



Wessex
Learning Trust
We Learn Together!

Dealing with Allegations against Staff Policy

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Review Date: September 2027

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Wessex Learning Trust

Dealing with Allegations against Staff Policy

This policy will be reviewed by the Board of Trustees every three years.

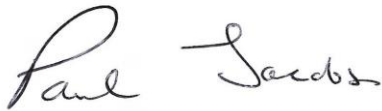
A handwritten signature in black ink that reads "Gavin Ball". The signature is written in a cursive style with a large, looped initial 'G'.

Signature:

Name: Mr Gavin Ball

Position: Chief Executive

Date: 01/09/2024

A handwritten signature in black ink that reads "Paul Jacobs". The signature is written in a cursive style with a large, looped initial 'P'.

Signature:

Name: Mr Paul Jacobs

Position: Chair of the Board

Date: 01/09/2024

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1. Introduction

1.1 The Wessex Learning Trust is committed to providing the highest level of care for both its learner's and staff. It is extremely important that any allegations made against any member of staff or someone working on behalf of the school in a paid or unpaid capacity are dealt with thoroughly and efficiently, maintaining the highest level of protection for the learner whilst also giving support to the person who is the subject of the allegation. For the avoidance of doubt this includes supply teachers, volunteers and contractors. Our policy is in line with the Department for Education allegations of abuse against teaching and non-teaching staff (October 2012), and DfE Keeping Children Safe in Education (KCSiE) statutory guidance. It should be read alongside Working Together to Safeguard Children 2018.

1.2 This policy is to ensure that all staff, learners, and parents/carers are aware of the procedure for the investigation of allegations against staff in order that all complaints are dealt with consistently, fairly, and as efficiently as possible.

2. Purpose

2.1 The procedure for dealing with allegations against staff depends on the situation and circumstances surrounding the allegation. This policy must be followed when dealing with allegations but may be adapted to each case. Appendix 1 - Procedure Flowchart to support Trust leaders when an allegation has been made.

2.2 Guidance on managing allegations that meet the harms threshold (criteria outlined in 2.5) is set out in sections 4 – 8 of this policy.

2.3 Guidance on managing allegations that do not meet the threshold is set out in section 9 – Low-Level Concerns.

2.4 This policy will be used alongside the Wessex Learning Trust's Complaints Policy, Whistleblowing Policy, Child Protection and Safeguarding Policy.

2.5 This policy will be used in any case where it is suspected or alleged that any member of staff working on behalf of the school in a paid or unpaid capacity within the Wessex Learning Trust has:

- Behaved in such a way that may have harmed a learner or may have intended to harm a learner.
- Possibly committed a criminal offence against or related to a learner; or
- Behaved towards a learner or learners in a way that indicates they would pose a risk of harm if they work regularly or closely with learners.
- Behaved or may have behaved in a way that indicates that they may not be suitable to work with learners. *This can include behaviour that may have happened outside of school, that might make an individual unsuitable to work with learners known as transferable risk.*

2.7 The LADO – (Local Authority Designated Officer) will often be involved in deciding whether an allegation meets the criteria of the above (para. 2.5). The Trust Safeguarding

and Educational Welfare Lead and/or Trust HR Central Team and/or Human Resource Advisors (North Somerset and Somerset) can also support.

3. Timescale

3.1 It is imperative that allegations against staff are dealt with as efficiently as possible to:

- Protect the learner and
- Support the person who is the subject of the allegation.

4. Procedure

4.1 Reporting an Allegation

4.1.1 Any allegation against a member of Trust/academy staff involving a learner should be reported immediately to the academy's Designated Safeguarding Lead (DSL) or (Executive) Headteacher.

Any allegation made against a member of central team staff, academy DSL and/or an (Executive) Headteacher should be reported to the Trust HR Team and Trust Safeguarding and Welfare Lead.

Any allegation made against a member of the Trust HR team, Trust Safeguarding and Welfare Lead, and/or Executive Leadership Team should be reported to the Chair of the Trust Board.

Any allegation made against a Local Partnership Board member is reported to the (Executive) Headteacher of the academy where they would seek advice from Trust HR team.

Any allegation made against a Trustee should be reported to the Trust Central HR Team and Trust Safeguarding and Welfare Lead.

4.1.2 Where an allegation needs to be investigated by an individual who is not directly employed e.g. supply teachers and contractors, the academy/HR should work with the HR department of their employer to deal with the allegation appropriately.

4.1.3 When dealing with allegations, a dedicated person such as DSL, (Executive) Headteacher, HR or Trust Safeguarding Lead will be responsible for overseeing the procedure as outlined in this policy. For the purpose of this policy, this person will be named as the 'responsible manager'.

4.1.4 The 'responsible manager' should:

- Apply common sense and judgement.
- Deal with allegations quickly, fairly, and consistently.
- Provide effective protection for the learner and support the person subject to the allegation.
- Complete the Allegation Log spreadsheet to ensure all process is thorough and review can be undertaken following case.

4.1.5 Where an allegation is received relating to an incident that has occurred whilst an individual or organisation using our premises for the purposes of activities for learners (e.g. community groups, sports associations, or service providers that run extra-curricular activities) this policy should be followed. This will include informing the LADO of the allegation if relevant.

4.1.6 All staff must remember that the welfare of the learner is paramount, and they must report their concerns immediately. The Wessex Learning Trust Whistleblowing Policy enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place.

4.2 Initial Assessment

4.2.1 The procedure for dealing with allegations needs to be applied with common sense and judgement. Many cases may well not meet the criteria set out above (para. 2.5) or may do so without warranting consideration of either a police investigation or enquiries by children's social care. Before contacting the LADO, the 'responsible manager' should conduct basic enquiries to establish the facts to help determine whether there is any foundation to the allegation.

4.2.2 An 'investigating officer' will need to be appointed by the 'responsible manager' to lead an investigation where an allegation meets the criteria (para. 2.5). See Appendix 5 for how to 'Conduct a workplace investigation'.

An 'investigating officer' would typically be a member of the senior leadership team (SLT), member of the Wessex Executive Leadership team (ELT), or Trust HR team dependant on who is the subject of an allegation (see 4.1.1).

4.2.3 Where the allegation appears to meet the above criteria (para. 2.5) the 'responsible manager' will immediately complete an Allegations Referral Form (ARF) to inform the LADO whose advice they must follow within one working day.

[Allegations Reporting Form - Somerset Safeguarding Children Partnership - Somerset Council](#)
[LADO Referral Consultation Form January 2024.docx \(live.com\)](#) - North Somerset Council

4.2.4 In cases that do not meet the criteria (para.2.5) the 'responsible manager' will decide whether to undertake an internal investigation or decide that no further action is required. This information will need to be shared with the Trust HR team, logged on the academy/central Low Level Concerns Log. See Section 9 – Low Level Concerns for guidance.

4.2.5 At which point to inform the individual (who is the subject of the allegation) should be considered carefully and on a case-by-case basis. Guidance can be sought as required from the Trust HR team, Trust Safeguarding and Educational Welfare Lead, the LADO, and if appropriate local authority children's social care and the Police.

4.3 Supporting those involved

4.3.1 The 'responsible manager' should liaise with the LADO to understand what information can be shared with parents/carers if their child has made, or is involved, in an allegation against any member of staff or someone working on behalf of the school in a paid or unpaid capacity if they do not already know.

4.3.2 However, if the Police or Children's Social Care are to be involved, they must be contacted first and will advise as to what information may or may not be disclosed to the parents/carers. A staff member will be designated to the role of liaising with the parents/carers and learner(s) about the case and ensuring that they are fully informed as appropriate. Parents/carers should be kept informed about the progress of the case and told the outcome where there is not a criminal prosecution. Parents/carers should be made aware of the prohibition on reporting or publishing allegations about staff (section 141F of the Education Act 2002 [Education Act 2002 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2002/26/section/141F)).

4.3.3 If a learner is needed to be interviewed as part of the investigation process, consent will need to be obtained from their primary parent/carer. The primary parent/carer also has a right to be involved within the interview, however they are unable to comment during the interview process.

4.3.4 The Wessex Learning Trust has a duty of care to its employees and will do everything to minimise the stress of any allegations and the disciplinary process. The person who is the subject of the investigation will be informed as soon as the allegation has been made. The employee will then be advised on what the next course of action will be. However, if the Police or Social Services are to be involved, they will be contacted prior to the employee and will advise as to what information may be disclosed to the individual under investigation.

4.3.5 A named representative will keep the employee informed of the progress of the case and any other work-related issues.

4.3.6 If the employee is a member of a Union or any other Professional Association, they should be advised to contact that body at the outset of the investigation.

4.3.7 The employee may need additional support and the 'responsible manager' should consider what might be appropriate to best accommodate this. If it is a criminal investigation and the Police are involved, they may provide this additional support.

4.4 Confidentiality

4.4.1 The Wessex Learning Trust will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties. At the Wessex Learning Trust, we will always endeavour to respect and care for those who are involved in the complaint or investigation and confidentiality is at the forefront of this.

4.4.2 A breach of confidentiality will be taken seriously and may warrant its own investigation. It is a criminal offence to publish information that could lead to the identification of someone who is the subject of an allegation before they are charged or summonsed.

4.4.3 The 'responsible manager' should take advice from the LADO, Police and Children's Social Care services to agree the following:

- Who needs to know and, importantly, exactly what information can be shared.
- How to manage speculation, leaks, and gossip.
- What, if any, information can be reasonably given to the wider community to reduce speculations.
- How to manage press interest when it should arise.

4.5 Suspension

4.5.1 The 'responsible manager' should not suspend a member of staff without serious consideration and will not do it automatically once an allegation has been made. Depending on the nature of the case, it may be possible that alternative arrangements are made so that the individual can continue working but is removed from the learner making the allegation.

4.5.2 A suspension may be decided upon if it is deemed that the learner or other learners may be at risk of harm, or if the nature of the case warrants a criminal investigation. The (Executive) Headteacher and Local Partnership Board member holds the power to suspend an employee but will often be advised by the LADO, Police and or Children's Social Care whether a suspension is necessary.

4.5.3 If a suspension is decided to be appropriate, the employee will receive written confirmation (see appendix 6) within one working day and will be informed of the reason for the suspension.

4.6 Resignation

4.6.1 If an employee submits their resignation whilst a process is underway regarding an allegation against them or during an investigation, the investigation will continue until an outcome has been reached, with or without the employee's cooperation. They will be given full opportunity to answer the allegation.

4.6.2 Compromise agreements will not be used in situations which are relevant to these procedures.

5. Record Keeping

5.1 Detailed records of all allegations made, investigations and outcomes should be kept in the personnel file of the person who has been under investigation. This person should be given a copy of the same information. This will enable the Trust/academy to:

- Provide all the necessary information if a reference is requested.
- Where DBS checks highlight incidents of allegations that did not result in any criminal charges, records will need to show exactly what happened, what points of action were taken during and after the investigation, and how the result of the investigation was reached.
- Prevent unnecessary re-investigation in the future if an allegation re-surfaces.

5.2 The record will be kept, including for people who leave the organisation, at least until the person reaches normal retirement age or for 10 years from the date of the allegation if that is longer.

5.3 Allegations that are proven to be malicious will not be kept on employment records or used in employee references.

5.4 Details of any allegation made by a learner will be kept in the confidential section of their record.

5.5 Allegations that don't meet threshold (2.5) will be kept on the Low-Level Concerns Log.

6. Possible Outcomes Following an Investigation

6.1 The following definitions should be used when determining the outcome of allegations:

- **Substantiated:** there is sufficient identifiable evidence to prove the allegation.
- **False:** there is sufficient evidence to disprove the allegation.
- **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
- **Unfounded:** there is no evidence which supports the allegation being made. It might 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.
- **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

7. Following an Allegation

7.1.1 Cases in which an allegation was proven to be false, unfounded, unsubstantiated, or malicious should not be included in employer references. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated, or malicious should also not be included in any references but should still be recorded on the Low-Level Concerns Log.

7.1.2 The staff member who has been the subject of an allegation has the right to privacy and the sanction or outcome of an allegation is not required to be shared with the person who raised the allegation. It is acceptable for the person who made the complaint to know a suitable process has been followed.

7.1.3 The employee subject to the investigation should be written to outlining the outcome of the process and next steps if applicable – see Appendix 7.

7.2 Following a Substantiated Allegation

7.2.1 In the case of a member of Trust teaching staff, the 'responsible manager' **must** consider whether to refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching.

7.2.2 There is a **legal requirement** for employers to make a referral to the DBS where they consider an individual has engaged in conduct that harmed (or is likely to harm) a learner; or if a person otherwise poses a risk of harm to a learner.

7.2.3 Substantiated allegations should be included in references, provided that the information is factual and does not include opinions.

Trust HR team and the LADO can advise on this.

7.3 Following a False Allegation

7.3.1 When an allegation is proven to be false the 'responsible manager' may refer to Children's Social Services to determine whether the learner needs after care, or support to help to understand the root cause of the false allegation.

7.4 Following a Malicious Allegation

7.4.1 If an allegation is found to be intentionally fictitious and malicious, the (Executive) Headteacher will decide what the appropriate sanction will be for the learner who made the false allegation. The academy Behaviour Policy should set out the disciplinary action that will be taken against learners who are found to have made malicious accusations against academy staff. The academy has the power to suspend or exclude learners who make false claims or refer the case to the Police if the academy thinks a criminal offence has been committed.

7.4.2 If the claim has been made by a person who is not a learner, the Trust/academy will hand the information over to the Police who may take further action against that person.

7.5 Following an unfounded or unsubstantiated allegation

7.5.1 When an allegation is proven to be unfounded or unsubstantiated, the affected employee should be written to, to confirm the outcome of the investigation. A note of any action taken, and decisions reached, and the outcome of the investigation should be retained within the employee's file and on the Low-Level Concerns Log.

8. After the Case

8.1 If the investigation results in the dismissal or resignation of an employee, and that person has been charged with a criminal offence, a referral must be made immediately by the academy to the Disclosure and Barring Service (DBS). The Trust/academy will be advised on this by the Police and/or Children's Social Services.

8.2 If it is decided that the employee may return to their role (after a suspension) then provisions will be put in place to ensure that the transition is as smooth as possible. This may

involve a phased return for a trial period or the use of another member of staff as a support system in the short term. If the learner who made the allegation is still at the academy, the academy will consider what needs to be done to manage the contact between employee and learner.

8.3 No matter what the outcome is of an allegation against staff, the case will be reviewed to see if there are any improvements that can be made in its practice or policy that may help to prevent similar cases in the future and inform the Wessex Learning Trust Board as appropriate.

9. Low-Level Concerns

9.1 What is a low-level concern?

9.1.1 The term 'low-level' concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work.
- Does not meet the harm threshold or is otherwise not considered serious enough to consider a referral to the LADO.

9.1.2 Examples of such behaviour could include, but are not limited to:

- Being over friendly with learner.
- Having favourites.
- Taking photographs of learners on their mobile phone, contrary to school policy.
- Engaging with a learner on a one-to-one basis in a secluded area or behind a closed door; or humiliating learners.

9.1.3 Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

9.1.4 Low-level concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a learner, parent/carer, or other adult within or outside of the organisation; or as a result of vetting checks undertaken, or self-referral.

9.1.5 It is crucial all low-level concerns, are shared responsibly and with the right person, and recorded in the academies' low-level concerns log (see Appendix 2 which covers what information is required in the log) and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of academies from potential false low-level concerns or misunderstandings.

10. Culture

As part of a whole Trust approach to safeguarding, we should ensure that we promote an open and transparent culture in which **all** concerns about all adults working in or on behalf of the Trust (including supply teachers, volunteers, and contractors) are dealt with promptly and appropriately.

Creating a culture in which **all** concerns about adults are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. If implemented correctly, this should:

- Encourage an open and transparent culture.
- Enable schools/academies to identify concerning, problematic or inappropriate behaviour early.
- Minimise the risk of abuse.
- Ensure that adults working in or on behalf of the Trust are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the institution.

Allegation Against a Member of Staff/Volunteer - Procedure Flow Chart	
Please use this flow chart in association with Keeping Children Safe in Education and in conjunction with the Wessex Learning Trust Disciplinary Policy	
	Tick when complete
Allegation Received.	
(Executive) Headteacher, DSL and Business/Operations Manager discuss allegation. Who will be the 'responsible manager' as defined in Section 4.1.3. Discuss the allegation and how to proceed.	
Log all information onto the Allegation Log Spreadsheet on Wessex Information Hub Allegation-log-Template---06.2023.xlsx (sharepoint.com)	
Seek Central HR professional guidance.	
'Responsible Manager' reports to LADO/Police where necessary. Complete ARF (Allegations Referral Form).	
If the allegation has been reported to LADO or Police, wait for guidance on next steps - do not inform employee.	
Consider suspending employee (obtain HR guidance and refer to policy). The employee should be given a named contact at the school/academy to liaise with.	
Meet with member of staff asap and inform of allegation and invite immediate response, advise employee to seek support from Trade Union if they have one. Their Union (or workplace colleague if not in a union) will be able to attend further investigatory interviews. Inform member of staff they will be kept informed of proceedings.	
Inform parents and carers asap about allegation. However, if Police or LADO have been consulted wait until these agencies agree that information can be disclosed. Inform parents/carers of the need to maintain confidentiality about any allegations made against an employee whilst investigations are ongoing as set out in section 141F of the Education Act 2002.	
'Responsible Manager' appoints an 'Investigating officer'. The Investigating Officer may delegate some tasks to other appropriate members of staff.	

Decide how best to conduct the investigation, in many cases this will be a very simple/quick process. However, this will depend on specific circumstances.	
Meet the learner involved. Ensuring their parent/carer is involved where necessary.	
Interview all involved using direction and guidance from the LADO.	
Investigating Officer to prepare Investigation Report (see Appendix 5 for template)	
The following definitions should be used when determining the outcome of allegation investigations - substantiated, malicious, false, unfounded, unsubstantiated.	
If LADO was contacted, update LADO on outcome.	
Write to the employee to confirm the outcome of the investigation. (Appendix 7).	
If the allegation is confirmed as substantiated the 'responsible manager' will consider next steps e.g. disciplinary hearing, management guidance etc. See Trust Disciplinary Policy for further guidance.	
Parents/carers should be kept informed about the progress of the case and told the outcome where there is not a criminal prosecution.	
Inform Teaching Regulation Agency and Disclosure Barring Service if required.	
Ensure Allegations Log is updated in order to review/reflect on the case/allegation and whether any improvements or changes that can be made to improve systems in the future.	

Appendix 2 – Low Level Concerns Log:

Staff member who the concern is regarding.	Date the concern was raised.	Details of the concern.	Details of the person who raised the concern.	Any witnesses present at the time of the concern? Please provide further details if applicable.	Action taken (if required).

Appendix 3 - Model Letter of Invite for An Employee to An Investigation Meeting

Dear []

Investigation Meeting

Following our discussion on [DATE]. I am writing to confirm that I would like to invite you to an investigation meeting to be held under the Disciplinary/Grievance [delete as appropriate] Policy on [date] at [time] in [location]. Upon arrival please report to [who/where]. Present at the investigation meeting will be [name], [job title], and myself.

The purpose of the investigation meeting will be to discuss the allegation(s) that have been made relating to [insert if conduct issues/concerns] raised about you and provide you with the opportunity to give your version of events. [The allegation/s is/ are [].]

Please note that the investigation meeting is a fact-finding exercise. Until it has been concluded, no decision will be made as to whether or not it will be necessary to instigate the relevant formal proceedings. The investigation will be conducted impartially and fairly.

In order that you feel supported through the investigation process, you are entitled to be accompanied by either your Trade Union Representative or a workplace colleague during the meeting. If you would like to be accompanied, please could you let me know by [date] and the name and position of the person you would like to bring with you.

As discussed, as the allegations are deemed to have a bearing on the safety or welfare of children, an Allegations Reporting Form (ARF) has been submitted to the Local Authority Designated Officer (LADO) in accordance with statutory guidance (Keeping Children Safe in Education). The LADO has confirmed that the allegations do / do not meet the criteria for the managing allegations procedures and the academy will / will not be required to advise them of the outcome of the academy's internal investigation.

We realise this is an anxious time for you and will endeavour for the investigation to be carried out in a timely and sensitive manner. Should you have any queries or concerns regarding the investigation process or our forthcoming meeting, please do not hesitate to contact either myself on [number] or [name] on [number].

This is a confidential matter and to that end, please do not discuss this investigation with anyone other than your support person or union representative. Failure to uphold this could lead to formal disciplinary action.

Collusion with or canvassing of potential witnesses or others involved in the investigation, at any stage of the process, could in itself result in disciplinary action.

Please bear in mind that the Care First Service (Tel: 0800 174319) is available to you.

Yours sincerely

Appendix 4 - Model Letter of Invite for A Witness to An Investigation Meeting

CONFIDENTIAL

(Name)

(Address)

Dear

As part of the investigation into an incident on [date], allegations in relation to [anonymised brief outline] you have been identified as a potential witness and I would request to meet with you to obtain a witness statement on [date] at [location].

Please note that the purpose of this meeting is to ascertain your recollection of events and a note of the discussion will be made, which you will be asked to sign.

You should also be aware that to ensure that a full and fair investigation takes place into these events, the matter should be treated in the strictest of confidence and should not be discussed with others.

Present at the meeting will be [name] and [name].

If there is a reason(s) that you are unable to attend that can't be resolved through a rescheduling of this meeting, I would ask that you provide me with a written statement that can be provided at any hearing.

You may wish to be accompanied at this meeting by a workplace colleague or a trade union representative.

If you have any queries, please feel free to contact me on [number].

Yours sincerely

Appendix 5 – Conducting Workplace Investigations

Introduction

Investigations are an essential part of handling certain matters within an organisation including grievances and disciplinary issues. The Trust's policies, in accordance with ACAS guidance, require all matters relating to these policies to be thoroughly investigated prior to any decision being taken in relation to formal action.

The Role of the Investigating Officer

The role of the Investigating Officer is to:

- Be fair, objective and impartial.
- To operate within the agreed terms of reference of the investigation.
- To operate within the strictest of confidence and ensure all parties involved adhere to this principle.
- Ascertain the facts as far as is reasonably possible.
- Take a balanced view of the information that emerges.
- To prepare an investigation report detailing the main findings.
- Present the evidence at a hearing should this be required.

The Investigation Process

Investigations should be carried out thoroughly and fairly, but at the same time swiftly, to ensure the investigation is concluded as quickly as possible. Providing a provisional timeframe can be helpful, however, an Investigating Officer should not be restricted by this. Where prescribed timescales have not been provided, it is best practice to keep all parties informed of the progress of the investigation.

Collecting Evidence

It is the responsibility of the Investigating Officer to ensure all reasonable efforts have been made to gather relevant evidence. This may include:

- **Documentary Evidence:** The Investigating Officer should be given access to any documents relevant to the investigation (e.g. performance management reviews, line management meeting notes, staff briefing minutes, time recording data, CCTV footage). The Investigating Officer must ensure that any documents to be used in the investigation are relevant and authentic.
- **Witness statements:** Where an individual may be able to provide information relevant to the investigation, the Investigating Officer may interview them. The individual under investigation may request specific individuals be interviewed and it is the role of the Investigating Officer to determine the relevance of these witnesses.

The Investigating Officer should consider the appropriate order in which interviews are held, and sufficient notice of the interviews should be provided to the individuals (usually a minimum of 5 working days). See Appendix 3 and 4 for template letters inviting employees to an investigation meeting. Witnesses and the employee under investigation are entitled to be accompanied at the interviews by a workplace colleague or trade union representative.

Investigation meetings should be structured, and in advance of the meeting, the Investigating Officer should establish the issues constituting the allegations and prepare relevant questions that will explore these.

It is important to ensure that meetings are not subject to interruptions and depending on the circumstances, it may be appropriate to hold the interviews at an alternative location away from the workplace.

A note-taker should be present to make a written record of the meeting to enable the Investigating Officer to focus on the responses to the questions and plan supplementary questions as required. The note of the meeting does not need to be verbatim but should capture the key points of the interview.

It should be made clear to witnesses who are invited to investigation meetings that they are not the subject of the investigation but have been identified as someone who may be able to provide information that will assist the investigation process. It should also be established if the witness would be prepared to attend a hearing if required.

The Investigating Officer needs to consider the context of the relationship that exists between the individual who is the subject of the investigation and any witnesses. Subtle enquiries should be made as part of the investigation meeting in relation to this as this may impact on the credibility of the evidence provided. It may also assist in determining if any information is being/has been provided maliciously.

At the start of the meeting the Investigating Officer should introduce those present and reiterate representation rights referred to in the invitation letter as appropriate. The Investigating Officer should then explain:

- The purpose of the meeting.
- The allegations under consideration (specify them).
- If the allegations under consideration are deemed to meet the threshold for the Managing Allegations Procedure, i.e., they are 'safeguarding allegations.'
- The role of Investigating Officer.
- The format of the meeting.
- The expected next steps thereafter.

The Investigating Officer should then commence the interview by asking the questions prepared in advance. Questions need to establish and clarify the individual's account of the circumstances being investigated. The Investigating Officer needs to be careful not to "lead" the individual in their style of questioning or come across as adversarial.

The Investigating Officer should also be wary of hearsay. If a witness seems to be relying on the opinion of a third party, the Investigating Officer should seek out the third person as a witness.

The Investigating Officer should explain to the interviewee that they will be sent a copy of the notes of their own interview and will be required to sign them to confirm them to be a true record. If they do not agree

with the notes, the individual will be asked to detail on the record any parts in which they do not agree, indicating their alternative version for the Investigating Officer to consider for inclusion.

It should also be made clear to witnesses that their statement may be shared with relevant parties involved in the formal process. Some witnesses may be reluctant to share certain information on this basis for fear of repercussions. The Investigating Officer should try to reassure the individual that they should not suffer any detriment as a result of participating in the process. Anonymity cannot be guaranteed for a witness, however, in exceptional circumstances where the individual has a genuine fear of reprisal it may be possible for the witness statement to be anonymised (this will depend on the nature of the case and the evidence they have provided).

In the majority of cases, it would be usual to only interview an individual once, however, where the investigation identifies conflicting evidence, it may be necessary to hold a further meeting with relevant individuals to further clarify facts.

Possible Issues that May Arise During an Investigation

- Refusal to attend meetings – an individual may choose not to engage in the investigation process. Every effort should be made to establish the reason for this, and solutions considered to overcome this. In the event the individual who is the subject of the investigation does not attend the meeting and does not provide a reasonable explanation for this, the Investigating Officer will have to conclude the investigation using only the evidence available to them.
- A counter claim is made by the individual who is the subject of the investigation – the Investigating Officer will need to consider the relevance of this information in the context of the investigation. It may be necessary to suspend the investigation in light of new information if this would be likely to have a direct impact on the process. Where the counter claim is unlikely to impact on the process, the investigation should continue.
- Absence linked to the investigation process – where an individual who is the subject of the investigation indicates during the investigation that health issues (e.g. stress) has a bearing on the case, the Investigating Officer should explore this briefly to determine the relevance of this. Advice on whether to proceed should be sought from HR.

The Investigation Report

The Investigating Officer should remember their role is to establish the facts of the matter and should consider evidence that both supports the allegations and undermines the allegation.

Once all of the evidence has been collected the Investigating Officer should objectively analyse each piece of evidence and determine:

- What does the evidence reveal?
- Are there any doubts over the credibility and reliability of the evidence?
- Is the evidence supported or contradicted by evidence already collected?
- Does it suggest further evidence needs to be collected?

Once the Investigating Officer is satisfied that they have collected all relevant evidence and established the facts of the matter as far as is reasonably possible, they will be required to produce an investigation report that explains the findings. The report should cover all of the facts that were and were not established and

should not exclude any information which may leave the investigation process open to accusations of bias and filtering evidence to suit the findings.

The report should include the following:

Introduction: This section sets out the circumstances that led to the investigation, who commissioned the investigation and the terms of reference. If the allegations under investigation met the criteria for the Managing Allegations Procedure, this needs to be confirmed here and confirmation given that an Allegations Reporting Form was submitted to the LADO and the advice provided.

Methodology: This section includes details of all interviews conducted and includes names and job titles of witnesses. Any relevant documentation/evidence reviewed as part of the investigation should also be detailed here.

Background: This section provides contextual information in relation to the individual who is the subject of the investigation (e.g. post held, length of service with organisation) and any other relevant information (e.g. service area specifics).

Findings: This section summarises the key findings from the investigation and sets out facts that have been established, those that have not and those that are inconclusive. It should also include any mitigating factors to be considered.

Conclusions: These should be those of the Investigating Officer and while they may seek advice from a third party (e.g. HR) the conclusions should be their own. Conclusions should be based on the balance of probability and should state whether there is a case to answer or not for misconduct based on the findings of the investigation.

Recommendations: If the terms of reference require this of the Investigating Officer it should be set out here. In most circumstances, the Investigating Officer would recommend formal action, informal action or no further action. It is not for the Investigating Officer to recommend a possible sanction.

Appendices: These should include copies of the witness statements (where appropriate) and any other documents referred to within the main body of the report.

When writing the report, the Investigating Officer should consider who will see the report as this will most likely include the person who is the subject of the investigation. It should be written in an objective style, use appropriate language and stick to the facts. They should also consider aspects of the report that may be challenged and present the findings in the report in a way that reduces or removes this opportunity (the quality of the evidence will have a significant impact on this).

In some cases, during the investigation the Investigating Officer may identify issues which fall outside the terms of reference of the investigation and, therefore, would not be appropriate to include in the report which the Presenting Manager would benefit from being aware of (e.g. concerns regarding practices and procedures within the department). In these circumstances, it may be prudent to produce an additional report for the Manager only which includes this information whereupon they can consider this and take appropriate action if required.

The Investigating Officer is advised to share the draft report with a member of the HR Team prior to presenting it to the Manager who commissioned the report. The purpose of this is to seek advice on whether a sufficient investigation has been carried out and whether the report provides all necessary information.

In the case of safeguarding allegations which initially met the threshold for the Managing Allegations Procedure, the report should then be shared with the LADO and agreement reached on whether or not the criteria for managing allegations procedures are deemed to still be met following completion of the full investigation. If the criteria have been met, the following definitions should be used to determine the outcome of the safeguarding allegation/s and confirmed in the conclusions of the investigation report:

- **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;
- **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.

Action Following Completion of the Investigation

The investigation report should be presented to the Manager who commissioned the report and they may wish to discuss the findings in more detail with the Investigating Officer prior to taking any action.

If the Presenting Manager accepts the findings of the report and determines that formal action is required, the Investigating Officer will be required to attend the disciplinary hearing to present the facts of the report and respond to any questions relating to the investigation process.

Notes and questions for interview

- Explain purpose of meeting - which is to investigate allegations (outline allegations).
- Explain method – series of questions, who will ask etc.
- Explain possible outcomes.
The investigating officers will decide whether, on the basis of the investigation that:
 - i) There is no case to answer.
 - ii) There is a case to answer but it can be dealt with by a process of management advice, guidance and clarification of expectations of future behaviour.
 - iii) There is a case to answer and that it would be put to a Disciplinary Hearing to determine the outcome.
- A note of the meeting will be taken and the employee will be asked to confirm that it is a true record.
- All paperwork and matters discussed are confidential and should not discuss the issue/allegations with others.
- If employee is not accompanied/represented check that they have been offered this.

Note time of start of meeting

Question	Response
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
Are there any questions that you wish to ask?	

Note time meeting closed - explain that written notes will be sent to asking them to confirm that it is a true record. Explain that notes may be used in any subsequent proceedings.

Questioning Techniques

Questioning approaches to use	
<p>Open questions: Encourage an interviewee to open up. They can provide a rich source of information that an Investigator can then go on to explore in more detail.</p>	<p>For Example: Explain to me exactly what you saw... Describe exactly what happened... Talk me through what you heard...</p>
<p>Closed/Specific Questions: Usually give a Yes, No or definite answer. They can be helpful to gather specific facts and can help focus an overly talkative interviewee.</p>	<p>For Example: What time did you leave your workplace? How many times did that happen? Did you speak to your manager about that? Who else was there?</p>
<p>Probing Questions: Can test the strength of an Interviewee's account and challenge any inconsistencies. However, it is important to phrase these questions, so they are inquisitive rather than interrogative.</p>	<p>For Example: When you say she was aggressive what exactly do you mean by aggressive? You mentioned earlier that X... Tell me more about that.</p>

<p>Feeling Questions: Can help focus an Interviewee on what is important to them and reveal their beliefs. However, they should be used sparingly as the meeting is mainly to establish the actual facts of a matter.</p>	<p>For Example: What was important to you about that? What is your main concern about what happened?</p>
<p>Asking "What else?": Helps an Investigator to probe deeper beyond the initial information provided. However, care needs to be taken to ask this sensitively.</p>	<p>For Example: What else can tell me about what happened? What else do I need to know about the matter?</p>
<p>Summaries: Provide an opportunity to check that the correct information is recorded. They also allow the Interviewee to reflect on what they have said, to correct any inaccuracies and to give further details where there are gaps.</p>	<p>For Example: So, can I clarify that what you are telling me is that you left your workplace at 10am because there was a problem at home, and you did not return to work. Have I got that right?</p>
<p>Interrogative questions: The aim of the investigation is to establish the facts rather than interrogate someone. Although sometimes necessary, "why" questions can make people defensive and close up.</p>	<p>For example: Instead of "why did you do that?", use "what made you decide to do that?"</p>
<p>Leading Questions: These can lead the Interviewee to provide the answer to the Investigator hopes or expects to hear.</p>	<p>For Example: Instead of "Do you think they were perhaps over reacting?", use "What did you think of their reaction?"</p>
<p>Multiple Questions: Lead to confusion and the Interviewee will answer what they heard first, last or the part they are most comfortable answering.</p>	<p>For Example: Instead of "What is your role, do you like it and why?", ask each question individually.</p>

Investigation report [This is a template investigation report that an investigator may adapt to suit the particular circumstances of their investigation]

Introduction	Investigation authorised by: [Name and role]
	Investigator: [Name and role]
	Date investigation began:
	Terms of reference: [Include if they were amended and how]
	Background to the investigation: [Brief overview of the matter]
Process of investigation	The investigation Process: [Explain how the investigation was authorised]
	Evidence collected: [List all evidence collected]
	Evidence not collected: [List all evidence that could not be collected and why]

	Persons interviewed: [List all people interviewed]

	Persons not interviewed: [List any witnesses that could not be interviewed and why]
	Anonymised statements: [If any, explain why and provide details of any enquiries into witness]

The investigation finding	Summary of written and physical evidence: [Name and summarise each document contained, set out how the evidence supported or did not support your findings and why]
	Summary of witness evidence: [Name and summarise each witness statement, quote from statement where relevant, set out how the witness statement supported or did not support your findings and why]

	Facts established: [Detail what the investigation has established]
	Facts that could not be established: [Detail any part of the investigation that was inconclusive]

	<p>Mitigating factors: [Detail if there were any mitigating factors uncovered that are relevant to the investigation]</p>
	<p>Other relevant information: [Detail any other information that is relevant to the matter]</p>
<p>Conclusion [If required]</p>	<p>Recommendation:</p>
	<p>Formal action/ Informal action/ No action required</p>
	<p>Further details on recommendation: [Such as the type of action suggested for example, formal disciplinary meeting, and if there are any other recommendations related to the matter. In disciplinary matters, the investigator should not recommend a possible sanction. This should only be considered at a disciplinary hearing]</p>
	<p>Investigators signature:</p>
	<p>Date:</p>
<p>Supporting documents</p>	<p>[List all documents collected as part of investigation and included in report]</p>

Appendix 6 - Standard Letter: Confirmation of Suspension

Dear

Further to our discussion on [date], this letter is to confirm my decision to suspend you from work, in both the interests of the Trust/academy and yourself. It will also enable a full investigation into the allegation that

(State briefly the issues/incident to be investigated)
.....
.....

** As the allegations are deemed to have a bearing on the safety or welfare of children, an Allegations Reporting Form (ARF) has been submitted to the Local Authority Designated Officer (LADO) in accordance with statutory guidance (Keeping Children Safe in Education). The LADO has confirmed that the allegations do / do not meet the criteria for the managing allegations procedures and the academy will / will not be required to advise them of the outcome of the academy's internal investigation.*

During the suspension, if you have any work-related queries, then your management contact has been identified as [name].

During the period of your suspension, you should not enter the Trust premises or contact other Trust staff (including Trustees/Local Partnership Board members), parents/carers or pupils without the prior permission of myself or [alternative contact] on [number].

You should note that suspension is a neutral act and in itself is not a disciplinary sanction. During the investigation and disciplinary process, your suspension will be kept under review and if, during or following the investigation, the allegations are not substantiated or the reason for suspension is no longer valid, the suspension will be lifted. You will continue to receive full pay during the period of suspension.

** Include if a referral to the LADO has been made and approval for suspension given by LADO.*

I would like to take this opportunity to remind you that the Wessex Learning Trust buy into Care First, an independent counselling support service which is available free to you and they are contactable on 0800 174319.

A copy of the Trust's Disciplinary Policy is enclosed for your information.

Yours sincerely

(To be sent by recorded delivery if the letter cannot be handed to the employee personally)

Private & Confidential

[Name]

[Address]

Dear

Would you please attend a hearing, to be held under the Trust's Disciplinary Policy, on [date] at [time] in [location].

The purpose of this hearing is for me/a Local Partnership Board/Trustees Disciplinary Panel to consider and discuss the following concerns or allegations:

.....
.....
.....

As this hearing may result in disciplinary action, [not excluding your dismissal*] you are entitled to be accompanied by a companion (for definition see paragraph 5.8 of the Policy attached). You also have the right to call relevant witnesses. If you wish to do this, please inform [xx] by [xx] of the names of those witnesses so that appropriate house-keeping arrangements can be made. Please be advised the Chair of the panel will make the final decision relating to the attendance of witnesses at the hearing.

Present at the hearing will be myself and [name and position].

*** As the allegation/s under consideration are deemed to have a bearing on the safety or welfare of children, it is important that you are aware that the hearing could result in the recording of a substantiated safeguarding allegation on your personnel file until your normal pension age or for a period of 10 years from the date of the allegation if that is longer. This is in accordance with the statutory requirements set out in Keeping Children Safe in Education (KCSiE).*

Please confirm by [xx] that you will be able to attend by telephoning (name and contact and extension number). If you fail to attend and do not provide a reasonable explanation, a decision may be taken in your absence (see paragraph 5.7 of the Policy). This includes the making of a decision in relation to whether or not any referral is required to statutory agencies.

A copy of the Trust's Disciplinary Policy is enclosed for your information.

Yours sincerely

* include phrase if dismissal is a potential outcome.

** include paragraph if the allegations are deemed to meet the criteria for the Managing Allegations Procedures. Please note that this should be determined following completion of the investigation, prior to the disciplinary hearing being convened, and following advice from the HR Team and the LADO.

[Date]

[Recipient's name]

[Recipient's address]

[Recipient's town]

[Recipient's postcode]

Dear

Outcome of the investigation into the Allegation made against you

I am writing to confirm the outcome of the disciplinary hearing held on (date of meeting) in the presence of [names and positions of all attendees] and myself.

[Explain the process of the hearing, i.e. who presented the management case, and briefly what the individual replied].

After full consideration of all the evidence, I/we had no alternative but to issue a formal verbal warning/written warning/final written warning* for [nature of the unsatisfactory conduct]. This warning will expire on [insert date].

*** The allegations which were deemed to have a bearing on the safety or welfare of children were however found to be FALSE / UNSUBSTANTIATED / UNFOUNDED and will be recorded as such in accordance with statutory guidance (Keeping Children Safe in Education).*

OR

*** As the allegations which were deemed to have a bearing on the safety or welfare of children were found to be substantiated, the following actions will also be taken by the school in accordance with statutory guidance (Keeping Children Safe in Education):*

- The details of the substantiated allegation will be kept on your confidential personal file until you have reached formal pension age or for a period of 10 years from the date of the allegation if that is longer.*
- Any future employment references requested from the school will confirm that allegations of a safeguarding nature made against you were found to be substantiated.*

The improvement in conduct expected is outlined in the attached note, which you are also required to sign, but in brief the expectations are

.....

within (specify the time period).

You should note that any similar or dissimilar misconduct during the currency of this warning may lead to further disciplinary action, not excluding your dismissal.

You have the right to appeal against this decision by writing, stating the reason for your appeal, to the Clerk to the Local Partnership Board/Trust Board within 10 working days (see paragraphs 11.1 of the Trust's Disciplinary Policy) of receiving this disciplinary warning. The Appeals Committee of the Local Partnership Board/Trust Board has the following powers:

- (a) Uphold the appeal and either substitute a lower warning and/or reduce the currency of the warning or delete the warning.
- (b) Dismiss the appeal.

Please sign the enclosed copy of this letter** to confirm its receipt and your understanding of its contents and return it in the enclosed stamped addressed envelope.

Yours sincerely

* delete as appropriate

** include paragraph if the allegations were deemed to meet the criteria for the Managing Allegations Procedures on completion of the investigation on advice from the HR Team and the LADO.

I confirm receipt of this letter and my understanding of its contents.

Signed:

Date: