



## **Managing Allegations Against Staff**

**Last approved: October 2024**  
**Approved by: Quality Committee**  
**Next review due: October 2026**

## **Policy Statement**

BN1 ARTS expects all staff to maintain high standards and behave in accordance with the company's core values and Code of Conduct for FE as appropriate.

BN1 ARTS' Disciplinary Policy sets out the process to follow if there is an allegation of misconduct against an employee. The Managing Allegations Against Staff Policy is complementary to this; it relates specifically to allegations of inappropriate behaviour towards children that meet the harm threshold (see 1.1).

It does not apply to low level concerns that do not meet this threshold. These situations may be addressed through performance management processes.

This policy applies to all staff including employees, agency workers, self-employed contractors, volunteers.

Every effort will be made to ensure each policy is reviewed and reissued in response to future changes in the law. If legal requirements supersede the content of this policy, legal requirements will be followed.

This policy does not form part of the contract of employment and may be deviated from, amended or replaced in future from time to time at the Company's discretion.

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## 01 – Recording an Allegation

- 1.1 An allegation that meets the harms threshold occurs when it is alleged that a member of staff has:
- behaved in a way that has harmed a child, or may have harmed a child;
  - possibly committed a criminal offence against or related to a child;
  - behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
  - behaved or may have behaved in a way that indicates they may not be suitable to work with children.
- 1.2 Any member of staff who becomes aware of an allegation, breach of trust or professional conduct must report this to the College Principal. If the matter concerns the College Principal, it should be escalated to the Chief Executive Officer, Chief Operations Officer, or the Academic Director.
- 1.3 The College Principal will liaise with the Designated Safeguarding Lead (DSL) to coordinate the student welfare response in line with BN1 ARTS's safeguarding policies and procedures.
- 1.4 With the support of the Senior Leadership Team, the College Principal will conduct initial enquiries to establish the facts and identify if there is a foundation to the allegation. If there is a foundation, they will notify the Local Authority Designated Officer (LADO).
- 1.5 The decision on when to inform the person who is being investigated will be made in conjunction with the LADO.
- 1.6 If the LADO suspects a child is suffering, or is likely to suffer significant harm, they will convene a strategy discussion involving the police and/or children's social care.
- 1.7 If the LADO determines that an investigation by external authorities is unnecessary, they will discuss next steps with the College Principal. Possible actions are:

- No further action. The decision and justification will be recorded, and the member of staff notified.
- Further investigation. In this case, an investigation will be carried out in accordance with the Disciplinary Policy.

1.8 Where an external investigation is required, the College Principal will liaise with relevant authorities to ensure any internal action does not jeopardise their proceedings. The police will inform BN1 ARTS immediately when:

- A criminal investigation and any subsequent trial are 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 process and outcome of criminal proceedings will influence BN1 ARTS's internal investigation process and any potential disciplinary action.

## **02 – Suspension**

2.1 Suspension is not an automatic response when an allegation is reported. A decision to suspend should be made in accordance with the Disciplinary Policy, Keeping Children Safe in Education (KCSIE), and in consultation with the LADO.

## **03 – Supporting those Involved**

3.1 We recognise that being investigated is likely to be a stressful experience for a member of staff. In line with their duty of care, BN1 ARTS will:

- Seek to manage and minimise the stress caused by the allegation.
- Keep the individual informed with progress.
- Encourage individuals to access support from their line manager.

4.1 All staff involved in the response to the allegation have a responsibility to maintain confidentiality, and are reminded that the 'The Education Act 2011 makes it an offence (except in the limited circumstance expressly permitted by the legislation), for any person to publish any material that may lead to the identification of a teacher in a school who has

been accused by, or on behalf of, a child from the same school' (KCSIE 2021).

- 4.2 Relevant staff should take advice from the LADO, police, and children's social care to agree who needs to know and what information can be shared.

## **04 – Allegation Outcomes**

- 5.1 The possible outcomes of an investigation are:

- 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. 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.

- 5.2 The nature, circumstances and outcome will determine the appropriate course of action. In the case of employees and in line with the Disciplinary Policy, the possible sanctions are:

- No Formal action.
- First Written Warning.
- Final Written Warning.
- Dismissal (with notice).
- Summary Dismissal (without notice).
- Some Other Sanction Short of Dismissal.

- 5.3 In the case of self-employed contractors, BN1 ARTS will make a decision about whether they continue to work with the individual, and, if so, in what capacity.

## **05 – Referral**

6.1 BN1 ARTS has a legal duty to make a referral to the Disclosure and Barring Service (DBS) if:

- The allegation is substantiated, and the person is dismissed, resigns, or otherwise ceases to provide their services; or
- They consider an individual to have engaged in conduct that has harmed (or is likely to harm) a child.
- They consider the person to otherwise pose a risk of harm to a child.

## **06 – Unsubstantiated, Unfounded, False or Malicious Allegations**

7.1 If an allegation is determined to be unsubstantiated, unfounded, or false, the LADO and the College Principal should consider whether the child and/or the person who has made the allegation is in need of help.

7.2 Any member of staff who raises a malicious allegation may face disciplinary proceedings.

The Local Authority Designated Officer (LADO) Kay Whitcroft can be contacted via

[ladoenquiries@brighton-hove.gov.uk](mailto:ladoenquiries@brighton-hove.gov.uk) or 01273 335905.

