confidentiality will be taken seriously and may warrant a separate investigation. Seaside Learning Ltd. will not provide the media with any information regarding an allegation.

Whilst an allegation is being investigated, every effort will be made to maintain confidentiality. It might be necessary however, for staff members to be informed so far as is necessary, particularly in the case of allegations involving James Lumber, Director and DSL of Seaside Learning Ltd.

Consideration will also need to be given as to whether to make a brief statement to parents of other children who are receiving alternative education provision from Seaside Learning Ltd. This may be needed to provide an element of reassurance, if informal conversation has taken place in the community, and to continue to provide information throughout the investigation.

The police will not normally provide any information to the press or media that might identify an individual, unless or until the person is charged with a criminal offence.

Information sharing

During an initial evaluation of the case, the agencies concerned should share all the relevant information that they have about the person who is the subject of the allegation and about the alleged victim.

If applicable and where possible, the police and children's services social care should obtain consent from the individuals concerned to share the statements and evidence they obtain during the course of their investigations with Seaside Learning Ltd. This should be done as the investigation proceeds rather than after it is concluded. When considering any further action, Seaside Learning should therefore take account of any relevant information obtained during those enquiries.

Seaside Learning Ltd will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2011 amended the Education Act 2002, to introduce reporting restrictions.

Suspension

Suspension should not be seen as an automatic response to an allegation. A staff member will not be suspended without careful consideration, taking into account the seriousness and plausibility of the allegation and the risk of harm to the student concerned and possible risk of harm to future students. Suspension should therefore be intended as a safeguard for both the child making the allegation and the staff member against whom the allegation has been made.

In general, suspension should only be considered in any case where there is cause to suspect a child is at risk of significant harm, it is necessary to allow any investigation to continue unimpeded or is so serious that if proven it might be grounds for dismissal.

The power to suspend is vested in the Director of Seaside Learning, James Lumber. However, it would be appropriate for the views of the police/children's services social care to be canvassed prior to any final decision being made as to whether to suspend a staff member. In any event, suspension should only follow after discussion with the [Local Authority Designated Officer \(LADO\)](#).

If the initial suspension meeting takes place prior to the strategy discussion, care should be taken in relation to the amount of information given to the member of staff.

Suspension or alternative measures should be in place for as short a length of time as possible and if it is agreed that a staff member is to return to work, careful planning needs to take place to ensure the situation is managed as sensitively as possible.

Records

It is important that a clear and comprehensive summary recording the outcome of any allegations is kept on a person's file and a copy provided to the individual. Any details of allegations that are found to be malicious or false will be removed from the staff member's personnel record, unless they give their consent for the information to be retained.

For all other allegations, the following information will be kept on the staff member's personnel file:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Details of any action taken, decisions reached and the outcome
- A copy provided to the person concerned, where agreed by the police
- A declaration on whether the information will be referred to in any future reference

Seaside Learning Ltd. will retain records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the enquiry. All other records will be retained until the staff member subject to the allegation has reached normal pension age or for a period of 10 years from the date of the allegation, whichever is longer. This includes all allegations, even if unsubstantiated or false but not malicious. Details of allegations found to be malicious will be removed from the staff member's personnel file. This enables accurate information to be given in response to any future request for a reference and will help provide

clarity where a future DBS disclosure reveals police information that an allegation was made but did not result in a prosecution or conviction. Such a record also serves to protect the employee from unnecessary re-investigation if allegations resurface after a period of time.

Some cases must be reported to the Disclosure and Barring Service (DBS) for consideration, including the person on the barred list or for consideration by the Teaching Regulation Agency (TRA).

Support and reporting to parents and staff members

Parents or carers of the child or children involved will:

- be formally told about the allegation as soon as possible.
- consult the LADO and where involved local authority children's social care and/or the police on what information can be disclosed.
- be kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member.
- be made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against a staff members whilst investigations are in progress as set out in section 141F of the Education Act 2002.

Supporting students and parents involved

The welfare of the student involved in an allegation will be paramount. The student(s) involved will be fully supported in line with the Safeguarding and Child Protection policy. The parents of the student(s) involved in an allegation will be told about the allegation as soon as possible if they do not already know about it, unless notifying the parents would put the pupil at further risk. The DSL will work with the LADO to agree who should be informed about the allegation.

Parents will be made aware of the requirement to maintain confidentiality and guard against unwanted publicity about any allegations made against staff members whilst investigations are in progress.

Parents will be kept informed about the progress of the allegation, including the outcome and any action taken.

Supporting staff members who report an allegation

Seaside Learning Ltd. will ensure that staff members feel equipped and supported to report any allegations or concerns.

Staff members who are subject to an allegation

The decision of when to inform will be considered carefully on a case-by-case basis, considering guidance from the LADO and the police if involved. If it is possible the staff member will be informed as soon as possible considering guidance from the LADO and the police if involved.

A staff member subject to an allegation will be offered support. Seaside Learning Ltd has a duty of care to its staff members and will:

- Inform the member of staff as soon as possible about the allegation, explaining the likely course of action, guided by the LADO, and the police where necessary.

- Advise the member of staff to contact their trade union representative, or a colleague for support.
- Provide sign posting to counselling or medical advice where appropriate.
- Not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence.

Any information regarding an allegation is confidential and will not ordinarily be shared with other staff or with pupils or parents who are not directly involved in the investigation

Seaside Learning has a duty of care to their staff members and will:

- do its best to manage and minimise the stress caused by the allegation.
- inform the individual as soon as possible, explaining the likely course of action, guided by the Dorset LADO or BCP LADO, and the police where necessary.
- advise the individual to contact their trade union representative, or a colleague for support.
- Appoint James Lumber as a named representative to keep the staff member informed about the progress of the case (unless the allegation is about James Lumber).
- Support the staff member in accessing counselling or medical advice.
- not request that the staff member refrains from social contact with work colleagues and friends unless there is evidence to suggest this may prejudice the gathering of evidence.

If the allegations are false and no action is to be taken against the staff member, to help rebuild confidence where necessary, a meeting with the staff member and their union representative to discuss such matters would be helpful and encouraged by Seaside Learning Ltd.

Resignations

The fact that a staff member voluntarily ceases to teach for Seaside Learning Ltd, this must not prevent an allegation being followed up in accordance with the procedure outlined at step 4 of this policy.

It is important that every effort is made to reach a conclusion in all cases, including any in which the staff member concerned refuses to co-operate with the process.

Settlement agreements must not therefore be used in any safeguarding cases.

References

References will be provided in line with the school's Safer Recruitment Policy.

James Lumber, Director of Seaside Learning Ltd. will ensure that any information provided confirms whether he is satisfied with the applicant's suitability to work with children, and only provide the facts and outcome of any substantiated safeguarding concerns or allegations that meet the harm threshold within any employment references. References will not include opinions, and cases will not be included where an allegation was found to be false, unfounded, unsubstantiated, or malicious; this applies for repeated concerns or allegations found to be false, unfounded, unsubstantiated or malicious.

Outcomes

The following definitions will be used when determining the outcome of an allegation:

- **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
- **Unfounded:** There is no evidence or proper basis which supports the allegation being made

The options available to Seaside Learning Ltd. will depend on the nature and circumstances of the allegation and the evidence and information available.

Referral to the DBS

If an allegation is found to be substantiated and the staff member is dismissed, resigns or otherwise ceases to provide their services to Seaside Learning Ltd. or Seaside Learning Ltd. ceases to use the staff member's services, Seaside Learning Ltd. has a legal duty to make a referral to the DBS.

Seaside Learning Ltd. will also make a referral to the DBS where it is considered an individual has engaged in conduct that harmed, or is likely to harm, a child, or if they otherwise pose a risk of harm to a child.

Criminal investigations

Some allegations may result in a criminal investigation taking place. The police will inform Seaside Learning Ltd. and the LADO when:

- A criminal investigation and any subsequent trial is complete.
- It is decided to close an investigation without charge.
- It is decided not to continue to prosecute after the person has been charged.

The DSL and LADO will discuss whether any further action against the staff member is appropriate, including disciplinary action. The DSL will seek guidance from the LADO if this is the case.

Returning to work

Where a staff member has been suspended and it is decided on conclusion of the case that they can return to work, the DSL will decide on the best course of action to facilitate the return to work, seeking advice from the LADO. The staff member's circumstances will be taken into account, and options such as a phased return and the provision of a mentor to provide assistance and support in the short term considered where appropriate. Due to the nature of 1:1 alternative education (AP) provision in that students do not spend an extended period of time in AP, it is unlikely that there would any contact with the child who made the allegation once the staff member returned to work.

The staff member will be provided with support during their return to work.

Oversight and monitoring by LADO

The LADO has overall responsibility for the oversight of the procedures for dealing with allegations and will provide advice and guidance to Seaside Learning.

The LADO will also monitor the progress of cases and liaise with the police and other agencies to ensure that cases are dealt with as quickly as possible, consistent with a fair and thorough process.

Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, the LADO will review the circumstances of the case with the DSL and discuss and advise whether there are any improvements to be made to Seaside Learning Ltd.'s procedures to help prevent similar events in the future.

James Lumber, DSL will work with the LADO to ensure the appropriate application of this procedure

Appendix 1

In addition to the legal framework other policies and documents to be considered and read in conjunction with this policy for dealing with allegations of abuse against members of staff and volunteers are:

- PDSCP – Allegations against Staff
- Dealing with allegations of abuse against staff members and other staff* – DfE statutory guidance for local authorities, headteachers, school staff, governing bodies and proprietors of independent schools
- Guidance for Safer Working Practice* national guidance for those working with children and young people in education settings and young people in education settings.
- Regulated activity for children, DfE guidance
- Use of Reasonable Force* – DfE advice for Headteachers, staff and governing bodies.
- What to do if you are worried that a child is being abused* – advice for practitioners
- Whistleblowing Policy
- NSPCC Protecting Children from Grooming
- Working together to Safeguard Children* HM Government statutory guidance on interagency
- Staff members' Standards* - These standards set the minimum requirements for staff members' practice and conduct

*It is expected that Seaside Learning Ltd.'s staff members will adhere to the best practice outlined within these documents as applicable to their role and responsibilities as a staff member.

Appendix 2 – definitions

(i) No further action after initial consideration

Initial consideration means the discussion about whether the alleged incident constitutes an allegation within the scope of the Local Safeguarding Children Board (LSCB) procedures, i.e. the initial discussion with the LADO, Social Care or Police, following which there may be no need for further action under the procedures. It does not mean following an initial assessment undertaken in accordance with the Framework for the Assessment of Children in Need and their Families.

(ii) Substantiated

There is sufficient evidence to prove the allegation.

(iii) Unsubstantiated

This is not the same as a false (malicious) allegation. It simply means that there is insufficient evidence to prove or disprove the allegation. The term does not imply guilt or innocence.

(iv) Malicious

This means there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.

(v) False

This means that the allegation has been proved to be untrue.

(vi) Unfounded

This means that there is no evidence or proper basis which supports the allegation being made. It may also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.