

# Managing Allegations Against Staff Policy

**(including low level concerns)**

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| <b>Policy Owner</b>     | Director of Safeguarding & SEND                    |
| <b>Approval by</b>      | Trust Board  |
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## **Statement of intent**

Three Spires Trust takes its responsibility of care for children and young people seriously. We will thoroughly and swiftly investigate allegations of abuse against staff – this will be done applying common sense and judgement, in a fair way that does not prejudice either the child or young person or the member of staff, and with effective protection for the child or young person and support for the person subject to the allegation. Any investigation of an allegation of abuse will be made in line with this policy and we will provide both the accuser and accused with the support they require during the investigation.

At Three Spires Trust, we know that a relationship between an adult and a child or young person is not a relationship between equals. As a result of their knowledge, position and or the authority invested in their role, all adults working in education settings are in positions of trust in relation to the young people in their care. Broadly speaking, a relationship of trust can be described as one in which one party is in a position of power or influence over the other by virtue of their work or the nature of their activity. It is vital for all those in positions of trust to understand the power this can give them over those they care for and the responsibility they must exercise as a consequence of their relationship. There is potential for exploitation and harm of vulnerable young people. adults therefore have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

## 1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Children Act 1989
- Education Act 2002
- Children Act 2004
- Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- DfE 'Keeping children safe in education'
- DfE 'Working Together to Safeguard Children'

This policy operates in conjunction with the following academy policies:

- Child Protection and Safeguarding Policy
- Disciplinary Policy and Procedure
- Staff Code of Conduct
- Data Protection Policy
- Behaviour Policy
- Safer Recruitment Policy

## 2. Scope of this policy

**NB.** "Child" refers to anyone under the age of 18.

This policy covers the process for dealing with allegations that meet the harms threshold, which are allegations where it is alleged that anyone working in the academy, including supply teachers, volunteers and contractors, 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 to children.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children, including transferable risk, i.e. behaviour that may have happened outside of academy that might make the individual unsuitable to work with children.

Low-level concerns will not be viewed as insignificant, but as any concerns that do not meet the harms threshold set out above. A low-level concern is any concern that an adult working in or on behalf of the academy 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 allegations threshold or is otherwise not considered serious enough to consider a referral to the LA designated officer (LADO).

If the academy has any doubt as to whether information which has been shared about a member of staff as a low-level concern meets the harm threshold, the LADO's advice will be consulted.

For the purpose of this policy “**allegation**” refers to allegations that meet the harms threshold.

### 3. Staff covered by this policy

This policy covers allegations against those working in or on behalf of the academy in a paid or unpaid capacity, including members of staff, supply teachers, volunteers and contractors.

In some cases, the academy will have to deal with an allegation against an individual not directly employed by them, e.g. supply staff provided by an employment agency, where the academy’s disciplinary procedures do not fully apply because agencies will have their own procedures.

In these cases, the academy will ensure allegations are dealt with properly and will often take the lead on dealing with the allegation as it has access to all of the necessary information. Under no circumstances will the academy decide to cease to use a supply teacher due to safeguarding concerns without finding out the facts and liaising with LADO to determine a suitable outcome.

Any supply agencies used by the academy will be informed of the academy’s process for managing allegations. The academy will also take account of the agency’s policies and their duty to refer to the DBS as personnel suppliers.

If an allegation is made against a governor, the **matter will be referred to the Director of Safeguarding and SEND**. Where an allegation is substantiated, the **trust may** follow the procedures to consider removing the governor from office.

For the purposes of this policy “**member of staff**” refers to staff, supply staff, volunteers and contractors.

### 4. Role and responsibilities

The Board of Trustees will be responsible for:

- Making the final decision of whether a member of staff subject to an allegation should be suspended.
- **Ensuring that each academy complies with its duties under child protection and safeguarding legislation**
- Ensuring this policy is implemented consistently in respect of the central team.
- Ensuring welfare support is put in place for staff on the central team who are subject to allegations.
- **Ensuring that there are robust reporting arrangements, including inter-agency collaboration.**
- **Ensuring that there are appropriate procedures in place to handle allegations and low-level concerns reported against members of staff.**

The local **academy committee** will be responsible for:

- Ensuring this policy is implemented consistently in the academy.
- Ensuring welfare support is put in place for staff subject to allegations.
- **Ensuring that a suitably trained DSL has been appointed, alongside deputy DSLs.**

- Ensuring that all DSLs and their deputies are supported to carry out their roles effectively.

The chair of governors or the Chief Executive Officer will be responsible for acting as the case manager for allegations relating to the principal.

The principal will be responsible for acting as the case manager for allegations, unless the allegation relates to them or there would be a conflict of interest if they were the case manager.

The chair of trustees will be responsible for acting as the case manager for allegations relating to the CEO.

The CEO will be responsible for acting as the case manager for allegations involving members of the trust central team, unless the allegation relates to them or there would be a conflict of interest if they were the case manager.

The Principal is responsible for:

- Being a point of contact for all staff when they have safeguarding concerns about adults, whether serious or low-level.
- Assessing whether safeguarding concerns about staff members meet the threshold for being termed an allegation, or whether they are low-level concerns.
- Implementing this policy, and all related policies, throughout the academy, and ensuring that staff adhere to it at all times.
- Safeguarding students' wellbeing and maintaining public trust in the teaching profession.
- Ensuring that all staff have undertaken safeguarding training.
- Ensuring that all staff have an ongoing awareness of low-level concerns and allegations against adults and reporting procedures.
- Ensuring that all allegations (whether they meet the harm threshold or not) are reported and recorded in Confide (staff safeguarding portal).
- Ensuring that decisions and their rationales are documented within each concern at each decision point.
- Ensuring that lessons learned are recorded for all concerns and allegations.

The case manager will be responsible for:

- Conducting a basic enquiry as soon as an allegation is reported.
- Leading investigations into allegations.
- Working with the LADO when dealing with allegations that meet the harm threshold before commencing an investigation.
- Keeping detailed, accurate and secure records of all actions taken.

The DSL in the academy concerned will be responsible for:

- Making referrals to children's social care services (CSCS) and/or the police where necessary.
- Looking after the welfare of children or young people involved in an allegation and ensuring they are not at risk.

The LADO will provide advice and guidance to the academy when considering allegations. Their role is not to investigate the allegation, but to ensure that an appropriate investigation is carried out.

Staff are responsible for:

- Adhering to all the relevant policies and procedures, including acting within the Staff Code of Conduct at all times.
- Interacting with students in a way that is respectful and appropriate for their level of authority and has due regard to the power imbalance between students and staff members.
- Understanding the importance of reporting low-level safeguarding concerns.
- Reporting any and all safeguarding concerns they may have about students immediately.
- Reporting any and all safeguarding concerns they may have about the behaviour of a member of staff immediately.

## 5. Prevention amongst staff

Appropriate and inappropriate behaviour

The academy will ensure that all staff members are aware of the standards of appropriate behaviour expected towards students.

Staff will ensure that they pay due regard to the fact that:

- They are in a unique position of trust, care, responsibility, authority and influence in relation to students.
- There is a significant power imbalance in the student-staff dynamic.
- There are more stringent expectations on their behaviour with regard to students due to their position as a public professional.

Staff will remain aware of the fact that all students under the age of 18, regardless of the phase and year group they are at within the academy, are children by law – resultantly, staff will ensure that they do not assume maturity on behalf of a student and do not engage with students as they would with their own peers. Staff will be aware that where there is any doubt regarding whether the behaviour of another adult is appropriate, this should be reported to the DSL immediately.

Inappropriate behaviour can exist on a wide spectrum, from inadvertent or thoughtless behaviour to behaviour which is ultimately intended to enable abuse. Examples of inappropriate behaviour that would constitute a low-level concern that should be reported to the DSL include:

- **Being overly friendly with children** – this could include, but is not limited to, communicating with a child through personal social media or allowing inappropriate conversations or enquiries to occur with students, e.g. conversations that are about a staff member's personal life or are of a sexual nature.
- **Having favourites** – this could include, but is not limited to, calling students by pet names or terms of endearment or buying students gifts.

- **Taking photographs of children on their personal mobile phones or devices.**
- **Engaging with a child on a one-to-one basis in a secluded area or behind a closed door.**
- **Using inappropriate, sexualised, intimidating or offensive language.**

Staff will be aware that some of the above low-level concerns may meet the harms threshold depending on certain factors, e.g. the age or needs of the child or the content of exchanged messages, and that some of the above incidents may not be concerns in context, e.g. a pre-approved, one-to-one meeting with a child behind a closed door between the child and an academy counsellor who has received all appropriate safety checks.

Staff will also be made aware that behaviour which raises concerns may not be intentionally inappropriate, and that this does not negate the need to report the behaviour. Staff members who engage in low-level inappropriate behaviour in relation to students inadvertently will be made aware and supported to correct this behaviour in line with the Staff Code of Conduct. The Principal will also evaluate whether additional training would be beneficial for any staff members exhibiting concerning behaviour, or the staff cohort as a whole where low-level concerning behaviour is seen more widely.

#### Three Spires Trust: the trust culture

The trust understands that spotting the early signs of harmful behaviour towards children can be difficult, and that many will be hesitant to report concerns they have about their colleagues' behaviour, particularly the behaviour of their superiors. Staff are encouraged to maintain an attitude that recognises that abuse can happen anywhere, in any setting, and that anyone can be a perpetrator regardless of their age, sex, level of authority, personality, etc.

The trust will ensure that all staff members have received training as part of their induction that outlines appropriate behaviour towards students for staff members. All staff will read, understand and adhere to the Appropriate and inappropriate behaviour subsection of this policy, as well as the Staff Code of Conduct and the Inappropriate Relationships with Students Policy.

Staff will address any questions they have regarding safeguarding to the DSL in their academy, or with the Director of Safeguarding and SEND. The Trust will work to foster an environment where personal and professional boundaries are clearly set and respected for all individuals in the academy community, e.g. students are not treated as friends and an appropriate professional distance is maintained by staff.

The Trust will ensure that all staff across the family of academies are sufficiently trained surrounding the reporting of safeguarding concerns as part of their induction, and that refresher training is conducted as necessary. The individual academies will ensure that all staff understand how to recognise and report safeguarding concerns. Staff will be trained to identify concerning or problematic behaviour towards students that may indicate a safeguarding concern, and how to identify signs of abuse or harm in students.

#### Evaluating academy culture following concerns

The academy will ensure that appropriate consideration is given to the academy's culture and whether or not it has enabled the inappropriate behaviour to occur. The Principal will review

whether any changes need to be made to relevant policies or training programmes in light of any evaluations of the academy's culture, in order to achieve an open and transparent culture that deals with all concerns promptly and appropriately.

## 6. Reporting concerns and allegations

Staff must report allegations without delay, in line with the following reporting lines:

- Concerns or allegations regarding another member of staff in an academy will be reported to the principal
- Concerns or allegations regarding a member of staff in the central team will be reported to the CEO
- Concerns or allegations regarding a principal will be reported to the chair of governors or the Chief Executive Officer
- Concerns or allegations regarding the CEO will be reported to the chair of trustees

Where there is a conflict of interest in reporting the allegation to the principal, staff will report the concern directly to the LADO. Information regarding the identity of the LADO can be found on the relevant LA's website and in the child protection and safeguarding policy.

Where a child or young person makes a disclosure to a member of staff about the behaviour of another member of staff, staff must follow the reporting lines above.

Once an allegation has been made, a case manager will be assigned to lead the investigation. The case manager will be the principal (in the case of the central team, the CEO) or, where the principal (CEO) is the subject of an allegation, the chair of governors (trustees).

## 7. Self-reporting

On occasion, a member of staff may feel as though they have acted in a way that:

- Could be misinterpreted.
- Could appear compromising to others.
- They realise, upon reflection, falls below the standards set out in the Staff Code of Conduct or violates the Inappropriate Relationships with Students Policy.

The academy will ensure that an environment is maintained that encourages staff members to self-report if they feel as though they have acted inappropriately or in a way that could be construed as inappropriate upon reflection. The Principal and DSL will, to the best of their abilities, maintain a culture of approachability for staff members, and will be understanding and sensitive towards those who self-report.

Staff members who self-report will not be treated more favourably during any resulting investigations than staff members who were reported by someone else; however, their self-awareness and intentions will be taken into consideration.

## 8. Initial response

CSCS and, as appropriate, the police will be contacted immediately if a child has been harmed, there is an immediate risk of harm to a child, or the situation is an emergency. These reports will be made in line with the Child Protection and Safeguarding Policy.

Before contacting the LADO, the case manager will conduct a basic enquiry in line with local procedures to establish the facts to help them determine whether there is any foundation to the allegation. During this basic enquiry, the case manager will ensure they collect any information that will be required by the LADO and will be careful not to jeopardise any potential future police investigation.

Once the case manager has conducted the basic enquiry, they will contact the LADO. The case manager and LADO will discuss the nature, content and context of the allegation and decide if:

- No further action is needed.
- A strategy discussion should take place.
- There should be involvement from the police and/or CSCS.

Where the case manager is concerned about the welfare of other children in the community or the staff member's family, they will discuss these concerns with the DSL (or in the case of a central team member, this will be the DSS) and conduct a risk assessment of the situation. Where necessary, the DSL (DSS) will make a referral to CSCS.

If the allegation is about physical contact, e.g. restraint, the strategy discussion or initial evaluation with the LADO will take into account that teachers and other staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where the allegation includes behaviour outside of academy, an assessment of transferable risk to children with whom the person works will be undertaken where appropriate; advice will be sought from the LADO where there is any doubt.

### **No further action**

Where the initial assessment leads to no further action, the case manager and LADO will:

- Record the decision and justification for it.
- Agree on what information should be put in writing to the individual concerned and by whom.

### **Strategy discussion**

If there is cause to suspect a child is suffering, or is likely to suffer, significant harm, a strategy discussion involving the police and/or CSCS will be convened. Strategy discussions will take place in line with the 'Working Together to Safeguard Children' statutory guidance. For allegations regarding physical contact, e.g. restraint, the right to use reasonable force in line with the academy's Physical Intervention Policy will be taken into account.

CSCS will convene the meeting to determine the child's welfare and plan rapid future action if there is reasonable cause to suspect the child is suffering or likely to suffer significant harm. A representative of the academy or the trust may be invited to the meeting.

The discussion will be used to:

- Share available information.
- Agree the conduct and timing of any criminal investigation.
- Decide whether enquires under section 47 of the Children Act 1989 must be undertaken.

## **Investigation**

Where it is clear than an investigation by the police or CSCS is unnecessary, or the strategy discussion or initial assessment decides that this is the case, the LADO will discuss the next steps with the case manager.

Where further enquiries are required to enable a decision about how to proceed, the LADO and case manager will discuss how the investigation will be undertaken and who should conduct the investigation. In most cases, the investigation will be undertaken by a senior member of staff at the academy. Where there is a lack of appropriate resources within the academy to conduct the investigation, or the nature or complexity of the allegation requires it, the allegation will be conducted by an independent investigator. As appropriate, the case manager may liaise with the trust's HR service provider.

The case manager will monitor the progress of the investigation to ensure that it is dealt with thoroughly, fairly and as quickly as possible. The first review will take place no later than four weeks after the initial assessment where possible. Dates of subsequent reviews will be set at the review meeting if the investigation continues and will be conducted at least at fortnightly intervals.

## **Informing the member of staff**

The decision of when to inform will be considered carefully on a case-by-case basis, considering guidance from the LADO as required and CSCS and the police if involved. The member of staff subject to an allegation should be informed of the allegation and given as much information as possible, unless there are good reasons not to. In cases where the allegation needs to be reported to CSCS and/or the police, the case manager will seek advice from the LADO, CSCS and police as appropriate regarding what information can be shared.

## **Supply staff**

Where an allegation relates to a member of supply staff, the agency will be fully involved and cooperate with any enquiries from the academy, LADO, police and/or CSCS. In these cases, the academy will usually take the lead as the agency will not have direct access to the required information.

The academy will not decide to stop using a member of supply staff due to safeguarding concerns without first finding out the facts and liaising with the LADO to determine a suitable outcome.

The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that any previous concerns or allegations known to the agency or agencies are taken into account by the academy during the investigation.

## **9. Confidentiality**

The case manager and LADO will discuss what information will be shared and with whom, alongside which actions will be taken to manage any possible breaches of confidentiality or press interest.

Reporting restrictions under the Education Act 2002 will be observed. Information regarding an allegation will only be shared with necessary parties. Every effort will be made to protect the privacy of all parties involved in an allegation. Confidentiality will also be maintained to ensure a fair investigation can be undertaken.

All parties involved in an allegation will be made aware of the requirement to maintain confidentiality and guard against unwanted publicity about any allegations made against teachers whilst investigations are in progress.

In circumstances where an academy needs to make parents and carers aware about an allegation, it will ensure parents, carers and others are aware that there are restrictions on publishing information.

Breaches in confidentiality will be taken seriously and may warrant a separate investigation.

The academy will not provide the media with any information regarding an allegation.

## **10. Suspension**

Suspension, e.g. remaining under the trust's employment but being asked not to attend the academy premises, will never be an automatic response when an allegation is reported – all options to avoid suspension will be considered prior to taking that decision.

The case manager will carefully consider whether the circumstances warrant suspension from contact with children at an academy, or until the allegation is resolved. Suspension will be considered only in cases where there is cause to suspect a child or young person or others at the academy is/are at risk of harm, or the case is so serious that it might be grounds for dismissal.

The case manager will seek advice from the trust's HR provider and the LADO, as well as the police and CSCS where they have been involved. The following options will be considered by the case manager before suspending a member of staff:

- Redeploying the member of staff within the trust so that they do not have direct contact with any children or young people concerned
- Providing an assistant to be present when the individual has contact with children or young people
- Redeploying the member of staff to alternative work in the trust so the individual does not have unsupervised access to children or young people
- Moving the children or young people to classes where they will not come into contact with the member of staff – this decision will only be made if it is in the best interests of the children or young people involved and takes account of their views
- Temporarily redeploying the member of staff to another role in a different location, e.g. to an alternative academy.

The board of trustees will make the final decision on whether the member of staff should be suspended. Where a strategy discussion, or initial assessment, concludes that there should be enquiries by CSCS, and/or an investigation by the police, the LADO will seek the views of the police and CSCS regarding whether the member of staff should be suspended from contact with children. Police involvement does not make it mandatory to suspend a member of staff. The decision to suspend will be made on a case-by-case basis following a risk assessment of whether the person poses a risk of harm to children.

If immediate suspension is considered necessary, the case manager will record the rationale and justification for this decision, alongside the alternatives to suspension that were considered and why they were rejected.

Where suspension is deemed necessary, written confirmation will be given to the member of staff within one working day where possible, which will provide as much detail as appropriate for the reasons for the suspension. The member of staff will be told immediately who their named contact is within the academy for the period of their suspension.

Where an allegation relates to a member of supply staff, the local governing body will discuss with the supply agency or agencies where the member of staff is working across a number of schools or academies, whether it is appropriate to suspend the individual, or redeploy them to another part of the trust, whilst an investigation is carried out.

Where the trust is made aware that the Secretary of State has made an interim prohibition order, in respect of an individual who works at the trust, immediate action will be taken by the trust to ensure the individual does not carry out work in contravention of the order, i.e. not carrying out teaching work, pending the findings of the TRA investigation.

Pay arrangements for any period of suspension can be found in the pay policy.

## **11. Supporting those involved**

### **Children or young people and parents**

The welfare of the child or young person(s) involved in an allegation will be paramount. Children or young people involved will be fully supported in line with the Child Protection and Safeguarding Policy.

The parents or carers of the child or young person(s) involved in an allegation will be told about the allegation as soon as possible if they do not already know about it, unless notifying the parents or carers would put the child or young person at further risk. The case manager will work with the LADO to agree who should be informed about the allegation.

Parents or carers will be made aware of the requirement to maintain confidentiality and guard against unwanted publicity about any allegations made against members of staff whilst investigations are in progress.

Parents and carers will be kept informed about the progress of the allegation, including the outcome and any action taken.

### **Staff who report an allegation**

The academy will ensure that all staff feel equipped and supported to report any allegations or concerns.

### **Staff subject to an allegation**

Any staff member subject to an allegation will be offered welfare support. The trust and its academies have a duty of care to all staff and will:

- Manage and minimise the stress caused by the allegation.
- Inform the member of staff as soon as possible about the allegation, explaining the likely course of action, guided by the LADO, and the police where necessary.
- Advise the member of staff to contact their trade union representative, or a colleague for support.
- Appoint a named representative to keep the staff member informed about the progress of the case.
- Provide access to counselling or medical advice where appropriate.
- Not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence.

Any information regarding an allegation is confidential and will not ordinarily be shared with other staff or with children or young people or parents and carers who are not directly involved in the investigation.

## **12. Outcomes**

The following definitions will be used when determining the outcome of an allegation:

- **Substantiated:** There is sufficient evidence to prove the allegation
- **Malicious:** There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation
- **False:** There is sufficient evidence to disprove the allegation
- **Unsubstantiated:** There is insufficient evidence to either prove or disprove the allegation
- **Unfounded:** There is no evidence or proper basis which supports the allegation being made

The options available to the trust will depend on the nature and circumstances of the allegation and the evidence and information available.

## **13. Referral to the DBS**

If an allegation is found to be substantiated and the member of staff is dismissed, resigns or otherwise ceases to provide their services to the academy, or the academy ceases to use the person's services, the trust has a legal duty to make a referral to the DBS. For members of teaching staff at the trust, the case manager will liaise with the Director of Safeguarding and SEND to consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

The trust will also make a referral to the DBS where it is considered an individual has engaged in conduct that harmed, or is likely to harm, a child, or if they otherwise pose a risk of harm to a child.

## **14. Criminal investigations**

Some allegations may result in a criminal investigation taking place. The police will inform the academy and the LADO when:

- A criminal investigation and any subsequent trial is complete.
- It is decided to close an investigation without charge.
- It is decided not to continue to prosecute after the person has been charged.

The case manager and LADO will discuss whether any further action against the member of staff is appropriate, including disciplinary action.

## **15. Unsubstantiated, unfounded, false or malicious allegations**

If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager will consider whether the child or young person and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. If this is the case, the DSL will decide whether a referral to CSCS needs to be made.

If a report is shown to be deliberately invented or malicious, the trust will consider whether any disciplinary action is appropriate against the individual who made it, in line with the Disciplinary Policy and Procedure (for staff reporters) or Behaviour Policy (for child or young person reporters).

Following an allegation concluded to be either unfounded, false, malicious or unsubstantiated, the case manager, in liaison with the LADO if they were involved, will consider the facts and determine whether any lessons can be learnt and if improvements can be made to the trust's procedures.

## **16. Returning to work**

Where a member of staff has been suspended and it is decided on conclusion of the case that they can return to work, the case manager will decide on the best course of action to facilitate the return to work, seeking advice from the academy's HR provider and the LADO where necessary.

The individual's circumstances will be taken into account, and options such as a phased return and the provision of a mentor to provide assistance and support in the short term considered where appropriate.

The case manager will also consider how the staff member's contact with the child who made the allegation can best be managed if they are still attending the academy.

The member of staff will be provided with support, including welfare support, during their return to work.

## **17. Resignations**

If the member of staff leaves, resigns or ceases to provide their services during an investigation, the academy will not stop the investigation and will ensure its completion.

The staff member subject to the allegation will be given a full opportunity to answer the allegation and make representations about it. The process of recording the allegation and supporting evidence and reaching a judgement on the allegation will continue even if the member of staff does not cooperate. The member of staff concerned will be notified of the conclusion of the allegation and sanctions that may be posed.

### **Settlement agreements**

The academy will not use settlement agreements where there are allegations that indicate a person is a risk or poses a risk of harm to children or is deemed not suitable to work with children.

In limited circumstances, it may be appropriate to use settlement agreements to end the employment relationship on agreed terms. Where a settlement agreement is used, this will not prevent the academy from:

- Fulfilling its legal duty to refer cases to the DBS where the referral criteria are met.
- Providing a fair, accurate and truthful reference that is not misleading to potential employers when requested.
- Considering whether to make a referral to the Teaching Regulation Agency (TRA) where the criteria are met.

## **18. Record keeping**

Any details of allegations that are found to be malicious or false will be removed from the staff member's personnel record, unless they give their consent for the information to be retained.

For all other allegations, the following information will be kept on the staff member's personnel file:

- A clear and comprehensive summary of the allegation
- Details of how the allegation was followed up and resolved
- Details of any action taken, decisions reached and the outcome
- A copy provided to the person concerned, where agreed by CSCS or the police
- A declaration on whether the information will be referred to in any future reference

The trust will retain records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the enquiry. All other records will be retained until the staff member subject to the allegation has reached normal pension age or for a period of 10 years from the date of the allegation, whichever is longer.

All records will be managed in line with the Data Protection Policy.

## **19. References**

References will be provided in line with the Safer Recruitment Policy.

The academy will ensure that any information provided confirms whether they are satisfied with the applicant's suitability to work with children, and only provide the facts of any substantiated safeguarding concerns or allegations that meet the harm threshold within any employment references.

## **20. Non-recent allegations**

If a former pupil or student makes an allegation to the academy that they were abused as a child, or that they believe that a member of staff misused their position of trust in their relationship with them when they were a child or young person, they will be advised to report the allegation to the police. Non-recent allegations made by a child or young person will be reported to the LADO in line with the LA's procedures for dealing with non-recent allegations.

All children or young people and staff will be made aware that abuse can be reported no matter how long ago it happened.

## **21. Monitoring and review**

Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, the LADO will review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the academy's procedures to help prevent similar events in the future.

This policy will be reviewed biannually by the Director of Safeguarding and SEND and the CEO. Any changes to this policy will be communicated to all staff and other relevant stakeholders, e.g. supply agencies. The next scheduled review date for this policy is September 2023 – unless there is a change to KCSIE which would result in anything other than a change in the date of the legislation referenced throughout.