



Evergreen Education and Therapy - Allegations about Staff Policy 2024/2025

Allegations about Staff Policy Policy Adopted:	October 2023 Author: R Peacock Head of Therapeutic Services
Review Date:	August 2025 Kirsty Moran
Next Review Date:	August 2026
Designated Safeguarding Lead	Kirsty Moran
Deputy Designated Safeguarding Lead	Rebecca Peacock
Read in conjunction with:	Keeping Children Safe in Education 2024 KCSIE 2024 Working together to safeguard Children 2023 - hyper link- WTTSC 2023

All children have the right to be safe when they come for Therapy and for Therapeutic Education at Evergreen.

We have a rigorous staff recruitment process but we remain vigilant to ensure our staff are safe, trustworthy people.

This policy should be read in conjunction with the Safeguarding Policy; Low Level Concerns Policy and Staff Code of Conduct ; and KCSIE 2024 and Working Together to Safeguard Children.

We will work together with other agencies, where necessary, to ensure adequate arrangements within our company to identify, assess, and support those who are suffering harm. We take all concerns seriously. Such allegations should be referred immediately to the DSL (and/or DDSL) to agree further action to be taken in respect of the student and staff member.

All staff should take care not to place themselves in a vulnerable position with a child as stated in the Staff Code of Conduct.

This policy addresses **allegations that may meet the harms threshold**

For concerns that are deemed low level please see low level concerns policy.

This policy applies to all cases in which it is alleged that a current member of staff has:

- Behaved in a way that has harmed a child, or may have harmed a child, and/or



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- Possibly committed a criminal offence against or related to a child, and/or
- Behaved towards a child or children in a way that indicates he or she 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 both inside and outside of the work place.

We will deal with any allegation of abuse quickly, in a fair and consistent way that provides effective child protection whilst supporting the individual who is the subject of the allegation.

A 'case manager' will lead any investigation. This will be the Designated Safeguarding Lead or DDSL.

Where necessary, the Company will use an outside consultant to ensure impartiality. The case manager will be identified at the earliest opportunity.

Our procedures for dealing with allegations will be applied with common sense and judgement.

Clarity around Allegation vs Low Level Concern vs Appropriate Conduct

Allegation:

Any adult linked to our Company who 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 he or she 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
- Multiple occasions of low level recorded.
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Low Level Concern:

Any adult linked to our Company who has behaved 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 LADO.

Appropriate:

- Behaviour which is entirely consistent with our Company's Code of Conduct, and the Law.



Suspension of the accused until the case is resolved

Suspension of the perpetrator will be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm.

In such cases, we will suspend an individual if we have considered all other options available and there is no reasonable alternative.

The Company may suspend an employee on full pay. Suspension is not a disciplinary penalty and carries no implication of guilt. Whilst on suspension an employee must be available for work or meetings as required during normal working hours. During a period of suspension passwords will be barred and if the employee has access to the computer system it will be denied.

Based on an assessment of risk, we will consider alternatives such as:

- Redeployment so that the individual does not have direct contact with the child or children concerned
- Providing an alternative staff member to be present when the individual has contact with children
- Redeploying the individual to alternative work so that they do not have unsupervised contact with 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 or mentors have been consulted.

If in doubt, the case manager will seek views from appropriate authorities / bodies, as well as the police and children's social care where they have been involved.

If immediate suspension is considered necessary, the case manager should record the rationale and justification for such a course of action. This should also include what alternatives to suspension have been considered and why they were rejected. The case manager should consider the potential permanent professional reputational



damage to employees that can result from suspension where an allegation is later found to be unfounded, unsubstantiated, malicious, or false.

Definitions for outcomes of allegation investigations

- Victim: although not everyone who has been subjected to abuse considers themselves a victim or would want to be described in this way, we may use this term in policies to describe a child who may have been harmed
- Perpetrator: this terminology is used because it is widely understood; as above, we understand the need for careful use of language when speaking to parties involved in an allegation or investigation
- 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 (this does not imply guilt or innocence)
- Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

Procedure for dealing with allegations

In the event of an allegation that meets the criteria above, the DSL/DDSL will conduct a thorough investigation, which may result in formal disciplinary action. During the investigation, the DSL/DDSL will take the following steps:

- Conduct basic enquiries to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below
- Discuss the allegation with the designated officer at the child's local authority (LADO). 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



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and/or children's social care services. (The DSL/DDSL may, on occasion, consider it necessary to involve the police before consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police)

- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services/LADO are involved, the case manager will only share such information with the individual as has been agreed with those agencies
- Where appropriate (in the circumstances described above), carefully consider whether alternative arrangements such as those outlined above should be put in place for the accused individual
- Where the DSL/DDSL is concerned about the welfare of other children or the individual's family, they will discuss these concerns with the Designated Safeguarding Lead and LADO and make a risk assessment of the situation. If necessary, the Designated Safeguarding Lead may make a referral to children's social care
- If immediate suspension is considered necessary, agree and record the rationale for this with the designated officer. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact and their contact details
- If it is decided that no further action is to be taken in regard to the subject of the allegation or concern, this decision will be recorded and the justification for it and agree with the designated officer what information will 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



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- If it is decided that further action is needed, further steps will be taken in line with the below disciplinary procedure to initiate the appropriate action in school and/or liaise with the police and/or children's social care services/LADO as needed.

For the member of staff against whom the allegation is made:

At all stages of the formal disciplinary procedure, you will:

- be given a right of reply to all and any allegations made against you BEFORE any decision or disciplinary action is taken
- be advised of the nature of any disciplinary action taken against you and the consequences of such action
- be advised of any improvement in conduct or performance required and over what period
- be accompanied by a support person to any disciplinary meeting as described above if so desired.

Disciplinary meetings will be conducted by your DSL/DDSL. At the meeting, you will be given the opportunity to respond and to put forward any defence or arguments you want. You may ask questions, present evidence, and call witnesses.

You must take all reasonable steps to attend the meeting. Where you are unable to attend more than one meeting the Company may, in certain circumstances, hold the meeting in your absence and make their decision based on the evidence available to them at the time.

Depending on the severity of the offence and considering all the circumstances the disciplinary action may take any one of the following forms.

It is possible for serious matters that several stages in this procedure may be skipped.

Stage 1 – Informal Counselling

Low-level issues may be dealt with informally through informal counselling and training.



However, in cases where informal discussion with the employee does not lead to an improvement in conduct or where the matter is considered to be too serious to be classed as minor, the following disciplinary procedure will be used. At all stages of the procedure, an investigation will be carried out.

Stage 2 - Verbal Warning

A verbal warning will be issued if improvement does not result following informal counselling or for more serious breaches. You will be told of steps you must take to improve your conduct and if appropriate the time limit for improvement. This will be confirmed in writing and recorded on your file.

Stage 3 - Written Warning

For more serious matters or where you have failed to meet the required standards after having been given a verbal warning, you may be given a written warning. This will state the nature of the complaint, the required standards that must be met and where appropriate a time limit for improvement. It will also state that further disciplinary action will be followed if the required standards are not met.

Stage 4 - Final Written Warning

For serious matters or where you have failed to reach the required standards after being warned you may be given a final written warning. This will state the nature of the complaint, the required standards to be met and where appropriate a time limit for improvement. It will also state that you will be dismissed if the standards are not met or if there is further misconduct. One copy of which will be retained by you, and one placed on your file normally for a maximum of 12 months.

Stage 5 – Termination of Employment

Where there has been Gross Misconduct (in which case the first 4 stages may be omitted) or where you have failed to meet the required standards after due warnings have been given to you, you may be dismissed. In extenuating circumstances, we may apply another sanction such as disciplinary transfer, disciplinary suspension without pay or demotion. This will be confirmed in writing.



In case of gross misconduct, the dismissal will normally be without notice (or pay in lieu of notice).

All substantiated allegations of misconduct which breach safeguarding and child protection policies are considered gross misconduct and as such may be considered so serious that the employee may be liable for instant dismissal.

Throughout the investigation and disciplinary, Evergreen Education and Therapy Ltd will ensure to:

- Provide effective support for the individuals involved, as outlined in the subsection below
- Inform the parents, carers or mentors of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents, carers or mentors of the requirement to maintain confidentiality about any allegations made against staff while investigations are ongoing. Any parent, carer or mentor who wishes to have the confidentiality restrictions removed in respect of a member of staff will be advised to seek legal advice
- Keep the parents, carers or mentors of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member)
- Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child
- If an interim prohibition order is sanctioned in respect of an individual who is a teacher, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency. If it is in relation to a Therapist their regulatory body will be informed – HCPC or other
- Where the police are involved, wherever possible the police at the start of the investigation will be asked 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.

When an allegation is raised, students and staff should be treated with respect and support at all stages of the investigation.

This will be achieved by:

- Offering effective wellbeing support and / or counselling to the victim(s) in the first instance, whilst maintaining a level of confidentiality, as appropriate
- Seeking wellbeing support by liaising with the family and local services of the victim, as appropriate
- Providing effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate.
- We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with the relevant local authority to determine a suitable outcome

Timescales

We will deal with any allegation as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable. The following times may be approximations taking into account weekends and holidays. Where the following times cannot be adhered to, we will inform the relevant parties.

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious should be resolved within 10 working days
- If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken within 3 working days



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- If a disciplinary hearing is required and can be held without further investigation, this should be held within 15 working days
- However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

Specific actions

Action following a criminal investigation or prosecution

The case manager will discuss with the relevant local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

Conclusion of a case where the allegation is substantiated

If the allegation is substantiated and the individual is dismissed or the company ceases to use their services, or the individual resigns or otherwise ceases to provide their services, the company will make a referral to the DBS / PVG for consideration of whether inclusion on the barred lists is required.

In line with advice from the Department for Education, will not use settlement agreements where there are allegations that indicate the person is a risk or poses a risk of harm to children or deemed not suitable to work with children. Such an agreement will not prevent a thorough police and/or school or college investigation where that is appropriate.

If the individual concerned is a teacher the company will consider whether to refer the matter to the Teaching Regulation Agency to prohibit the individual from teaching. If the individual is a therapist a referral will be made to their regulatory body.

Individuals returning to work after suspension

If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.



The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending.

Unsubstantiated, unfounded, false or malicious reports

If a report is:

- Determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate
- Shown to be deliberately invented, or malicious, the DSL will consider whether any disciplinary action is appropriate against the individual(s) who made the report
Support to safeguard all staff will be put in place if it is deemed appropriate that the child still continue to attend.

Unsubstantiated, unfounded, false or malicious allegations

If an allegation is:

- Determined to be unsubstantiated, unfounded, false or malicious, the relevant local authority and case manager will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate
- Shown to be deliberately invented, or malicious, the school will consider whether any disciplinary action is appropriate against the individual(s) who made the allegation

Confidentiality and information sharing

The company will make every effort to ensure confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The case manager will take advice from the relevant local authority, police and children's social care services, as appropriate, to agree:



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- Who needs to know about the allegation and which information should be shared
- How to manage speculation, leaks and gossip, including how to make parents, carers or mentors 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 / when it arises Record-keeping

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case.

The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file). For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- 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 the outcome
- A declaration on whether the information will be referred to in any future reference

In these cases, the company will provide a copy to the individual, in agreement with the relevant local children's social care or the police (as appropriate).

Where records contain information about allegations of sexual abuse, we will preserve these for the an Inquiry into Child Sexual Abuse or for the term of the inquiry.

This record will be stored securely in Safeguarding File. These records should be kept confidential and held securely, with access afforded only to a limited number of individuals such as the DSL/DDSL. This will be stored according to GDPR guidelines.



References

When providing employer references, we will:

- Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious
- Include substantiated allegations, provided that the information is factual and does not include opinions

Learning lessons

After any cases, whether the allegations are found to be substantiated or not, the case manager and / or DSL and DDSL review the circumstances of the case (with the relevant local authority's designated officer, where allegations are substantiated) to determine whether there are any improvements that we can make to the company's procedures or practice to help prevent similar events in the future. This will include consideration of (as applicable):

- Any issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstate
- How future investigations of a similar nature should be carried out

For all cases, the case manager will consider the facts and determine whether any improvements can be made. For example, where a false allegation has been made, risk assessments and risk management could focus on preventing circumstances that put staff members at risk of vulnerability.

Non-recent allegations



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Abuse can always be reported, no matter how long ago it happened. We will report any non-recent allegations made by a child to their local authority. Where an adult makes an allegation to the company that they were abused as a child, we will advise the individual to report the allegation to the police and offer appropriate support from the DSL/DDSL.

For concerns that do not meet the harm threshold please see the low levels concerns Policy. It is also important to assess ‘transferrable risk’ highlighted in KCSIE 2023, which may initially seem like a low level concern but which may be concealing more serious risks to children.

Useful contact information

If a child is at risk of immediate harm do not delay: ring 999

PDSCB – information on reporting concerns – click link:

https://pandorsetscb.proceduresonline.com/p_referrals.html

<p>Bournemouth, Christchurch & Poole – Children's First Response Hub:</p> <p>Bournemouth, Christchurch & Poole Out of Hours Service:</p> <p>BCP LADO – allegations against staff</p>	<p>01202 123334 childrensfirstresponse@bcpcouncil.gov.uk</p> <p>01202 738256 childrensOOHS@bcpcouncil.gov.uk</p> <p>Telephone: 01202 817600 Email: LADO@bcpcouncil.gov.uk</p>
<p>Dorset - Children's Advice and Duty Service (ChAD) Professionals Number: This is a professionals-only number to discuss your concerns, Dorset Out of Hours Service:</p> <p>Dorset LADO</p> <p>Dorset Families and Members of the public</p>	<p>01305 228558</p> <p>01305 228558</p> <p>01305 221122 or LADO@dorsetcouncil.gov.uk</p> <p>01202 228866</p>



<p>Somerset: Children’s Social Care</p> <p>Somerset Emergency Duty Team (EDT) on</p> <p>If you are the Designated Safeguarding Lead for your organisation, you can get advice and guidance from:</p> <p>Local Authority Designated Officer (LADO),</p>	<p>0300 123 2224 childrens@somerset.gov.uk.</p> <p>0300 123 23 27.</p> <p>Children’s Social Care consultation line 0300 123 3078 (9:00am - 4:00pm)</p> <p>0300 123 2224</p> <p>Email: SDinputters@somerset.gov.uk</p>
<p>Wiltshire:</p> <p>Multi-Agency Safeguarding Hub (MASH), standard working hours:</p> <ul style="list-style-type: none">Monday to Thursday from 8.45am to 5pmFriday from 8.45am to 4pm <p>- Out of hours service:</p> <ul style="list-style-type: none">Monday to Thursday 5pm to midnight, Friday 4pm to midnightweekends and Bank Holidays from 9am - midnightphones are diverted to the Social Work Standby Service from midnight to 9am (7 days a week) <p>Contact Details for the LADO Service</p>	<p>0300 456 0108</p> <p>0300 456 0100</p> <p>Email LADO@wiltshire.gov.uk</p> <p>Phone: 0300 456 0108 (Option 6)</p>



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Please complete the form and hand as soon as possible to Kirsty Moran DSL or Rebecca Peacock DDSL

1. Name of individual raising the concern	
2. Date and time the concern was raised	
3. Name and role of individual about whom concern has been raised	
4. Details of the concern(s) reported (give description and context)	
5. DSL/DDSL to Complete. Details of steps have been taken to investigate this concern <i>Detail discussion and steps taken with dates and times</i>	
6. Set out the Individual's response to the concern	
7. Is this concern 'low level' or should it be treated as an	



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allegation against staff . State rationale		
8. Have 'low level' or other concerns/allegations been raised about this individual previously? <i>If so, please provides dates, brief details, and relevant file/document reference for the concern(s). Also consider whether previous concern(s) raised coupled with this new concern meet the threshold of harm</i>	Yes []	No []
Details of further action required <i>Action could range from no action or a conversation to discuss the concern, to being clear why the behaviour is concerning and formal disciplinary action.</i>		
Completed by: <i>Allegations must be dealt with by the DSL/DDSL or an external 'Case Manager'</i>	Name	
	Position	
Date:		
Signature:		