

1. Introduction

Hazel Tree Education is committed to ensuring that all candidates and staff supplied to clients meet the highest standards of professional and personal conduct, particularly in environments involving children and vulnerable adults. We adhere to Safer Recruitment practices and statutory guidance to safeguard those in our care. This policy outlines the actions we will take when allegations or concerns are raised about the conduct of our staff, candidates, or those working on our behalf.

It should be read in conjunction with our Safeguarding Children and Adults at Risk Policy, Complaints Policy, Safer Recruitment Policy, and Whistleblowing Policy. This policy aligns with the Public Interest Disclosure Act 1998, which protects workers making qualifying disclosures about wrongdoing.

This policy covers allegations of misconduct that may pose a risk to children or vulnerable adults, including those that could lead to harm. It applies to all staff, candidates, and contractors associated with Hazel Tree Education. Disclosures must relate to protected categories under relevant legislation and follow prescribed procedures. General complaints or performance issues should be directed to the Complaints Policy.

2. Criteria for Allegations Under This Policy

An allegation may be made if there is reasonable cause to believe that an individual (staff or candidate) 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 they may pose a risk of harm; or
- Behaved (or may have behaved) in a way that indicates unsuitability to work with children.

When assessing such concerns, Hazel Tree Education will consider risks to other children who may come into contact with the individual, including their own family members.

3. Who Should Lead Investigations for Candidates on Placement?

In line with Keeping Children Safe in Education (KCSIE) 2023 (or the latest statutory guidance), educational establishments (e.g., schools or colleges) typically lead investigations into allegations against supply staff or agency candidates, as they have direct oversight. They must:

- Liaise with the Local Authority Designated Officer (LADO) before ceasing to use a candidate.
- Discuss suspension or redeployment with Hazel Tree Education.
- Invite agency representatives to strategy meetings.

Hazel Tree Education will fully cooperate with the LADO, police, and children's social care. If the establishment leads, we will provide support, attend meetings, and share relevant information. However, we reserve the right to initiate our own investigation if:

- We are dissatisfied with the process or outcome;
- The candidate appears to have been treated unfairly;
- Statutory guidance was not followed; or
- Ongoing suitability concerns remain.

This policy primarily details procedures when Hazel Tree Education leads the investigation, such as for allegations from non-educational sources, historical concerns, or matters outside KCSIE scope. Allegations may involve up to three parallel processes:

- Police investigation of potential criminal offences;
- Children's social care enquiries to assess child protection needs;
- Employer disciplinary proceedings.

4. Responsibilities and Multi-Agency Working

Hazel Tree Education ensures all staff and candidates are trained in child protection and expected behaviours via our Code of Conduct. We collaborate with local safeguarding partners, police, and social care to prioritize child welfare. Allegations must be addressed holistically, with coordinated actions. Historical allegations are treated with the same urgency as current ones, including notifying current employers. Standards of proof vary: "beyond reasonable doubt" for criminal matters, and "balance of probabilities" for disciplinary or barring decisions. A lack of criminal charges does not preclude internal action. There is a statutory duty to refer to the Disclosure and Barring Service (DBS) if an individual is dismissed (or would have been) due to risks to children, or if they resign to avoid dismissal. Local safeguarding arrangements dictate response timescales and procedures.

5. Procedure When an Allegation is Made

- Initial Recording: Obtain and record written details of the allegation, signed and dated by the reporter and witnesses. Countersign and date all records.
- Safeguarding Actions: Assess immediate risks and make urgent referrals to children's social care and/or police if a child is at risk.
- Do Not Investigate Prematurely: Avoid interviewing the accused, child, or witnesses without guidance. Do not inform the accused until risks are evaluated.
- Escalation: Report immediately to the DSL (Liz Monks - 01942 945671/liz@hazel-tree.co.uk)

6. Actions Following an Allegation Against a Candidate or Staff Member

All allegations must be reported without delay to the DSL. The DSL will conduct a preliminary "fact-find" to determine credibility, consulting the LADO if needed (within one working day). The DSL will:

- Distinguish allegations from complaints or performance issues—LADO handles only those involving potential harm to children.
- Inform the accused of their rights under employment law at an appropriate stage.
- Treat all parties fairly, providing support and clear explanations.

The LADO will coordinate with police and other agencies to ensure a swift, thorough, and fair process.

When a School or Client Setting Notifies the Agency of an Allegation or Concern

When a school, college, nursery or any other client setting informs Hazel Tree Education of an allegation or concern about a candidate we have supplied, the agency will treat the notification with the utmost seriousness. As the agency does not have direct contact with the pupils and is not the employer with day-to-day oversight, the client settings are reminded that they remain responsible for leading the initial management of the allegation in line with Keeping Children Safe in Education and local LADO procedures.

Upon receiving notification:

- Hazel Tree Education will immediately contact the relevant Local Authority Designated Officer (LADO) for advice (normally within one working day).
- The candidate will not be offered any further work and all current assignments will be placed on hold with immediate effect until the investigation has concluded and clearance has been received from the LADO and/or the client setting.
- This is a neutral safeguarding precaution and not a disciplinary sanction.
- Hazel Tree Education will fully cooperate with the school/setting, the LADO, police and children's social care, attending strategy meetings when requested and providing all relevant information held on the candidate.

7. Persons to Be Notified:

- Internal: DSL and senior management.
- External: LADO (for Hazel Tree Education's local authority); police (if criminal); children's social care (if child protection concerns).
- Agree on an action plan, including evidence preservation and risk mitigation.
- If the accused has access to other children (e.g., family), refer to social care.

8. Enquiries and Strategy Discussions

Follow local Safeguarding Children Partnership procedures for:

- Actions during/after police investigations.
- Strategy meetings to scope enquiries, allocate tasks, set timescales, and decide on Section 47 enquiries or police involvement.
- Reviewing prior concerns, child protection plans, support needs, and information sharing.
- Planning for complex abuse cases if applicable.

The LADO will chair or facilitate discussions, ensuring independent investigations where needed.

9. Sharing Information

- Share details proportionately, prioritizing child safety.
- Consult the LADO before informing the accused.
- Record all decisions on sharing, including risks of non-disclosure.
- Obtain consent where possible, and maintain confidentiality—breaches may lead to disciplinary action.
- No discussions on social media.
- Notify Ofsted of serious allegations against those working with children.

10. Media Strategy

Develop a multi-agency media plan if interest arises. Police will avoid releasing identifying information pre-charge, consulting partners first.

11. Support for the Accused

Hazel Tree Education recognises that being the subject of a safeguarding allegation, even when later found to be unsubstantiated, can be extremely distressing. We therefore provide the following support:

- The candidate will be contacted by telephone within 24 hours by a senior member of the team. We will explain clearly and sensitively what has been reported, what has happened next, and that all work is paused as a neutral safeguarding precaution
- We will signpost the candidate to independent sources of support including:
- Their trade union or professional association (e.g., NASUWT, Unison, etc)
- Education Support (24-hour confidential helpline for teachers and education staff: 08000 562 561)
- Recourse (specialist charity supporting education staff facing allegations: 0800 802 400)
- We will keep the candidate updated at least every 10 working days on the progress of the investigation, subject to any confidentiality restrictions imposed by the LADO, police, or school

13. Suspension

Suspension is precautionary, not punitive, and only if necessary to protect children (e.g., during police enquiries or serious risks). It will be authorised by Hazel Tree Education's DSL, and alternatives like redeployment will be explored first. As soon as an allegation or concern is raised that meets the LADO criteria, Hazel Tree Education will immediately seek advice from the Local Authority Designated Officer (LADO). The candidate will not be offered any further assignments and all current assignments will be placed on hold with immediate effect pending the outcome of the investigation(s). This is a neutral act and not a disciplinary sanction.

14. Investigation Outcomes

- Substantiated: Proven on evidence.
- False: Disproven.
- Malicious: Deliberate fabrication.
- Unsubstantiated: Insufficient evidence either way.
- Unfounded: No basis.

For malicious cases, consider police involvement and internal actions like risk assessments.

15. Disciplinary Process

The DSL, in consultation with the LADO, determines if disciplinary action is needed, following our procedures. For candidates, decide on future placements and DBS referrals. Conclusions must be reached even if the individual resigns.

16. Terminating Employment or Placement

Do not accept resignations to evade discipline if a DBS referral is required. Refer to DBS for any dismissal (or equivalent) related to child harm risks—failure to do so is an offence.

17. Record Keeping

Maintain detailed, confidential records of allegations, actions, and outcomes on personnel files (with copies to the individual). Retain until retirement age or 10 years post-retirement, whichever is longer. Use for accurate references and to avoid re-investigation. Remove unfounded/malicious details where appropriate.

18. References

Exclude unsubstantiated, false, or malicious allegations from references. Note patterns of concerns only if relevant.

If a reference request is received for a candidate who is currently the subject of an ongoing allegation or LADO investigation:

- Hazel Tree Education will not provide a substantive reference at the time.
- We will respond in writing (or via the requesting agency's standard form) with the following statement:

'A safeguarding allegation has been made against this candidate which is currently under investigation with the Local Authority Designated Officer (LADO). Until the investigation is concluded and an outcome determined, Hazel Tree Education is unable to provide a reference or confirm the candidate's suitability to work with children.'

- Once the investigation is concluded, an accurate reference will be provided in line with this policy (i.e. substantiated concerns will be disclosed; unsubstantiated, false or malicious allegations will not be mentioned).

This approach ensures compliance with Keeping Children Safe in Education, the REC Code of Professional Practice, and our statutory duty to safeguarding children while protecting the candidate from unfair prejudice if the allegation is subsequently found to be unsubstantiated.

19. Unsubstantiated or False Allegations

Once the investigation is concluded and the allegation is determined to be unsubstantiated, false, or malicious, Hazel Tree Education will:

- Write to the candidate confirming the outcome in writing and confirming that they are cleared to return to work (unless other unrelated issues exist).
- Inform the school/setting that originally raised the concern of the final outcome (subject to data-protection considerations and LADO advice).
- Update our internal safeguarding records to reflect the outcome.
- Ensure that no details of an allegation that has been found to be unsubstantiated, false or malicious are included in any future reference

Where the allegation is found to be malicious, the agency will consider whether any action should be taken against the person who made the allegation (in conjunction with the school and/or police).

20. Referral to the Disclosure and Barring Service (DBS)

Substantiated cases where it is deemed that the candidate poses a risk to children will be referred to the Disclosure and Barring Service.

21. Learning Lessons

Post-investigation, Hazel Tree Education will conduct a review with the LADO and partners to identify improvements in procedures or training. Recommended changes will be implemented promptly and communicated via staff briefings, supervision, or development sessions.

For further guidance, refer to KCSIE and local safeguarding procedures. All staff must familiarise themselves with this policy.

Reviewed: September 2025

Next review: September 2026

Reviewed by: Liz Monks