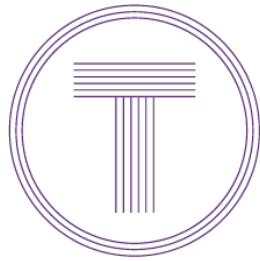




Management of Safeguarding Allegations Policy



**THINKING
personnel**

This policy was adopted on	November 2020
The policy is to be reviewed on	September 2024

Contents

1. Introduction.....	3
3. The Role of LADO.....	4
4. Consideration of suspension.....	5
5. Alternatives to Suspension.....	6
6. Suspension.....	7
6.1 Option 1 – Arrange meeting to inform the employee that the initial decision has resulted in no further action.....	7
6.2 Option 2 – Arrange meeting to inform the employee that the initial decision has resulted in not imposing suspension at this stage of the process.....	8
6.3 Option 3 – Arrange meeting to discuss possibility of imposing suspension/or an alternative to suspension.....	9
6.4 Informing the employee of the allegation.....	10
7. The Investigation.....	11
8. The Investigation Report.....	12
9. Disciplinary.....	13
10. Keeping the employee informed.....	13
Support.....	13
11. Confidentiality.....	14
12. Return to work.....	15
13. Statutory Referral.....	15
14. Record keeping.....	16
15. Timescales.....	16
Appendix 1- Information for Employees facing allegations in connection with a safeguarding issue.....	17
Appendix 2 – Guidance on Definitions when determining the outcome of an allegation’s investigation.....	18
Appendix 3 – TSAT Employee Assistance Programme.....	19
Appendix 4- Action to be taken upon receiving a safeguarding allegation against a member of staff.....	20

1. Introduction

This document must be used by the Headteacher/Principal when an allegation in connection with a safeguarding issue is made against an employee, including supply teachers, other staff, volunteers, and contractors and the allegation appears to meet the criteria that the employee:

- 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, or
- Behaved towards a child or children in a way that indicates they would pose a risk of harm if they work regularly or closely with children.
- Behaved in a way that may create a safeguarding risk to children
- Behaved in a way or may have behaved in a way that indicates they may not be suitable to work with children
- Failed to report a safeguarding concern where it would be reasonably expected that an employee working with children and young people would do so.
- Allegation relating to risk by association
- Low level concerns

This document relates to all employees in the Academy. It also relates to any individual involved in any activity within our schools including, volunteers', contractors and supply teachers. The initial procedure is to be followed and appropriate action to be taken but not where reference to the disciplinary policy and procedure/formal action policy is made.

An equality impact assessment of this policy has been undertaken to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by the policy or practice.

As a Trust, we take safeguarding very seriously and we will do our utmost to ensure that the safety of children is always the priority. It is an expectation that Keeping Children Safe in Education is read each year by all staff and all mandatory and appropriate safeguarding training is undertaken. It is everyone's responsibility to safeguard children.

Please note that this policy should be read in conjunction with the Management of Low Level Concerns Policy- this can be found on the Trust website.

2. Procedure – Safeguarding Allegation

2.1 The person who received the concern/allegation must share this immediately with the DSL or the Headteacher and no other member of staff. In the unlikely event that neither are present on site, efforts to contact them should be made however if they are both uncontactable, the should or concern should be shared with the Deputy Head or Deputy DSL.

2.2 The Deputy CEO will receive any information regarding an allegation in connection with a Headteacher/Principal. The Chair of the Board of Directors will receive information regarding any

allegation in connection with the CEO. Please refer to the Whistleblowing policy that can be found on the Trust website.

2.3 Depending on the nature of the safeguarding allegation, it may be appropriate for interim measures to be put in place to protect the staff member as well as children. This could include asking the member of staff to work from home or with a risk assessment.



1. If an Academy is informed of an allegation in connection with a safeguarding issue, the Head Safeguarding must be informed immediately. Where an allegation may meet the LADO threshold, the Local Authority Designated Officer (LADO) must then be contacted on either Portsmouth 02392 437648, Medway 01634 331065, Plymouth 01752 304769 & Kent 03000 410888
2. No investigation or discussion with employees should occur without agreement of the LADO.
3. The LADO will confirm if the allegation meets the threshold. LADO will inform us whether we can continue to proceed with an internal investigation in line with the Trust Disciplinary Policy.

3. The Role of LADO

The Local Authority Designated Officer (LADO) works within Children's Services and gives advice and guidance to employers, organisations and other individuals who have concerns about the behaviour of an adult who works with children and young people.

Within the Trust, our interaction with LADO will be around safeguarding. When a referral is sent to LADO their role may include, liaising with the police and other agencies and monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.



This document must be followed in conjunction with the referral to the LADO and contact with the Police and Social Care will be dealt with by LADO.

- The LADO will discuss the matter with the Headteacher/Principal or DSL and where necessary obtain further details of the allegation and the circumstances in which it was made. The discussion will also consider whether there is evidence/information that establishes that the allegation is false, unfounded or malicious.
- If the allegation is not considered false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will immediately refer to Children's Social Care and ask for a strategy meeting to be convened straight away.

- If a criminal offence may have been committed, the Headteacher/Principal will discuss with LADO and the police will be contacted.
- The Headteacher/Principal and the LADO will discuss who else will need to be made aware of the allegation.
- In some cases, the police may advise the Academy that they wish to interview the employee before the Headteacher/Principal/ initially informs the employee of the allegation or suspends the employee. The Headteacher/Principal will discuss this with the LADO. The LADO may suggest the school suspend the individual.
- If the allegation is regarding a supply teacher from an agency both the agency and LADO must be informed without delay. The school will continue to support any investigation that is required. Under no circumstances should the Academy decide to stop using the supply teacher due to safeguarding concerns until they have established the facts and liaised with LADO to determine a suitable outcome.
- The Head of Safeguarding will inform Thinking Personnel (HR), where there is a safeguarding allegation, the Deputy CEO will be informed if suspension is considered.



Any Academy investigation and possible disciplinary proceedings should not be undertaken until confirmation has been provided from the LADO that Academy enquiries can proceed.

- Once police/social care have confirmed to LADO that Academy enquiries may proceed, the LADO and the Headteacher/Principal will discuss the next stage and if necessary an internal investigation may take place which may lead to disciplinary action.
- If an employee resigns, this must not prevent an allegation being followed up. If applicable, the disciplinary procedure, must continue, without the employee being present if necessary. A conclusion to an investigation should always be reached wherever possible although where a resignation has taken affect a hearing for dismissal or issuance of a sanction is not possible. In such cases a summary finding of facts from an investigation may be produced and where appropriate forwarded to the relevant statutory body and kept on file. Schools should seek further advice from HR before entering into settlement agreements and these must never be used to override the statutory duty to make a referral to the Disclosure and Barring Service (DBS) or National College for Teaching and Leadership (NCTL) where applicable.
- If the allegation is determined to be false, unfounded or malicious the Headteacher/Principal/Chair of Governors and LADO will consider the options available depending on the nature of the case.

4. Consideration of suspension

4.1 The Trust will consider suspension in any case where:

- There is cause to suspect a child is at risk of significant harm, or
- The allegation warrants investigation by the police, or
- It is so serious that it might be considered grounds for dismissal,
- The investigation may be affected by the presence of the employee.
- The Employee may be at risk of harm.

4.2 Before making a decision regarding formal suspension, full and careful consideration is needed. The following should be considered:

- Is there a potential threat to the Academy, staff or pupils?
- Is the allegation in connection with a possible criminal offence?
- Are there reasonable grounds for using suspension?
- What are the implications of suspension for the employee? What case has the employee made against suspension? What support could be considered for the employee?
- Is suspension necessary for a proper investigation of the allegation?
- Have alternatives been considered?
- Would moving the employee, remove the need for suspension? Is moving the employee suitable?

4.3 If there is an allegation that the Trust considers to be that of a serious nature or a complex allegation, whilst suspension may be undertaken, the Trust reserves the right to not undertake an investigation and to follow the disciplinary process.

5. Alternatives to Suspension

Alternatives to suspension may include paid leave of absence, or mutual agreement to refrain from work, alternative work, possibly in another location or where possible, providing an assistant or colleague to be present when in contact with children. It may also be that the employee can remain at work if a risk assessment is completed as an alternative.

It may be appropriate depending on the circumstances of the individual case to move the employee to a different location within the Academy or to another Academy rather than imposing suspension. This would only occur in very limited circumstances after careful consideration. It would be at the discretion of the Headteacher/Principal (at both Academies if a move to another Academy was being considered) with advice from the Safeguarding and Thinking Personnel (HR).

If suspension is necessary, The Deputy CEO will make the decision in consultation with the Headteacher/Principal and HR. It is the responsibility of the Headteacher/Principal to undertake

the suspension. The Headteacher/Principal will inform the Chairs of the regional governing body of any suspensions if appropriate. Minimum information must only be given to the Governing Body in order to avoid prejudicing their impartiality in any subsequent hearing or appeal in possible disciplinary proceedings.

6. Suspension

- Suspension is a serious matter which should only be imposed after careful consideration. It does not indicate belief in the person's guilt, and must never be taken as an assumption of guilt. It should be made clear to the employee and other members of staff if appropriate that the suspension is not a disciplinary sanction but is used to ensure a fair procedure.
- Any period of suspension must be kept under close review by the Headteacher/Principal to ensure that it is not unnecessarily protracted.
- All employees will be paid under the terms of their contract of employment during any period of suspension. Long term supply teachers are entitled to payment during this period. Casual staff are not entitled to payment during this period.
- The employee should be provided with details regarding support and counselling provision.
- Once suspension has been discussed there are 3 possible actions that may be taken which are outlined in 6.1, 6.2 and 6.3.

6.1 Option 1 – Arrange meeting to inform the employee that the initial decision has resulted in no further action

- The meeting should be arranged without unreasonable delay.
- If the allegation is demonstrably false, unfounded or malicious, the employee will be invited to a meeting to reiterate/confirm the allegation, the circumstances which led to initial consideration of the allegation and/or suspension (where applicable) and inform them of the fact that no further action will be taken at that time.
- The employee may be accompanied by a representative from their Trade Union or a workplace colleague at this meeting and be provided with 5 working days' notice of the meeting.
- Written confirmation of the verbal information should be provided to the employee within 1 working day of the meeting.
- The letter should clearly state using the following terms that the allegation was false, unfounded or malicious (where appropriate).

- A copy of the letter in relation to an allegation that has been determined to have been false or unfounded must be kept on the employee's personal file and a copy sent to Thinking Personnel (HR).
- Details of an allegation that has been determined to have been malicious should be removed from a personnel file.
 - The Headteacher/Principal and the employee will discuss whether counselling/informal professional advice is appropriate.

6.2 Option 2 – Arrange meeting to inform the employee that the initial decision has resulted in not imposing suspension at this stage of the process.

- The meeting should be arranged without unreasonable delay.
- The employee will be invited to a meeting to reiterate/confirm the allegation, the circumstances which led to consideration of suspension and inform them of the decision not to impose suspension at this time.
- The employee should be encouraged to be accompanied by a representative from their Trade Union or a workplace colleague at this meeting.
- Ensure the employee is aware of the support that is available and ensure this information is given to them.

It should be made clear at the start of the discussion that the meeting is not an investigation meeting.

This is also very important if the Headteacher/Principal is potentially part of the decision-making panel in a disciplinary procedure at a later date, or if the employee is not accompanied.

- The employee should be informed verbally of the information as stated in A to D below. Written confirmation of this information should be provided to the employee within one working day.
 - a. Explain the nature of the allegation.
 - b. Inform the employee of the named contact and information regarding - 'Keeping the Employee Informed'.
 - c. Provide the employee with the 'Information for Employees Facing Allegations in connection with a safeguarding issue' (Appendix 1) or inform the employee that it will be sent to them.
 - d. Advise the employee to contact their Trade Union if they have not already done so.

- A copy of the letter should be kept on the employee's personnel file.
- A copy of the letter should be sent to Thinking Personnel (HR).

6.3 Option 3 – Arrange meeting to discuss possibility of imposing suspension/or an alternative to suspension.

- If the Headteacher/Principal conclude that suspension or an alternative to suspension is likely to be imposed, the employee must be invited to a meeting to discuss the possibility without unreasonable delay.
- Although this meeting will be arranged without unreasonable delay, the employee may be asked to leave the workplace or an alternative may be arranged in the short term whilst the meeting is arranged.
- The employee should be advised by the Headteacher/Principal to seek the advice and assistance of their Trade Union or a workplace colleague if they are not a member. The employee may have the opportunity of a brief meeting with the Trade Union representative or workplace colleague before the meeting.
- At the meeting, it should be made clear at the outset of the discussion that it is not a disciplinary hearing but is for the purpose of raising a serious matter and that it may lead to suspension/ or an alternative to suspension and further investigation. The allegation and the circumstances which led to consideration of suspension will be verbally reiterated/confirmed.

This is also very important if the Headteacher/Principal is potentially part of the decision-making panel in a disciplinary procedure at a later date, or if the employee is not accompanied.

The employee should be given an opportunity at the meeting to make a representation regarding **the suspension** or an alternative to suspension and the implications it may have on them. They must **not** respond to the allegation itself.

A brief adjournment may be necessary before the Headteacher/Principal makes their final decision.

Once the decision is made, the Headteacher/Principal must recall the employee and their Trade Union representative or workplace colleague and inform them verbally of the decision as stated in points a to f below. Written confirmation of this information should be provided to the employee within one working day.

- a) Explain the nature of the allegation.
- b) Inform the employee of the decision, the reasons for the decision and the name of the person who made the decision.

- c) Inform the employee of the named contact and information regarding - 'Keeping the Employee Informed'.
- d) Provide the employee with the 'Information for Employees Facing Allegations in connection with a safeguarding issue' (Appendix 1) or inform the employee that it will be sent to them.
- e) Advise the employee to contact their Trade Union if they have not already done so.
- f) If the final decision made is to impose suspension, the employee should also be:
 - Informed of the purpose of suspension and the process to be followed.
 - Informed that there is no presumption of guilt and that suspension is not a disciplinary sanction. Notify them that they are entitled to full pay (unless they are casual staff member) and advise them **to contact their Trade Union as soon as possible if they have not already done so.**
 - Informed that they should not contact any members of staff at the Academy to discuss the matter apart from the named contacts and where applicable their professional association representative, any senior managers involved in the investigation, as the investigation may be compromised.
(Please note that this relates to the working relationships within the Academy and has no bearing or Jurisdiction on personal relationships)
 - Informed that where applicable, if they need to contact a member of staff at the Academy to act as a witness, this should be done initially via the named contact. Further information regarding witnesses can be found in the disciplinary policy and procedure.
 - Informed of a colleague contact within the Academy.
 - Informed that they should not enter the Academy or Trust grounds without prior permission from the Headteacher/Principal/Senior Manager or the Chair of Governors in the case of the Headteacher/Principal.

The Headteacher/Principal must record the rationale and justification for the suspension and include what alternatives to suspension have been considered and why they were rejected.

- A copy of the letter should be kept on the employee's personnel file.
- A copy of the letter should be sent to the Thinking Personnel HR Team.

6.4 Informing the employee of the allegation

The decision relating to when to inform the employee about the allegation will be made by the Headteacher/Principal/Chair of Governors in discussion with the LADO and if involved, once the police and/or social care have agreed that it is suitable and agreed what information can be disclosed.

It is important that when the Headteacher/Principal initial meets with the employee they do not ask for any explanation of behaviour or question the employee, but discuss the process and what will happen next.

- The employee should be informed of the allegation as soon as possible after the decision has been made and agreed.
- The Headteacher/Principal should advise the employee to contact their Trade Union and discuss with no other employee apart from their named contact.
- Once the employee has been informed of the allegation(s) the employee should be provided with a copy of this policy.
- Where the employee is a representative of a recognised Professional Association a full-time officer of the appropriate union should be informed as soon as possible after agreement from the LADO for this communication to happen.
- The employee may be accompanied by a representative from their Trade Union or a workplace colleague at any stage of the process.

7. The Investigation

This should only take place after completion of any police or social care enquiries, investigation or conclusion of case by the LADO. The LADO will help the Academy to decide the scope of the investigation as they make their conclusion and then advise on areas of investigation

Any Academy investigation and possible disciplinary proceedings should be held once confirmation has been provided from the police/social care via LADO that Academy enquiries can proceed.

The investigation will be held in accordance with the disciplinary policy and procedures in conjunction with the information held in this policy. The investigation may lead to possible disciplinary action under the disciplinary policy and procedure.

The employee must be provided with a copy of this policy and the Disciplinary Policy.

The employee should be encouraged to be accompanied by a representative from their Trade Union or a workplace colleague at any stage of the process.

The Headteacher/Principal will decide who will be the Investigating Officer. This will usually be a Deputy Headteacher/Principal or another Senior Manager. The LADO and Thinking Personnel HR Team can provide advice on suitable alternatives when the investigation is related to the Headteacher/Principal or Deputy Headteacher/Principal. The Headteacher/Principal will decide the scope of the investigation.

The investigation should take account of any relevant information obtained in the course of police or social care enquiries, investigations or outcomes.

If, at any stage during the investigation, new evidence emerges which make a further referral necessary to social care or to the police, the investigation should be stopped so that additional advice and support can be obtained from the appropriate services. Consideration should also be given again to suspension. It may also be appropriate for any allegations to be added to the current investigation, which will be communicated with the individuals involved.

Further information on investigations, taking witness statements, gathering evidence and writing reports is available in the Disciplinary Policy.

8. The Investigation Report

The Investigating Officer will follow the Disciplinary Policy and should present their findings in the form of a written report to the Headteacher/Principal, within 10 working days of completing their investigation (or as soon as practicable thereafter). The findings should clearly state if the allegation is determined to have been false, unfounded, malicious, unsubstantiated or if there is sufficient evidence to substantiate the allegation and if the allegation should be heard at a disciplinary hearing.

Appendix 3 provides further information on the DfE statutory guidance relating to the definitions which should be used when determining the outcome of allegation investigations.

Within 5 working days of receipt of the report, the Headteacher/Principal will decide if a disciplinary hearing is required in accordance with the disciplinary policy. Once a decision is made and the outcome of a hearing is made, then they will inform LADO of this.

If a disciplinary hearing is necessary, it should be held within 15 working days where possible of this decision being made. The Disciplinary Policy will be followed in conjunction with this document.

Where no case for a disciplinary hearing has been established, the Headteacher/Principal will consider what options would be appropriate to support the member of staff. The Headteacher/Principal should then meet with the employee to discuss this outcome. The discussion should be followed up in writing stating whether an allegation was determined to have been false, unfounded, malicious unsubstantiated if this was the case. A copy of the letter in relation to an allegation that has been determined to have been false, unfounded or unsubstantiated must be kept on the employee's personnel file and a copy sent to the Thinking

Personnel HR Team. Details of an allegation that has been determined to have been malicious should be removed from personnel files.

If the employee is suspended, the same contacts should be maintained as before to ensure that they are supported throughout.

If suspension is to be lifted, the Headteacher/Principal must inform the LADO, Deputy CEO and the Chair of the regional governing body. The employee must be informed and confirmed in writing as soon as reasonably practicable.

9. Disciplinary

Any disciplinary hearing should be held in line with the Disciplinary Policy.

The absence of any criminal investigation, charge or conviction is not in itself an adequate defence for the employee who is the subject of a disciplinary hearing although this should be considered by a hearing panel. There may be evidence contained within the disciplinary investigation which leads the panel to question the suitability of the person to continue to work within a position of trust within the Academy, even when no criminal activity has been identified, a criminal investigation has not led to a charge or a case has been brought before the court but there has been no conviction.

Children should not be expected or asked to attend a disciplinary hearing.

Where applicable, the employee should be informed in the invite to disciplinary hearing letter, of the possible statutory referral which will be subject to the outcome of the hearing. This is so that the employee is made fully aware of the possibility.

10. Keeping the employee informed



- The employee should be given a named contact at the Academy or Trust who will keep them or their Trade Union representative up to date on the progress of the case.



- Information about developments at the Academy in general but not to discuss the allegation(s) or process.
- These contacts should not be the same named contacts supporting any child(ren) involved in the case if applicable.

Support

The Academy has a duty of care to their employees and should act to manage and minimise the stress that is inherent in any allegation.

- An employee is strongly advised to contact a representative from their Trade Union or workplace colleague for support.
- Provide the 'Information for Employees Facing Allegations in connection with a safeguarding issue' (Appendix 1) to the employee.
- The Employee Assistance Programme and counselling services are available to all employees. The employee should be advised of this; details of which can be found in Appendix 3.
- Teachers have access to the Teacher Support Network on 08000 562 561 or www.teachersupport.info
- As the process can be very stressful for a member of staff, it is advised that it may be appropriate for them to seek advice from their GP if they feel their health is being affected.
- If appropriate, the member of staff will be given the opportunity to see a member of the Occupational Health Team.
- When anyone with a disability is involved in the suspension process or disciplinary process/investigation, reasonable adjustments should be made.

11. Confidentiality

Every effort should be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The Headteacher/Principal (with advice from the LADO, Police, Children's Social Care and Thinking Personnel HR as appropriate) will discuss with the employee and any representative what information if any will be relayed to other members of staff and other parties as appropriate. It must be kept in mind that the nature of the allegation(s) and the content of any proceedings are confidential to the parties concerned.

Care must be taken to ensure that all contact with the employee on suspension remains confidential at all times. It must not be assumed that any family member, partner or friend knows about the employee's suspension. Contact arrangements should be agreed with the employee in advance.

The Education Act 2011 introduces reporting restrictions. Academies should be clear about the importance of adhering to these reporting restrictions and should as appropriate make staff/parents/carers aware of the restrictions in the Act which is specified at section 20 of the statutory guidance. The link to the statutory guidance follows.

Wilful, malicious or negligent disclosure of details of unfounded allegations against staff by other members staff may constitute misconduct under the Disciplinary Procedure.

12. Return to work

Being the subject of any allegation can be very stressful. There can be loss of confidence at both a personal and professional level. Individuals react differently and the level of support required to help staff continue or resume their careers will vary.

When an employee returns to work, a support plan will be agreed with the employee and their Trade Union representative and should cover professional and emotional needs (for example provision of counselling). The support plan will be reviewed in consultation with the employee.

The employee should have an opportunity to discuss their options with the Headteacher/Principal. In the case of a Headteacher/Principal returning, a member of the executive team will be available to support them.

Depending on the individual circumstances of a case, a phased return and/or provision of a mentor to provide assistance and support in the short term may be appropriate.

When an employee returns to work, the Academy should consider (where applicable) how an employee's contact with a child who made an allegation can best be managed and what support (if appropriate) the employee will need for this. This may require a risk assessment and should be confirmed with the member of staff in writing.

13. Statutory Referral

- Depending on the nature of the allegation and the outcome of the case, a referral may need to be made to the Disclosure and Barring Service (DBS) and or National College of Teaching & Leadership.
- A referral must be made to the DBS where it is found that the person has harmed or posed/poses a risk of harm to children or vulnerable adults. Further information regarding a DBS referral can be found at <https://www.gov.uk/government/publications/dbs-referrals-form-and-guidance>
- A referral may be made to the NCTL and Teaching Regulation Agency (TRA) when a teacher has been dismissed for serious or gross misconduct.
- A referral may occur as an outcome of a dismissal. A referral may also be made if an employee resigns and the employer believes that the employee may have been dismissed if the procedure had been concluded.
- Where applicable, the employee should be made aware of the statutory duty to refer.
- Where applicable, the employee should be informed in the invite to a disciplinary hearing letter, of the possible referral which may be subject to the outcome of the hearing. This is

so that the employee is made fully aware of the possibility. If a referral is going to occur, it should be confirmed to the employee in the outcome letter.

- The Headteacher/Principals will discuss the referral with the Thinking Personnel HR Team. Any referral will be made by the Thinking Personnel HR Team within one month of conclusion of the case.

14. Record keeping

When an allegation in connection with a safeguarding issue is initially raised, a log of key events, decisions and actions taken should be commenced by the Headteacher/Principal and maintained throughout the procedure.

If an employee is suspended, a record should be made of the rationale and justification for suspension, who was involved in making the decision, and details of action taken. It should also include what alternatives to suspension had been considered.

The Academy should remove from personnel files details of allegations that have been determined to have been malicious. For all other allegations (false, unfounded, unsubstantiated or substantiated), it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached is kept on the employee's personal file and a copy provided to the person concerned.

Cases in which a safeguarding allegation was proven to be false, unfounded, malicious or unsubstantiated should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unfounded, malicious or unsubstantiated should also not be included in any reference.

Further information regarding record keeping for a disciplinary can be found in the disciplinary policy.

In the case of allegations in connection with a safeguarding issue, the record and employees personnel file should be retained until at least the person has reached Normal Retirement Age or for 10 years after termination of employment depending on which period is longer.

All records and minutes should be treated as confidential and be kept in accordance with the Data Protection Act 2018.

15. Timescales

Timescales for suspension should be kept as short as possible but are dependent on various factors. The length of suspension may be determined for example by external enquiries, however it will be reviewed every 30 days and an update in writing will be provided. Police and social care enquiries will take priority over internal procedures such as the disciplinary procedure, which would normally be held in abeyance pending confirmation from the police/social care that Academy enquiries can precede.

Appendix 1- Information for Employees facing allegations in connection with a safeguarding issue

This information should be read in conjunction with the full management of allegations of abuse document, a copy of which will be provided to you.

The Academy will act to manage and minimise the stress that is inherent in any allegation.

1. Keeping you Informed

1.1. You will be given a named contact at the Academy or Trust who will keep you or your trade union representative up to date on the progress of the case.

1.2. If you are suspended, a colleague contact should also be provided in order to give information about developments at the Academy in general but not to discuss the allegation(s) or the investigation.

2. Support

2.1. You are strongly advised to contact a representative from your Trade Union or a work colleague for support.

2.2. The Employee Assistance Programme is available to all employees. The employee should be advised of this.

The Academy has a Counselling service the Employee may wish to access, see Appendix 3 for details.

Teachers also have access to the Teacher Support Network on 08000 562 561 or www.teachersupport.info

2.3. As the process can be very stressful you are advised that it may be appropriate for you to seek advice from your GP if you feel your health is being affected.

2.4. If appropriate, you will be given the opportunity to see a member of the Occupational Health team.

2.5. If you have a disability, reasonable adjustments will be made.

Appendix 2 – Guidance on Definitions when determining the outcome of an allegation’s investigation.

Section 8 of the DfE statutory guidance – “Dealing with allegations of abuse against teachers and other staff” states that the following definitions should be used when determining the outcome of allegation investigations.

1. Substantiated:

There is sufficient identifiable evidence to prove the allegation;

2. False:

There is sufficient evidence to disprove the allegation;

3. Malicious:

There is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;

4. Unfounded:

There is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances;

5. Unsubstantiated:

This is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Appendix 3 – TSAT Employee Assistance Programme

Confidential Counselling Service for TSAT Employees

A confidential counselling service is available for all Employees across the Trust provided by **Workplace Wellness**. The service offers information, advice and support 24 hours a day, 7 days a week. This includes a telephone support line, access to advice and information, coaching and counselling where appropriate. To access the service please use the contact details below:

Free phone from UK landline: 0800 1116 387

From abroad: +44 845 330 5132

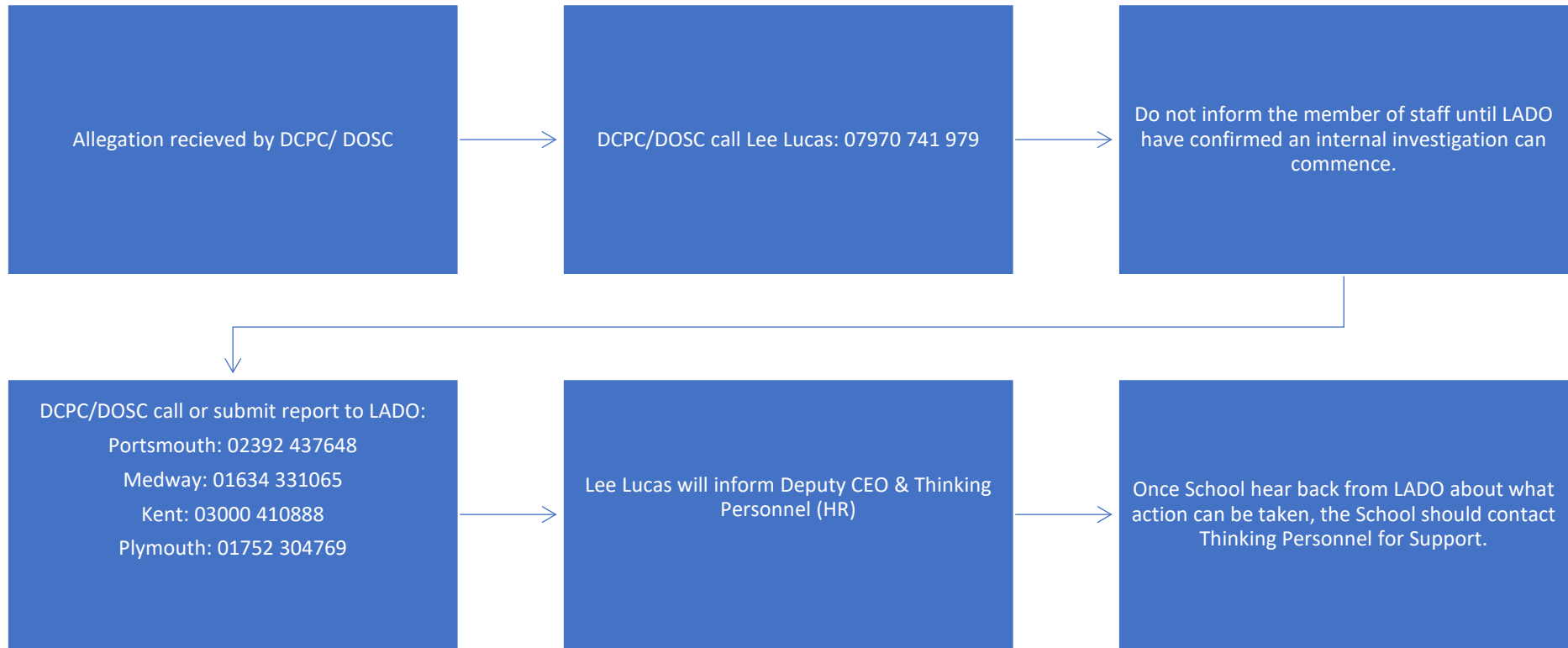
Text phone users dial: 18001 followed by 0800 1116 387

For Management Support: 0800 1116 385

Or you can access the online services via www.my-eap.com/login, username: TSATwell



Appendix 4- Action to be taken upon receiving a safeguarding allegation against a member of staff



Depending on the nature of the allegation and the seriousness – it may be that suspension, working from home or a risk assessment need to be considered. This will either be at the time the incident happens or after it has been reported to LADO and next steps are agreed.