



# Allegations of Abuse Policy and Procedure

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<b>VERSION CONTROL</b>			
<b>Version</b>	<b>Date</b>	<b>Author/Reviewer</b>	<b>Substantive changes since the previous version</b>
DRAFT V0.1	July 23	JC GB/JH/DD	Updated policy for ONE Academy Trust. Merges the previous WAT & Believe policies.
DRAFT v0.2	July 23	JC/GB/JH/DD	Clarified the role of 'case manager' in dealing with allegations.
V1	Sept 23	JC/GB/JH/DD	Trustees' comments incorporated. No feedback from staff consultation
V1.1	July 24	GB/DD/JC	Updates in relation to Keeping Children Safe in Education 24 Added: 'transferrable risk' (paras 2.2 & 8.2) Added: Importance of reporting low level concerns promptly (paras 5.3 & 5.4)

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## Associated documents

Schools are reminded that a number of other school policies may also be relevant to the handling of any allegation of harm to a child made against a member of staff. These include:

- Disciplinary Policy
- Child Protection/Safeguarding Policy
- Whistleblowing Policy
- Intimate and Personal Care Policy
- Safe Touch Policy (where in place)
- Physical Intervention Policy
- Acceptable Use of IT Policy
- Staff Code of Conduct
- ONE Academy Trust Complaints Procedure

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## 1. Introduction

1.1 Schools within our Trust are committed to providing the highest level of care for both their pupils and staff. All staff (see below for definition) involved in regulated activity are subject to stringent vetting processes. It is extremely important that any allegations of abuse against a member of staff, or volunteer in our trust/schools are dealt with thoroughly and efficiently, maintaining the highest level of protection for the accusing child or adult whilst also giving support to the person who is the subject of the allegation. The Trust will make every effort to guard the privacy of all parties during and after an investigation into an allegation.

*Note: All references in this document to 'staff' or 'members of staff' should be interpreted as meaning all paid or unpaid staff, professionals and volunteers (including trustees and governors) as well as supply staff and third-party employed individuals. In the latter instances, liaison with the individual's employer would take place where applicable.*

1.2 This policy is based on the framework for dealing with allegations of abuse made against a person who works with children detailed within the statutory guidance Keeping Children Safe in Education. This policy is designed to ensure that all staff, students and parents or carers are aware of the procedure for the investigation of allegations of abuse in order that all complaints are dealt with consistently, and as efficiently as possible. We hope that having a clear policy outlined will help children, parents/carers, employees, governors and volunteers to feel comfortable that they can voice concerns about any member of staff/adult working in the school/trust.

1.3 This policy reflects legislation at the time when it was last reviewed. Any changes in legislation will take precedence over anything printed in the policy.

1.4 These procedures comply with our funding agreement and articles of association.

1.5 This policy links with other ONE Academy Trust and school policies and procedures, including:

- Disciplinary Policy
- Child Protection/Safeguarding Policy
- Whistleblowing Policy
- Intimate and Personal Care
- Safe Touch Policy
- Physical Intervention Policy
- Acceptable Use Policy
- Code of Conduct
- School Complaints Procedure

## **2. Purpose**

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2.1 This policy will be used in any case where it is suspected or alleged that a member of staff at the trust/school has:

- Behaved in such a way that has harmed a child or may have intended to harm a child or adult. Each school's child protection policies outline what it means to harm 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/she may pose a risk of harm to children; or

- 2.2 Behaved in any way that suggests they may not be suitable to work with children. This also includes behaviour that may have happened outside of school that might make an individual unsuitable to work with children (known as transferable risk).
- Behaved in such a way towards a child or children deemed inappropriate within the workplace
  - Behaved in such a way that contravenes management advice relating to the safeguarding of children
- 2.3 This policy covers concerns relating to the conduct at or outside of work, and inappropriate relationships between members of staff and children or young people, for example:
- Having a sexual relationship with a child under 18 if in a position of trust (defined in Section 21 Sexual Offences Act 2003) in respect of that child (even if consensual) - see Sections 16-19 Sexual Offences Act 2003);
  - 'Grooming' i.e. meeting a child under the age of 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003);
  - Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text/email messages or images, gifts, socialising;
  - Possession of indecent photographs/pseudo-photographs of children;
  - Inappropriate behaviour towards children and/or conduct (i.e. social media, domestic abuse).
- 2.4 This policy relates to members of staff/adults who are currently working in the Trust or any of the Trust's schools regardless of whether the school is where the alleged abuse took place. Allegations against staff/adults who are no longer teaching/employed or active in our trust/schools should be referred to the police. Historical allegations of abuse should also be referred to the police.
- 2.5 In line with Keeping Children Safe in Education (KCSiE) guidance this policy should be followed where allegations are raised against individuals or organisations who are using our trust/school premises for the purposes of running activities for children, including informing the Local Authority Designated Officer (LADO).

### **3. Timescale**

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- 3.1 It is imperative that allegations against staff are dealt with as efficiently as possible to:
- look after the welfare of the child
  - minimise the impact on the child's academic and developmental progress,
  - investigate and support the person subject to the allegation
  - ensure a fair and thorough investigation for all parties.
- 3.2 To enable this to happen, all staff, governors, volunteers, parents/carers and students on placement should be aware of the procedures set out in this policy.
- 3.3 Target timescales are shown below. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation.

- 3.4 It is expected that most cases should be resolved within a one to three-month period, and all but the most exceptional cases should be completed within twelve months. Where an allegation is substantiated and formal disciplinary action is taken, the timelines detailed within the Trust's disciplinary policy will apply.
- 3.5 For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, the aim is to resolve the case as quickly as possible.
- 3.6 In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should instigate appropriate action within 3 working days.

## 4. Procedure

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- 4.1 Reporting an allegation or concerns of poor practice or possible child abuse by staff or an individual working for an external organisation or utilising the school premises (where the trust/school premises are being used for the running of activities for children) should be reported immediately to:
  - the **headteacher** for school staff/volunteers/adults using school premises (or the assistant/deputy headteacher or a nominated senior leader in the school if the headteacher is unavailable)
  - the **CEO** where a headteacher, a member of the trust's central team or a governor/trustee is the accused (or the vice-CEO or HR manager if the CEO is unavailable)
  - the **chair of the board of trustees** where the CEO is the subject of the allegation (or the safeguarding link trustee if the chair of the board is unavailable).

The nominated deputies will act to ensure there is no delay in dealing with the situation. *If it is not possible for any reason to report within the trust, the report should be made directly to the LADO.*

- 4.2 Whoever receives the allegation will be responsible for the initial reporting and handling of the allegation. They will take all reasonable steps to ensure confidentiality and will only inform necessary people. They will record and report the allegation to the headteacher, CEO or chair of the board of trustees (as appropriate to the role of the subject of the allegation – see para. 4.1 above). The headteacher, CEO or chair of the board of trustees will take over responsibility for managing the case (case manager).
- 4.3 Where it is decided that there will be no police involvement, it will be for the case manager to deal with the case. If there are still child protection concerns the case manager should discuss these with the LADO.
- 4.4 The first priority must be to ensure the immediate safety of the child and other children affected, or in contact with the individual (including their own children).
- 4.5 The procedures for dealing with allegations need to be applied with common sense and judgement. Local arrangements should be followed to resolve cases without delay. Schools should follow their Local Authority's route for reporting concerns to the Local Authority Designated Officer.
- 4.6 The Local Authority Designated Officer (LADO) will be informed immediately if the allegation involves a child.
- 4.7 Before contacting the LADO basic enquiries to establish the facts to determine whether there is any foundation to the investigation should take place, such as whether the individual was in

school at the time of the allegation, whether the individual did or could have come into contact with the child and if there were any witnesses or CCTV footage.

- 4.8 The LADO may ask the case manager to provide or obtain relevant additional information, such as previous history, whether the child or family have made similar allegations previously and about the individual's current contact with children.
- 4.9 There may be situations when the case manager will want to involve the police and/or social care immediately, for example if the person is deemed to be an immediate risk to children or if there is evidence of a criminal offence. When there is no such evidence liaison with the LADO should determine whether police involvement is necessary. Allegations made to the Police and/or Children's Social Care should also be immediately reported to the LADO.
- 4.10 Staff who are concerned about the conduct of a colleague towards a pupil or another member of staff/adult are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career. All staff must remember that the welfare of the child or member of staff/adult is paramount and must report their concerns immediately. This policy, alongside the ONE Academy Trust's Whistleblowing Policy should be followed in these instances.
- 4.11 In all cases involving pupils the LADO will be contacted by the case manager and a discussion will take place to decide whether:
  - no further action is needed, in which case the justification should be recorded by the case manager and the Local Authority Designated Officer(s) and an agreement on what information should be put in writing to the individual concerned
  - a strategy discussion should take place in accordance with the statutory guidance [Working Together to Safeguard Children](#)
  - there should be immediate involvement of the police or social care.
- 4.12 Where an individual works for a different employer e.g. supply staff or a contractor working in school, the case manager will contact their employer. Where an individual is self-employed, an agreement must immediately be reached as to which agency – Social Care, Police or regulatory body, or the LADO themselves – will take responsibility for communication with the individual.
- 4.13 The case manager should seek advice from the LADO regarding the point at which information should be shared with the person who has been accused and what information should be shared.
- 4.14 Representatives from other agencies may be invited into the discussion and could include representatives from health, social care, the GP and police.
- 4.15 If after initial consideration the concerns do not meet the criteria for a referral to the LADO then the school will manage the 'low level' concern in accordance with Trust policies, such as the disciplinary, whistleblowing, code of conduct and acceptable use of IT policies as appropriate.
- 4.16 The headteacher (for school staff), CEO (for trust central team staff), the Chair of the Board of Trustees (for the CEO) will be the ultimate decision maker on the most appropriate course of action to be taken. This may be done in collaboration with others, such as the Designated Safeguarding Lead.
- 4.17 Considerations of any further training or further action will be carried out. Where the trust/ school is in any doubt as to whether the information meets the 'harm' threshold they will contact the LADO team.

## 5. Low Level Concerns

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- 5.1 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; and
  - does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.
- 5.2 Examples of such behaviour could include, but are not limited to:
- being over-friendly with children
  - having favourites
  - engaging with a child on a one-to-one basis in a secluded area or behind a closed door
  - humiliating pupils
  - behaviour deemed to be inappropriate
  - smell of alcohol or drugs
- 5.3 Any such concerns about a member of staff, supply staff, volunteer or contractor, including those which do not meet the harm threshold should be shared confidentially, responsibly and as soon as possible after the event with the Designated Safeguarding lead and the headteacher (for school staff), CEO (for central trust staff), The Chair of the board of Trustees (for the CEO), and recorded and dealt with appropriately.
- 5.4 During the induction process, and refresher training thereafter, staff, volunteers and students are reminded of their responsibilities to report all low-level concerns. As with all safeguarding concerns, low-level concerns may individually be low-level incidents but may be part of a bigger picture or chronology of events and concerns.
- 5.5 Such behaviour can exist on a wide spectrum, from inadvertent or thoughtless, or behaviour that may look to be inappropriate, but may not be in specific circumstances, through to that which is ultimately intended to enable abuse.
- 5.6 Where supply staff and contractors are employed separately the case manager will notify their employers. Doing so will ensure that they are dealt with effectively, also protect those working in or on behalf of the trust/school from potential false allegations or misunderstandings.
- 5.7 The case manager will collect as much evidence as possible by speaking:
- directly to the person who raised the concern, unless it has been raised anonymously
  - to the individual involved and any witnesses.
- 5.8 All low-level concerns will be recorded in writing, including the details of the concern, the context and the actions taken. The name of the individual sharing their concern will also be noted where possible, however, leaders must consider anonymity where this is requested. The written record will include the time and date of the concern and will be shared with the person bringing the information forward.
- 5.9 Where a low-level concern has been raised this will be taken seriously and dealt with promptly.
- 5.10 The information reported and gathered will then be reviewed to determine whether the behaviour:

- is consistent with the “Guidance for safer working practice for those working with children and young people in education settings” and no further action will be required
- constitutes a low-level concern: no further action is required, or additional training/guidance/support may be required to rectify the behaviour via normal day to day management processes. The employee should understand that failure to improve or a repeat of the behaviour may lead to further action being taken, e.g. either via the Appraisal and Capability Policy or Disciplinary Policy
- is serious enough to consult with or refer to the LADO: a referral should be made to the LADO and advice taken from HR.
- when considered with any other low-level concerns that have previously been raised about the same individual, this should be reclassified as an allegation and referred to the LADO or Police: a referral should be made to the LADO and advice taken from HR.

5.11 It may be the case that a person finds themselves in a situation which could be misinterpreted or might appear compromising to others, or they may have behaved in a manner which on reflection they consider falls below the standard set out in the “Guidance for safer working practice”. In these circumstances, they should self-report. This will enable a potentially difficult situation to be addressed at an early opportunity if necessary.

5.12 Such records will be maintained, at least until the individual leaves direct employment to enable records to be reviewed so that potential patterns concerning inappropriate, problematic or concerning behaviour can be identified. Low level concerns should not be included in employer references unless it relates to issues that would normally be included in references such as misconduct or poor performance. However, where a low-level concern (or group of concerns) meets the threshold for a referral to LADO and is found to be substantiated, it should be referred to in an employment reference.

## 6. Investigation

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- 6.1 An investigation into an allegation/s is normally carried out by children’s social care or by the trust/school as advised. This will be agreed upon at the initial evaluation stage. Where the trust/school is not conducting the investigation, it will cooperate with independent investigative agencies. Internal investigations must be second to any safeguarding investigation and may need to be delayed until the external investigation is complete. In some circumstances, the trust/school may wish to consider commissioning an independent investigator.
- 6.2 The case manager will carry out an internal investigation which will include interviewing witnesses, reviewing document, reviewing any CCTV footage (if available) and meeting with the accused staff member to obtain a written account of their version of events.
- 6.3 The case manager will write to the accused member of staff to invite them to attend an investigation meeting. They will be entitled to be accompanied by a work colleague or trade union representative. All evidence will then be considered and a decision will be made about the most appropriate course of action, taking into account advice from the LADO and other external agencies involved.
- 6.4 The following definitions will be used in determining the outcome of allegation investigations:
- **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.

6.5 In cases where the outcome of the investigation finds the allegations are substantiated, formal disciplinary action will be taken in line with the Trust's disciplinary policy.

## 7. Supporting those involved

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### The person(s) who makes the allegation and their parents/carers

- 7.1 Parents and carers will be notified if their child makes or is involved in an allegation against staff if they do not already know. However, if the police or social care are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the parents.
- 7.2 Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are ongoing as set out in section 141F of the Education Act 2002 (see paragraphs 233-234). If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.
- 7.3 Parents and carers will be advised of the steps being taken by the trust to investigate the allegation.
- 7.4 If an internal disciplinary hearing is required, the deliberations and information used for making a decision are confidential. Social care and the police may be involved, depending on the severity of the case, and will provide the school with advice on what type of additional support the child may need.
- 7.5 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care, or the police as appropriate, should consider what support the child or children involved may need.
- 7.6 The trust's Whistleblowing policy enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place. For all staff involved, appropriate signposting of available support (e.g. counselling) will be given.

### The employee

- 7.7 ONE Academy Trust has a duty of care to its employees and will do everything to ensure effective support for anyone facing an allegation, providing a named support person if action to suspend is implemented. Where the individual facing the allegation is not a direct employee, liaison with relevant parties will take place.
- 7.8 The person who is the subject of the investigation will be informed as soon as the allegation/s has been made, but only after the case manager has spoken to staff at the appropriate level and LADO (where appropriate). The employee will then be advised on what the next course of action will be.
- 7.9 Where an initial discussion leads to no further action, the case manager will: record the decision and justification, and agree on what information should be put in writing to the individual concerned and by whom.
- 7.10 However, if the police or social care are to be involved, they will be contacted before the employee and they will advise as to what information may be disclosed to the person under investigation. The named support person will keep the subject of the allegation informed of the

progress of the case and any other work-related issues. If the employee has been suspended, the named support person will keep them informed of any developments from the school/trust. 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. Trust wellbeing services (e.g. counselling) will also be signposted to individuals concerned.

- 7.11 The employee may need additional support and the school 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.
- 7.12 The school 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. A breach of confidentiality will be taken seriously and may warrant a separate 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.
- 7.13 Where sanctions are to be implemented on the member of staff this will be in accordance with the trust's Disciplinary Policy. Where an allegation has been made against an adult not employed by the Trust the following will take place:
- In the case of a volunteer, including governors/trustees, the Trust will follow its own local procedures and act on advice from the police or other authorities involved where necessary. Where an allegation is substantiated, the Trust will follow procedures to remove the individual from office.
  - For employees of external organisations working within the Trust their own employer's disciplinary process will be adhered to, with which the Trust will cooperate fully.

#### **Supply teachers:**

- 7.14 An allegation against an individual within a school may be made against someone directly employed by the Trust, for example, supply teachers provided by an employment agency or business. Supply teachers are under the supervision, direction and control of the trust when working in school.
- 7.15 Whilst ONE Academy Trust are not the employer of the individual, it will ensure that any allegations are dealt with properly. ONE Academy Trust, under no circumstances, will decide to cease using a supply teacher or agency due to safeguarding concerns, without finding out the facts and liaising the local authority designated officer (LADO) to determine a suitable outcome. The headteacher should discuss with the agency whether it is appropriate to suspend or redeploy the individual, whilst they carry out their investigation.
- 7.16 It is usually appropriate for the headteacher to lead an investigation, following liaison with LADO, police and/or children's social care. Supply staff will be advised to contact their trade union representative if they have one. The allegations management meeting (often arranged by LADO) will address such issues as information sharing, to ensure that any previous concerns or allegations known by the agency are taken into account by the school during the investigation.
- 7.17 Any agency used to support the trust/schools supply needs will be made aware of this policy. Through this process, the trust/schools will also have due regard for agency procedures and duties placed on them.

## **8. Suspension**

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- 8.1 Any decision to suspend a member of staff can only be made by the headteacher, CEO or the chair of the board of trustees (dependent on the role of the employee who is being investigated) after seeking advice from the trust's HR manager.
- 8.2 Prior to any suspension taking place, a risk assessment should be completed, including where a transferable risk may be present, to determine whether a suspension is required.
- 8.3 Before a decision is made to suspend someone who has had allegations of abuse made against them, other alternative options should be considered beforehand and may include, but are not limited to:
- Providing a colleague to be present when the individual has contact with children;
  - Moving child(ren) to classes where they will not come into contact with the member of staff, making it clear this is not a punishment and consulting with parents;
  - Temporarily redeploying the member of staff to another role in a different location
  - Redeploying to alternative work in the school so the individual does not have unsupervised access to children
- 8.4 If consideration is given to any of these alternatives, the case manager, and CEO should consider the potential permanent professional reputational damage to employee (and the school/trust) where an allegation is later found to be unfounded, unsubstantiated, malicious, or false.
- 8.5 In cases where the trust/school is made aware that the Secretary of State has made an interim prohibition order in respect of an individual who works at the school immediate action should be taken to ensure the individual does not carry out work in contravention of the order, i.e. pending the findings of the Teaching Regulation Agency (TRA) investigation, the individual must not carry out teaching work.
- 8.6 A suspension may be decided upon if it is deemed that the child, other children or adults may be at risk of harm, if the investigation may be compromised in any way if the individual remains at work or if the nature of the case warrants a criminal investigation and/or dismissal. If there is any doubt over this decision the views of LADO and/or any other key partners (e.g. police, social care) will be sought. Police involvement does not make it mandatory to suspend an individual and the decision should be made on a case-by-case basis.
- 8.7 Any decision to suspend a member of staff can only be made by the headteacher, CEO or a representative of the board of trustees (dependent on the role of the employee who is being investigated) after seeking advice from the trust's HR manager.
- 8.8 They will be advised by the police and or social care whether or not a suspension is necessary. Where the decision is made to suspend the individual, the employee will receive written confirmation of the suspension within one working day, giving as much detail as appropriate for the reasons for the suspension. A suspended individual will be provided with a named contact within the Trust as a mechanism of support.

## **9. Resignation**

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- 9.1 If an employee hands in their resignation when the allegation is made against them or during an investigation, the investigation will continue until an outcome has been reached, with or without the person's cooperation. They will be given full opportunity to answer the allegation and make representations about it. A referral to the DBS will be made, if the criteria are met.

- 9.2 In instances where a resignation has been submitted and the disciplinary decision is made after the employee has left, the ex-employee will receive written confirmation of the outcome of the disciplinary hearing.
- 9.3 'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, will not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

## **10. Confidentiality**

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- 10.1 The Trust/school will make every effort to maintain confidentiality and guard against unwanted publicity while the allegation is being investigated or considered. When allegations are made against a member of staff, the trust/school must comply with the Education Act 2011, which introduced reporting restrictions preventing the publication of any material that may lead to the identification of a staff member who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the individual as the subject of the allegation).
- 10.2 The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. Breaching the reporting restrictions is a criminal offence; publication includes any speech, writing, relevant programme or communication in whatever form, which is addressed to the public at large or any section of the public; this includes social networking sites.
- 10.3 The police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. In exceptional cases where the police would like to depart from that rule, for example to trace a suspect, they must apply to a magistrates court to request that reporting restrictions be lifted.
- 10.4 The employer should take advice from the LADO, Police and Children's Social Care to agree the following:
- Who needs to know and 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 speculation; and
  - How to manage press interest if and when it should arise.

## **11. Record Keeping**

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- 11.1 Detailed records of all allegations made, investigations and outcomes should be kept in a separate, secure file. If those making the allegation acquire evidence to support their accusation this should be passed confidentially to the case manager.
- 11.2 Any electronic records pertaining to the investigation should be password-protected and stored securely.

- 11.3 Paper records should be kept secure at all times. At the end of the investigation a copy of the investigation and outcomes should be retained electronically. All paper copies relating to the investigation should then be securely destroyed.
- 11.4 The record will be kept, including for people who leave the organisation, in line with the Trust's Data Retention Policy.
- 11.5 Allegations that are proven to be malicious will not be kept on record or used in employee references.
- 11.6 Notes/minutes will be kept of all meetings and the actions agreed. Where possible, these will be confirmed as an accurate reflection of what was discussed during the meeting.
- 11.7 Records will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our record retention schedule.
- 11.8 Personal data will be treated as confidential and will only be processed and shared in line with our data protection responsibilities under the Data Protection Act 2018 and the UK GDPR.
- 11.9 All correspondence and documentation should be classified and marked as confidential.

## **12. Action on conclusion of the case**

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- 12.1 If the investigation results in the dismissal or resignation of a person, and that person has been charged with a criminal offence, a referral is most likely to be made immediately by the Trust to the Disclosure and Barring Service, this will be following discussions with the designated officer(s). In the case of teaching staff this may also be referred to the Teaching Regulation Agency (TRA).
- 12.2 **NOTE:** There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.
- 12.3 If it is decided that the employee may return to school (after a suspension) then provisions will be put in place by the school 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 child who made the allegation is still at the school, the school will consider what needs to be done to manage the contact between employee and child. Staff will be made aware, during any investigation, of how to access employment welfare programmes, such as counselling.
- 12.4 False, unsubstantiated, unfounded or malicious allegations will not be kept on an individual's employment record and will therefore not be included in employer references should there be a need in the future.
- 12.5 If an individual disputes the outcome of an investigation, their right of appeal is outlined in the Trust's disciplinary policy.

## **13. Action in the case of false allegations**

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- 13.1 Where an allegation is proven to be false, the case manager or the Designated Safeguarding Lead may refer to social care to determine whether the child needs further services, or to help to understand if they are being abused elsewhere.
- 13.2 If a false allegation is made against a member of staff then the case manager and/or senior trust management may wish to follow the school's behaviour policy, or the trust's disciplinary policy to deal with the actions of the individual who made the false allegation.

## **14. After the case**

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- 14.1 No matter what the outcome is of an allegation of abuse against staff, the Trust will review the case 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.

## **15. Monitoring and review**

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- 15.1 This policy will be reviewed annually as a minimum and revised as required.
- 15.2 Approval of this policy has been delegated to the CEO by the board of trustees