



ALLEGATIONS MADE AGAINST EMPLOYEES POLICY

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Document Control

Document version numbering will follow the following format. Whole numbers for approved versions, eg 1.0, 2.0, 3.0 etc. Decimals will be used to represent the current working draft version, eg 1.1, 1.2, 1.3 etc. For example, when writing a procedural document for the first time the initial draft will be version 0.1.

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1. Introduction

The Leading Edge Academies Partnership (the 'Trust') is a team of school leaders that aim to be Leading Edge and pioneering in their approach to education and well-being. We are a growing family of like-minded schools that offer a values-based education to the communities we serve and welcome staff, workers, students, parents/carers and volunteers from all different ethnic groups and backgrounds.

The term 'Trust Community' includes all staff, trustees, governors, students, parents/carers, volunteers and visitors.

We are a values-based Trust, which means all actions are guided by our three 'Es' as follows:

- Excellence** – 'Outstanding quality'
- Evolution** – 'Continuous change'
- Equity** – 'Fairness and social justice'

This policy is based on the values of 'Excellence' and 'Equity'

2. Policy Statement

This policy applies to all employees of Leading Edge Academies Partnership ('the Trust') and the school community, including trustees, governors, employees, casual workers, volunteers, agency workers and consultants/3rd parties engaged by the Trust. All are responsible for adhering to and acting in accordance with the requirements of the policy.

The information in this policy is in line with and taken directly from Keeping Children Safe in Education (KCSIE).

This policy comes into effect should allegations exceed the threshold for Low Level Concerns (please refer to the Low Level Concerns Policy for clarification). It should be followed in conjunction with Part Four of Keeping Children Safe in Education. <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

Section One of Part Four of Keeping Children Safe in Education should be followed where it is alleged that anyone that provides education to children under 18 years of age including supply teachers, any other agency, contractors, and volunteers has:

- behaved in a way that has harmed, or may have harmed a child; or
- possibly committed a criminal offence against, or related to a child; or
- behaved towards a child or children in a way that indicates s/he may pose a risk of harm if they work regularly or closely with children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

The last bullet point above includes behaviour that may have happened outside of school that might make an individual unsuitable to work with children; this is known as transferable risk. Where

appropriate an assessment of transferable risk to children with whom the person works should be undertaken with advice being sought from the LADO where necessary.

Section Two of Part Four of Keeping Children Safe in Education should be followed where concerns (including allegations) do not meet the harm threshold set out above. However, where a pattern of behaviour moves from a concern to meeting the harm threshold then Section One of Part Four should be followed and a referral made to the Local Authority Designated Office (LADO).

All adults working with children and young people have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people. It is therefore expected that they will adopt high standards of personal conduct to maintain the confidence and respect of the public in general and all those with whom they work. The standards and conduct expected is contained within the Code of Conduct.

There may be times where an adult's behaviour or actions in their personal life come under scrutiny from local communities, the media, or public authorities through what has been published on the internet. This could be because their behaviour is considered to compromise their position in their workplace or indicate an unsuitability to work with children or young people. Misuse of drugs, alcohol or violence would be examples of such behaviour. Adults in contact with children and young people should therefore understand and be aware, that safe practice also involves using judgement and integrity about behaviours in places other than the work setting.

The procedure for dealing with allegations against employees 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; and could be used alongside the Trust's Complaints Policy, the Trust Employee Grievance Policy and/ or Employee Disciplinary Policy.

This policy does not form part of any employee's contract of employment and may be amended at any time.

3. Policy aims

The aim of this document is to ensure that anyone working for the Trust including supply teachers, any other agency, contractors, governors, volunteers, pupils and parents or carers are aware of the procedure for dealing with allegations and investigation of allegations of abuse against employees, and to ensure that all complaints are dealt with consistently and as efficiently as possible. It will also help our pupils feel comfortable voicing their concerns about anyone working for the Trust.

The Trust will ensure that all allegations of abuse of children against their employees will be taken seriously, dealt with immediately, thoroughly, and efficiently, maintaining the highest level of protection for the child, whilst also giving support to the person who is the subject of the allegation.

4. Scope and purpose of policy

The Trust's Director of People is responsible for monitoring and updating this policy whilst the Chief Executive Officer, Headteachers, Chief Operating Officer (COO) and the school's Designated Safeguarding Lead (DSL) are responsible for implementing the policy, where appropriate.

The DSL at each academy is responsible for the provision of appropriate training and support of employees working at their site.

The Trust will support pupils and their families, as well as employees, where there has been a complaint or allegation by:

- Taking all suspicions and disclosures seriously
- Nominating a link person who will keep all parties informed and be the central point of contact
- Where an employee is the subject of an allegation made by a child, separate link people will be nominated to avoid any conflict of interest
- Where the Trust is not the employer of the individual who is the subject of an allegation, they still have the responsibility to ensure allegations are dealt with appropriately and that they liaise with relevant parties (this includes for supply teachers, other agency, contractors, and volunteers etc.)
- Responding sympathetically to any request from pupils or employees for time out to deal with distress or anxiety
- Maintaining confidentiality and sharing information on a need-to-know basis only with relevant individuals and agencies
- Storing records securely
- Offering details of helplines, counselling, or other avenues of external support
- Following the procedures, where applicable, detailed in the Trust Whistleblowing, Employee Disciplinary or Trust's Complaints procedures
- Co-operating fully with relevant statutory agencies.

This policy will be kept under review to take account of changes to law and/or practice and changes to the Trust's circumstances.

5. Raising Concerns

Concerns about a colleague

Employees who are concerned about the conduct of a colleague towards a child are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and may wonder whether a report would jeopardise their colleague's career. Employees must remember that the welfare of the child is paramount. The Trust's Whistleblowing Policy enables employees to raise concerns or allegations in confidence and for a sensitive enquiry to take place.

All concerns/allegations of poor practice or possible child abuse by colleagues should be reported initially to the Headteacher. Where the Headteacher or a member of the central team is the subject of concern the allegation/concern should be reported to the Chief Executive Officer. Concerns/allegations against the Chief Executive should be made to the Chair of the Trust board.

The appropriate person will then act as the Case Manager.

The Case Manager should immediately discuss the allegation with the school DSL, as well as advise the Director of People.

When an allegation is made against an employee or anyone else working for the Trust, including supply teachers, any other agency, contractors, and volunteer, set procedures must be followed. It is rare for a child to make an entirely false or malicious allegation, although misunderstandings and misinterpretations of events can and do happen.

A child may also make an allegation against an innocent party because they are too afraid to name the real perpetrator. Even so, the Trust must act promptly on every allegation.

Employees who are the subject of an allegation have the right to have their case dealt with fairly, quickly, and consistently and to be kept informed of its progress. Suspension is not mandatory, nor is it automatic but, in some cases, employees may be suspended where this is deemed to be the best way to ensure that either or all parties are protected.

The statutory guidance in 'Part 4 of Keeping Children Safe in Education' covers how to deal with allegations made against employees. It is available on:

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

6. Supply Teachers/ Supply Staff

In some circumstances the Trust will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply, for example, supply staff provided by an employment agency or business (referred to in this section as 'the agency').

Whilst the Trust is not the employer of supply staff, they should ensure allegations are dealt with properly. In no circumstances should a school decide to cease to use supply staff due to safeguarding concerns without finding out the facts and liaising with the local authority designated officer (LADO) to determine a suitable outcome. The Case Manager should discuss with the relevant agency, whether it is appropriate to suspend the supply staff, or redeploy them to another part of the school, whilst they carry out their investigation.

Agencies should be fully involved and co-operate in any enquiries from the Trust, LADO, police and/or children's social services. The Trust will usually take the lead because agencies do not have direct access to children or other employees, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process. Supply staff, whilst not employed by the Trust, are under the supervision, direction and control of the Trust when working in the Academy. They should be advised to contact their trade union representative if they have one, or a colleague for support. 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 are taken into account by the school during the investigation.

When using an agency, the Academy should inform the agency of its process for managing allegations. This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.

7. Reporting an allegation or concern

Concerns for a child's health, welfare or safety must be referred immediately as stated in this document. There should be no attempt to further question the student or try to secure evidence. The referrer's responsibility is to report the concern, not to investigate.

Receiving a disclosure:

- Where a child discloses something that suggests they are at risk of harm, allow them to tell as much as they wish and let them know that you must pass the information on to the Headteacher,
- Where there is a concern about a child's immediate safety, notify the nearest employee and tell them why you are concerned,
- Complete a CPOMS Incident Report and advise the Headteacher, SLT, DSL or DDSL before leaving the site.
- For further information refer to the school's Child Protection Policy or speak to the Academy's DSL
- The Headteacher or the Case Manager should initially consult with the school DSL, as well as advise the Director of People.

The purpose of an initial discussion is for the DSL and the Case Manager to consider the nature, content and context of the allegation and agree a course of action. This should take place BEFORE any internal inquiries or investigation is carried out within the Academy. Children should not be spoken to unless and until it is agreed as part of the discussion with the DSL. Any investigation or inquiries carried out before consultation may jeopardise any criminal investigation that may subsequently take place, or lead to a criminal offence going undetected, children left at risk and leaving the adult in question under continued suspicion.

The Local Authority Designated Safeguarding Officer (LADO) should be informed of all allegations that come to the Trust's attention and appear to meet the criteria detailed in Section 2 so they can consult police and/ or children's social care services as appropriate. Before contacting the LADO, the Case Manager will conduct basic enquiries in line with local procedures to establish the facts to help them determine whether there is any foundation to the allegation being careful not to jeopardise any future police investigation.

Where the Academy identifies that a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency the Academy will contact children's social care and as appropriate the police immediately in line with the processes explained in Part One of *Keeping Children Safe in Education*.

The LADO may ask the Case Manager to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and the individual's current contact with children. There may be situations when the LADO will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence.

The LADO and the Case Manager will discuss the nature, content and context of the allegation and agree a course of action to decide whether:

- No further actions are needed,
- Strategy discussion should take place,
- There should be immediate involvement of the police or social care.

Where the initial sharing of information and evaluation leads to a decision that no further action is to be taken regarding the individual facing the allegation or concern; the decision and a justification for it should be recorded by both the Case Manager and the LADO, and agreement reached on what information should be put in writing to the individual concerned and by whom. The Case Manager should then consider with the DSL/LADO/Director of People what action should follow both in respect of the individual and those who made the initial allegation.

Where the Case Manager is concerned about the welfare of other children in the community or the employee's family, they should discuss these concerns with the DSL and make a risk assessment of the situation. It may be necessary for the DSL to make a referral to children's social care.

The Case Manager should inform the accused person about the allegation as soon as possible after consulting the DSL/LADO/Director of People. It is extremely important that the Case Manager provides them with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the Case Manager should not do that until those agencies have been consulted and have agreed what information can be disclosed to the accused.

The Case Manager, Director of People and/or LADO must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school/trust location or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step.

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion, organised by the LADO should be convened in accordance with the statutory guidance Working Together to Safeguard Children 2015. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that employees may be entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.

Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the Case Manager, DSL and/or Director of People. In those circumstances, the options open to the Academy will depend on the nature and circumstances of the allegation and the evidence and information available.

The following definitions should be used when 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 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.

Children that are found to have made malicious allegations are likely to have breached the Academy's behaviour policies. The Academy should therefore consider whether to apply an appropriate sanction, which could include temporary or permanent exclusion (as well as referral to the police if there are grounds for believing a criminal offence may have been committed).

However, in other circumstances, such as lack of appropriate resource within the Academy, or the nature or complexity of the allegation will require an independent investigator, the Trust may engage an appropriate senior manager from within the Trust or engage support from the local authority or professional HR/legal/consultancy firm as necessary.

8. Supporting those involved

The welfare of a child is paramount, and the Trust will ensure that this is the prime concern in terms of investigating an allegation against a person in a position of trust. However, when an allegation or safeguarding concern is being investigated it is likely to be a very stressful experience for the adult subject of the investigation, and potentially for their family members. The Trust will therefore offer appropriate welfare support and recognise the sensitivity of the situation. Information is confidential and will not ordinarily be shared with other employees or with children or parents who are not directly involved in the investigation.

The Trust has a duty of care to their employees. The Trust will act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. The Trust will provide access to welfare counselling or medical advice where necessary.

The Case Manager should appoint a named representative (Link Person) to keep the person who is the subject of the allegation informed of the progress of the case (this is particularly important when someone has been suspended) and consider what other support is appropriate for the individual. Social contact with colleagues and friends will not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

The Trust will inform parents or carers of a child or children involved about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the Case Manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers.

The Trust will inform parents or carers about the progress of the case and will advise the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations

of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed by the Trust, but the parents or carers of the child will be told the outcome in confidence.

The Trust will inform parents and carers of the requirement to maintain confidentiality about any allegations made against employees whilst investigations are ongoing as set out in section 141F of the Education Act 2002. If parents or carers wish to apply to the court to have reporting restrictions removed, they should seek legal advice.

9. Confidentiality

The Trust considers it is extremely important that when an allegation is made, the Academy must make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). In circumstances where the Trust needs to make parents aware of an allegation, the Trust will make parents aware that there are restrictions on publishing information.

Employees will understand that child protection issues warrant a high level of confidentiality, not only out of respect for the child and employee involved but also to ensure that information being released into the public domain does not compromise evidence.

Employees should only discuss concerns with the Headteacher/CEO/Chair of Trust and/or DSL (depending on who is the subject of the concern). That person will then decide who else needs to have the information and they will disseminate it on a 'need-to-know' basis. The Case Manager will take advice from the DSL, Director of People/COO/CEO, LADO, police and children's social 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 speculation,
- How to manage press interest if and when it should arise.

The Trust will ensure that child protection information will be stored and handled in line with Data Protection Act 1998 principles. This is to ensure that individuals' information is handled properly. These principles require that personal data shall:

- Be fairly and lawfully processed,
- Be processed for limited purposes,
- Be adequate, relevant, and not excessive,
- Be accurate and kept up-to-date,
- Not be kept for longer than is necessary,
- Be processed in accordance with data subject's rights,
- Be kept secure,
- Not be transferred to countries outside the EEA without adequate protection.

Record of concern forms and other written information will be stored in a locked facility and any electronic information will be password protected and only made available to relevant individuals.

The Trust will make every effort to prevent unauthorised access to sensitive information and will ensure that sensitive information is not be stored on laptop computers, which, by the nature of their portability, could be lost or stolen. If it is necessary to store child protection information on portable media, such as a CD or flash drive, these items should also be kept in locked storage. Child protection information will be stored separately from the child's school file and the school file will be 'tagged' to indicate that separate information is held.

Child protection records must be handled with care and in many cases cannot be disclosed to children or parents. If any employee receives a request from a child or parent to see child protection records, they should refer the request to the Headteacher. The Headteacher should then seek further advice regarding disclosure of child protection records from the Trust's legal firm.

The Data Protection Act does not prevent employees from sharing information with relevant agencies, where that information may help to protect a child.

10. Resignations

If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. The Trust will make a referral to the DBS, if the criteria are met.

The Trust considers it important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process.

Wherever possible the Trust will ensure the accused is given a full opportunity to answer the allegation and make representations about it, by following the process outlined in the Employee Disciplinary Policy. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated on the basis of all the information available, will continue even if that cannot be done or the accused does not cooperate. The Trust recognises that it may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible. The person concerned will be notified of the conclusion of the allegations and sanctions that might be posed.

Other than where allegations are false, malicious, unsubstantiated, or unfounded, the Trust will make the outcome clear when providing references to prospective employers.

11. Record Keeping

The Trust has an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the IICSA website). All other records should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

Where allegations are found to be malicious the Trust will ensure these are removed from employee records; and will ensure that any that are unsubstantiated, are unfounded or malicious will not be referred to in future references.

However, for all other allegations, the Trust will ensure that the following information is kept on the file of the person accused:

- a clear and comprehensive summary of the allegation,
- details of how the allegation was followed up and resolved,
- a note of any action taken, and decisions reached, and the outcome as categorised above,
- a copy provided to the person concerned, where agreed by children's social care or the police; and,
- a declaration on whether the information will be referred to in any future reference.

This will ensure accurate information can be given in response to any future request for a reference, where appropriate.

It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer, in line with the Information Commissioner's guidance on employment record retention.

12. References

Only substantiated safeguarding allegations should be provided in references. Low level concerns should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. It follows that a low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference. However, where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it should be referred to in a reference.

In cases in which an allegation was found to be unsubstantiated, unfounded, or malicious this will not be included in employer references provided by the Trust. Any repeated concerns or allegations which have all been found to be false, unsubstantiated, or malicious should also not be included in any reference. Substantiated allegations should be included in references, provided that the information is factual and does not include opinions.

13. Timescales

The Case Manager should monitor the progress of cases to ensure that they are dealt with as quickly as possible in a thorough and fair process, and where relevant, in accordance with the Employee Disciplinary Policy.

14. Oversight and Monitoring of the Procedures for dealing with Allegations

The Trust's DSL has overall responsibility for oversight of the procedures for dealing with allegations; for resolving any inter-agency issues; and for liaison with the Local Safeguarding Children Board (LSCB) on the subject and will be supported by the LADO. The DSL/LADO will provide advice and guidance to the Case Manager, in addition to liaising with the police and other agencies and monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistently and with a thorough and fair process. The Trust will conduct reviews at fortnightly or monthly intervals, depending on the complexity of the case, and/or in accordance with the Employee Disciplinary Policy.

If the strategy discussion or initial assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to:

- charge the individual,
- continue to investigate,
- or close the investigation.

Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

15. Suspension

The possible risk of harm to children posed by an accused person will be evaluated and managed by the Trust in respect of the child(ren) involved in the allegations. In some rare cases that will require the Case Manager to consider suspending the accused until the case is resolved. Suspension will not be an automatic response when an allegation is reported; the Trust will consider all options to avoid suspension prior to taking that step.

The trust will only consider suspension in a case where there is cause to suspect a child or other children at the Academy is/are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person will not be suspended automatically: the Case Manager must consider carefully whether the circumstances warrant suspension from contact with children at the school or until the allegation is resolved and may wish to seek advice from the Director of People/ COO/CEO and the DSL/LADO. In cases where the Academy is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the Academy it will be necessary to immediately suspend that person from teaching pending the findings of the NCTL's investigation.

The Trust's Case Manager will also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. If the DSL/LADO, police and children's social care services have no objections to the employee continuing to work.

The following alternatives may be considered before suspending an employee:

- Redeployment within the Academy so that the individual does not have direct contact with the child or children concerned,
- Providing an assistant to be present when the individual has contact with children,

- Redeploying to alternative work in the Trust so the individual does not have unsupervised access to children,
- Moving the child or children to classes where they will not come into contact with the employee, making it clear that this is not a punishment and parents have been consulted; or
- Temporarily redeploying the employee to another role in a different location, for example to an alternative Academy within the Trust

The Trust believes that these alternatives allow time for an informed decision to be made regarding the suspension and will possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The Case Manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

If the Trust considers immediate suspension is necessary, the rationale and justification for such a course of action should be agreed and recorded by the Case Manager, Headteacher and the DSL/LADO.

Where it has been deemed appropriate to suspend the person, the Trust will provide written confirmation within one working day, giving as much detail as appropriate for the reasons for the suspension. The Trust will inform the person at the point of their suspension who their named contact (link contact) is within the Academy and provided with their contact details.

Children's social care services or the police cannot require the Case Manager to suspend an employee or a volunteer, although the Trust will give appropriate weight to their advice. The power to suspend is vested in the Trust who are the employers. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the DSL/LADO should canvass police and children's social care services for views about whether the accused employee needs to be suspended from contact with children in order to inform the school consideration of suspension. Police involvement does not make it mandatory to suspend an employee; this decision should be taken on a case- by-case basis having undertaken a risk assessment.

16. Information Sharing

In a strategy discussion or the initial evaluation of the case, the Trust and the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Where the police are involved, wherever possible the Trust should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the trust disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

Children's social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the trust without delay.

17. Action following a Criminal Investigation or Prosecution

The police should inform the Trust and DSL/LADO immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged. In those circumstances the DSL/LADO should discuss with the Case Manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

18. Action on Conclusion of a Case

In line with its legal duty, the Trust will make a referral to the DBS if the allegation is substantiated and the person is dismissed, resigns, or otherwise ceases to provide his or her services or the Trust ceases to use the person's services. In the case of a teacher, the Case Manager and Headteacher will, and if necessary, in discussion with the DoP, consider whether to refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching.

In line with the legal requirement, the Trust will 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.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the Trust's Case Manager should consider how best to facilitate that. The Trust will consider what help and support to return to work might be needed by the individual after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The Case Manager will also consider how the person's contact with the child or children who made the allegation can best be managed if they are still at the school.

19. Unsubstantiated, Unfounded, False or Malicious Allegations

If an allegation is determined to be unsubstantiated, unfounded, false, or malicious, the LADO should refer the matter to the children's social care services to determine whether the child concerned is in need of services or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the Headteacher should consider whether any disciplinary action is appropriate against the child who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if they were not a pupil.

20. Learning Lessons

At the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the Case Manager and DSL to determine whether there are any improvements to be made to the Trust's procedures or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the employee, the duration of the

suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The DSL, LADO and Case Manager should consider how future investigations of a similar nature could be carried out without suspending the individual. For all other cases the case manager will consider the facts and determine whether any improvements can be made.

21. Non recent Allegations

Where an adult makes an allegation to a school or college that they were abused as a child, the individual should be advised to report the allegation to the police. Non recent allegations made by a child, should be reported to the LADO in line with the local authority's procedures for dealing with non-recent allegations. The LADO will coordinate with children social care and the police. Abuse can be reported no matter how long ago it happened.