Allegations Against Staff Policy

Reach South Academy Trust is an exempt Charity in England and Wales, Company Number 10151730 Registered office Address: Reach South Academy Trust, c/o Springfields Academy, Curzon Street, Calne, Wiltshire, SN11 0DS

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1. Introduction

1.1 Reach South Academy Trust is firmly committed to the protection and safety of all pupils in its care. Children can be vulnerable to harm and abuse in many settings including those where staff occupy positions of trust in relation to children.

1.2 This policy has been developed in accordance with current statutory guidelines including Keeping Children Safe in Education (KCSIE) guidelines and in consultation with key staff who are responsible for safeguarding across the Trust.

1.3 All staff have a duty to safeguard pupils and create a safe learning environment, so it is crucial that there is a robust process in place for dealing with any allegations of harm or abuse by a staff member or volunteer against a child and that it meets the statutory requirements under KCSIE.

1.4 As the employer, The Trust also has a duty of care to their staff and must ensure that members of staff against whom an allegation has been made are treated fairly and are provided with effective support.

2. Diversity, Inclusion and Belonging Statement

2.1 At Reach South Academy Trust, we are committed to creating a vibrant and inclusive environment that celebrates diversity and fosters a sense of belonging for all. This commitment extends to every aspect of our work, from the education we deliver to the staff we employ. We believe in fairness, equity, and promoting social mobility for all.

2.2 We actively promote inclusivity through our People policies and practices. We value and respect every individual, regardless of background, and strive to build a diverse staff and student body that reflects the richness of the communities we serve.

2.3 We dismantle barriers to opportunity by ensuring equal access to resources and development opportunities for all staff members. Our People policies are designed to be fair and unbiased, promoting a level playing field for career progression regardless of social or economic background.

2.4 Serving Our Local Communities: We actively engage with local communities to understand their needs and perspectives. Our recruitment practices prioritise attracting talent from diverse backgrounds within our local area, further strengthening the connection between the Trust and the communities it serves.

2.5 Our People policies are developed and implemented in accordance with the Equality Act 2010. We are committed to eliminating all forms of discrimination on the grounds of age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion or belief, sex, and sexual orientation. This ensures an environment characterised by dignity and respect, free from harassment, bullying, and victimisation.

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3. Purpose

3.1 The purpose of this policy is:

- to comply with current Department for Education (DfE) guidance “Keeping Children Safe in Education” and any subsequent guidance.
- to provide a consistent and transparent approach to how allegations made against a member of staff will be dealt with.
- to establish a process which is fair to all staff, including employees, volunteers and contractors.
- to ensure all parties are fully supported through this process.

3.2 All matters relating to allegations are dealt with under the Trust’s Child Protection and Safeguarding procedures (copy available on Trust website), and, therefore, confidentiality is essential. Information should be shared on a "need to know" basis only and all documentation should be carefully and securely stored.

3.3 It is essential that any allegation should be dealt with fairly and quickly and should be investigated as a priority to avoid delay, ensure that the correct process is followed. The time taken to investigate and resolve individual cases depends on the nature and complexity of each case. Allegations should be handled in a way that provides effective protection for the child and supports the person who is the subject of the allegation and those who may be involved in the matter.

3.4 This policy covers all members of staff employed by the Trust (regardless of their contract of employment), supply teachers, contractors and any volunteers, including governors, who are engaged within the Trust. The term ‘member of staff’ is used throughout this policy, but applies to individuals who are employed, or engaged in these capacities, including volunteers.

3.5 This policy does not form part of Reach South Academy Trust employment contracts, and the Trust may update it at any time in consultation with Trade Unions.

3.6 The Trust has a duty of care towards its staff. Effective support will be provided for a member of staff facing an allegation and the Trust will undertake to deal with the matter efficiently, fairly and consistently. This is to provide protection for the child as well as supporting the adult.

3.7 In some cases, other staff may be affected or involved in these matters and effective provision will be provided to ensure those affected staff’s wellbeing is considered and supported, whilst also ensuring to not to compromise the process.

3.8 If an allegation is substantiated after a full investigation, the Trust has a legal duty to make a referral to the Disclosure and Barring Service (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.

3.9 The Trust has a legal duty to make a referral to the Teaching Regulation Agency (TRA) in certain cases of Teacher misconduct in accordance with the current statutory requirements.

3.10 As a Trust, we acknowledge and will respond in line with the expectations of KCSIE if we receive an allegation relating to an individual or organisation using our school premises for the purpose of running activities for children. We will follow our safeguarding procedures, including informing the Local Authority Designated Officer (LADO).

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4. Links with other Policies or Legislation

4.1 This policy links with terms and conditions of employment for all staff and staff are reminded of their contractual obligations in reference to safeguarding.

4.2 The Trust will treat all employees equally, in accordance with the Trust's Diversity, Inclusion and Belonging Policy.

4.3 This policy is underpinned by the principals of the Children's Act, Education Act and GDPR (Data Protection) legislation, current statutory safeguarding guidance including Keeping Children Safe in Education

4.4 This policy links to the Trust's Disciplinary Policy for staff, the Trust's Complaints Policy and the suite of Child Protection and Safeguarding Policies.

4.5 This policy is supported by the Trust's Appropriate Workplace Behaviour Policy and safeguarding training.

5. What is an allegation?

5.1 An allegation is information or a concern which suggests that an adult working with children and young people has:

- behaved in a way that has harmed a child, or may have harmed a child; and/or;
- possibly committed a criminal offence against or related to a child; and/or;
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children or come into contact with children as part of their work.

5.2 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.

5.3 All staff have a statutory duty to report if they see, hear, or suspect something that fits into one of the above categories. Staff that fail to report any concerns regarding safeguarding may also be addressed under this policy or the Trust's Disciplinary Policy, in addition to this policy. This policy sets out the procedures to be followed by Headteachers and Governors when dealing with allegations in respect of a member of staff or volunteer.

5.4 Allegation/concerns that do not meet the above harms threshold are referred to as 'low level concerns' and are covered by the Trust's Low Level Concerns Policy.

5.5 Allegations may be received in a variety of ways, including:

- direct complaint by a student to another staff member.
- direct complaint by a parent/carer to another staff member.
- concerns raised by parties who may have been told about or witnessed abuse.
- direct contact by parent/carer to the Local Authority, or other external agency.
- anonymous referral.

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6. Roles

6.1 *Responsible person in school or Trust:*

6.1.1 Every school must have a named person who is responsible for the management of allegations against staff and to whom allegations and concerns should be reported in the first instance. This will normally be the Headteacher, or next most senior member of staff, or the Designated Safeguarding Lead (DSL)if these are not available.

6.1.2 For those staff working in the central team for the Trust, the Executive Director will be the responsible officer for their directorate.

6.1.3 **Table 1** (below) details the Allegations Against Staff reporting structure. If you are unsure who to report to, please speak to your direct line manager for guidance. In matters outside the above, a suitable senior manager will be appointed as the responsible person.

Who is the concern relating to?	**Report concern to** *(known as the reporting person)*
A member of staff	Headteacher
Supply agency staff or contractor	Headteacher (the Headteacher will be responsible for notifying their employer)
Volunteer	Headteacher
The DSL	Headteacher
Headteacher	Executive Director
Trust Central Staff, including Deputy Directors	Executive Director
Directors and Deputy CEO	CEO
CEO	Chair of Trustees

6.1.4 If the concern relates to the Headteacher, the relevant Executive Director will become the case manager. They will inform the CEO and keep the Chair of Governors abreast as appropriate. As a Trust we have made the decision to manage all staff matters centrally, this is not delegated to members of our Local Governing Board.

6.1.5 If an allegation against staff is raised to a Governor, for example Chair of Governor, they must inform the Executive Director and/or CEO immediately.

6.2 *Headteacher/DSL (responsible person in school) or Executive Director (responsible person for central staff and Headteacher):*

6.2.1 Responsible for safeguarding and child protection for all students.

6.2.2 Ensuring School and Trust Policies are adhered to at all times, and safeguarding records are maintained and stored in accordance with data protection legislation.

6.2.3 Carrying out initial investigations when concerns or allegations are raised of a straightforward nature.

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6.2.4 Ensuring adequate support is provided to all parties involved in such matters, including the member of staff the allegations are related to.

6.2.5 Completing referrals to LADO and attend case reviews/strategy meetings with LADO.

6.2.6 Informing relevant key staff of such investigations, such as their People Business Partner and Head of Safeguarding.

6.3 *Head of Safeguarding:*

6.3.1 Advising on referrals to LADO and may attend case review/strategy meetings with LADO.

6.3.2 Liaising with relevant agencies and reporting to appropriate authorities.

6.3.3 Informing the relevant key staff of such investigations, Director of People, Director of Education, Director of Inclusion and in some cases the Trust's CEO.

6.3.4 Providing guidance on allegations against staff processes.

6.3.5 When such cases arise, work collaboratively with the school, The Head of Safeguarding and the People Team to appoint an appropriate external investigator who is independent of the school or college.

6.3.6 To review and quality assure the appropriate steps have been taken

6.4 *The Local Authority Designated Officer (LADO) or Designated Officer for Allegations (DOFA):*

6.4.1 All Local Authority areas have to have a named LADO who is responsible for the management and oversight of individual cases.

6.4.2 The LADO provides advice and guidance to all of the agencies and services, in addition to liaising with the police and other agencies and monitoring the progress of cases to ensure that all matters are dealt with as quickly as possible, consistent with a thorough and fair process.

6.4.3 The LADO is not responsible for conducting investigations in the Trust.

6.5 *People Team Representative (also referred to as People Business Partner)*

6.5.1 To provide advice and guidance to the Headteacher, DSL or Head of Safeguarding on the process in relation to disciplinary matters including suspension.

6.5.2 To attend case review/strategy meetings with LADO/DOFA.

6.5.3 To advise on a framework of support for the member of staff and/or other staff that may be affected by the allegation.

6.5.4 In some cases, be a point of contact and support for the member of staff.

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7. Supporting Employees

7.1 Any individual who is the subject of an allegation should be informed of concerns or allegations as soon as possible, and the next steps that will be taken in accordance with this policy (unless there is a specific reason why this cannot happen).

7.2 Being the subject of an allegation is likely to cause distress to the member of staff. It can also cause distress to the wider academy or community. The Trust is able to provide both internal and external support, through the employee assistance programme, occupational health provider or a nominated welfare person who is not involved in the matter.

7.3 When a member of staff is suspended they will be provided with a named senior leader, to contact during their suspension. See The Trust's Disciplinary Policy for further information.

7.4 The impact on other staff and the school community should be reviewed and consideration for the implementation for support mechanisms, whist ensures the integrity of any investigation is not compromised. The Head of Safeguarding and People Business Partner will provide guidance as required.

7.5 Employees will also be advised to seek advice from their union representative, professional association or an appropriate work colleague.

8. Confidentiality

8.1 Due to the sensitive nature of such allegations, it is essential that confidentiality is maintained by all persons involved and the sharing of information is on "need to know" basis. This is to protect all those individuals involved, the integrity of any investigation, including criminal investigations and prevent malicious rumour or gossip taking place. Guidance should be sought from the Trust's DPO (Data Protection Officer) in such matters.

8.2 Parents/carers should be told of an allegation as soon as agreed by the LADO. Parents should be kept informed of the progress of a case by the LADO, so for example when things change from a criminal to a balance of probability investigation and perhaps the timescale.

8.3 The Trust will make every effort to maintain confidentiality and guard against unwanted publicity during an investigation. The Education Act provides restrictions on the publication of material that can identify staff or students. This includes publication via social media. All relevant parties involved will be reminded of such restrictions.

8.4 The Trust will refer to the LADO for advice on press speculation breaches of reporting restrictions and any press enquiries will respect the confidential nature of the matter and will be dealt with by the Trust's Communications Consultant.

9. Record Keeping

9.1 Records relating to investigations, other than those that show an allegation to be malicious, must be kept until the individual has reached normal retirement age or for a period of 10 years from the allegation, if that is longer.

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9.2 Records must be kept securely and only accessed by those staff who have the authority and have a need to access them.

9.3 Records are retained for the purposes of future reference requests and to clarify information on future DBS checks.

9.4 Cases where the allegation is proven to be false, unsubstantiated or malicious must not be included in employer references and removed from the personnel file.

10. **Procedures** (see appendix 1 for Flow Chart)

10.1 *Notification*: Allegations may arise following a complaint from a parent or pupil or through concerns raised by other staff members. Anyone dealing with allegations must report all concerns to the responsible person within the school immediately, see Section 6 for further information regarding the responsible person.

10.2 *Immediate response to an allegation*:

10.2.1 The student making the allegation should not be left alone, or with other students, until there have been consultations with the school's Headteacher, DSL, Head of Safeguarding, People Business Partner, and/or LADO and a course of action agreed, including the appropriateness of the student remaining in the academy.

10.2.2 The member of staff receiving the complaint must not seek to investigate the allegation or ask leading questions when seeking clarification. They must not interview or approach any other students or staff about the matter. Staff must always make a written note of the details of the allegation, including time, date, place, nature of the concern and any persons present. This information will be shared with the responsible person by the member of staff.

10.2.3 The member of staff should not make assumptions or offer alternative explanations. Students should not be promised confidentiality. The member of staff should not make assumptions or offer alternative explanations. Students should not be promised confidentiality. The person receiving the allegation will provide details of the allegation and the circumstances in which it was made in a written statement, which is signed and dated and pass this to the responsible person.

10.2.4 Where the allegation is against the Headteacher, the Executive Director will consult as appropriate and confidentially to determine next steps. This is likely to include the Head of Safeguarding, Director of People and CEO. In all cases, a discussion with the LADO will take place as a matter of urgency.

10.3 *Initial consideration of allegation:*

10.3.1 After receiving the details, should the allegation against the member of staff appear to meet any of the criteria outlined in section 4, then the responsible person will report the allegation to the LADO the same day that the allegation is received providing all known details.

10.3.2 The responsible person will communicate directly with the LADO and complete LADO referrals as necessary.

10.3.3 The responsible person will also need to inform the Head of Safeguarding, and the People Business Partner of the allegations raised against the member of

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staff. Whilst the People Team may not necessarily support the initial investigations, they will provide support and guidance for the welfare of the member of staff and support any formal action such as suspension if required. See the section on suspension for further information.

10.3.4 In some emergency situations, schools may have to take immediate action to protect students and in these cases the People Business Partner will provide guidance. However, it is advised where possible this should be done following discussions with the LADO.

10.3.5 Where the allegation has been referred to the LADO the school will not investigate the allegation at this stage. The school will not act before receiving advice from the LADO on the appropriate action that needs to be taken. The discussion between the responsible person and LADO will consider whether there is evidence or information that will inform the next steps to be taken in line with the policy.

10.3.6 Where the initial consideration has involved the LADO, the matter should not be brought to the accused person's attention until this has been agreed by LADO or at a strategy meeting.

10.3.7 Where a serious allegation requires the intervention of children's social care services and/or the police the LADO will consult the appropriate agency.

10.3.8 If there is cause to suspect that a student may be suffering or is likely to suffer significant harm, the LADO will make the decision whether or not a strategy meeting will be held, in accordance with their procedures. In these circumstances, the strategy discussion will be led by the LADO who will also invite representation from the academy and Trust. This will usually be the responsible person, Head of Safeguarding and People Team representative.

10.3.9 If there is no cause for concern that 'significant harm' is an issue, but a criminal offence might have been committed, the LADO may inform the police.

10.3.10 The agreed next steps, including what the course of action will be and what will be communicated in writing to the individual will be discussed and agreed with the responsible person and LADO. The People Team representative will support in this matter to ensure the employee is fully informed of the matter and the next steps.

10.3.11 Where the allegation does not meet the criteria to refer to LADO but still raises a concern about the professionalism or behaviour of a member of staff the school may still pursue an internal investigation, in line with the Trust's Disciplinary Policy and procedures or the Low-Level Concern Policy.

10.4 *Actions following initial consideration:*

10.4.1 In safeguarding matters, a swift investigation is essential to ensure the safety and welfare of all parties involved. However, this must not compromise the investigation's integrity. To support this, the Trust has adopted a two-tier approach. In most straightforward cases, the responsible person for the school will conduct the safeguarding investigation. In rare cases, an appropriate independent external investigator will be appointed. The initial investigator will be referred to as the case manager

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10.4.2 The purpose of this first stage will ensure that the investigation proceeds quickly and without delay, unlike disciplinary investigations, that have set timeframes in the process that may cause delays.

11. Suspension

11.1 In some cases, suspension may be considered. Suspension should not be an automatic outcome of any allegation but used only where there is no other alternative such as working in a different location. Suspension is no longer considered a neutral act, and serious consideration must be given before a final decision is made. Suspension is not a presumption of guilt. In such matters, the Headteacher will make the decision following advice and guidance from the People Team representative and the completion of the Suspension Risk Assessment. See the Trust's Disciplinary Policy for further guidance on suspension.

12. Stage 1 - Safeguarding Investigation

12.1 In preparing their investigation, the case manager will pay particular regard to the following:

- Potential witnesses, which will include the alleged victim.
- Whether there is any CCTV or other evidence
- Whether the individual was present at the time of the allegation, i.e. were they working in the school and would they have come into contact with the student
- The credibility of the person making the allegation. In doing so, consideration should be given to the issues of listening to young people, treating each allegation seriously and professionally and ensuring that the person does not feel intimidated in making the allegation.

12.2 In undertaking the investigation the case manager will pay particular regard to the following:

- Listening to the student, not interviewing or asking them to the repeat the account. The aim is for the child to make a statement in their own words.
- Care should be taken not to make assumptions about what the child is saying or to make interpretations.
- 'Listened to' means just that; on no account should suggestions be made to children as to alternative explanations for their worries.
- All actions subsequently taken under this policy should be recorded.

12.3 If, at any point, the case manager becomes aware that there may be child protection issues emerging, the investigation will be paused and the Trust's Safeguarding and Child Protection process will be followed immediately and the case manager will ensure a timely response and relevant actions are completed to support the child. The Head of Safeguarding can also offer support and guidance with safeguarding matters. The LADO will be informed of any relevant actions.

12.4 Once the investigation has concluded the case manager will be responsible in completing a summary report of the timelines, key events and actions taken. This report and associated documents such as witness statements, non-verbatim interview notes, and other documentation should be accessible/sent to the Head of

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Safeguarding, People Business Partner, and Director of People. The report will outline the outcome of the investigation in line with the LADO threshold:

- ***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 to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- ***Unfounded***: this reflects cases where there is no evidence or proper basis which supports the allegation being made.

12.5 During the investigation, the case manager will keep the Head of Safeguarding and People Business Partner up to date and will regularly liaise with the LADO as appropriate. The outcome of an internal investigation and next steps will be shared with the LADO, Head of Safeguarding and People Business Partner.

12.6 If the allegation is substantiated, the matter will proceed to Stage 2, and the Disciplinary Policy will be invoked at this stage.

12.7 In the case of a malicious allegation, internal processes will be followed depending on who made the allegations i.e. school's student disciplinary processes or the Trust's Disciplinary Policy for staff. In some cases, the matter may be referred to the police.

12.8 In some cases, it may be more appropriate that the member of staff is given guidance and support around professional boundaries. This action must be documented and reviewed as part of an informal support plan. See management guidance under the Trust Disciplinary Policy for further information. The People Team will also be able to provide guidance.

12.9 Documents relating to an investigation must be retained in a secure place, together with a written record of the outcome of the investigation. Where disciplinary action has been taken this will be retained on the member of staff's personnel file in accordance with Section 9.

12.10 If the member of staff resigns before an investigation is complete the process must still be followed. The individual should be made aware of this and they will be informed about the employer's statutory duty to report the case to the Department for Education for consideration for their debarring from further employment and other reporting obligations if relevant. It is important to reach and record a conclusion in all cases to ensure the safety and welfare of children.

12.11 The Trust will not agree to a settlement agreement or agreed resignation in which the employee seeks to avoid a full investigation and/or referral to the DBS. The Trust not only has a duty of care to its students but also those at other academies and institutes. The Trust will follow the statutory guidance current at the time in these matters.

12.12 Regardless of the outcome, identified lessons learnt will be identified as appropriate as part of our commitment to safeguarding and improving processes and procedures.

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13. Stage 2 – Disciplinary Action

13.1 At this point, the matter is referred to the People Team representative and the employee will be informed that the Trusts Disciplinary Policy will now be followed.

14. Supply Teachers

14.1 In the event of a complaint about a Supply Teacher, the Headteacher and Administration/Cover Manager should be contacted and will make the necessary communication with the supply agency, based on People Team advice.

14.2 KCSIE sets our guidance on such matters, Whilst the Trust is not the employer of Supply Teachers, we have a duty to ensure allegations are dealt with properly. Agencies should be fully involved and co-operate with any enquiries from the LADO, police and/or children's social care. The Trust will usually take the lead because agencies do not have direct access to children or other Trust staff, 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.

14.3 In all cases, the Trust will co-operate with the supply agencies procedures and policies in dealing with complaints about their staff.

15. Policy History

15.1 In the event of a complaint about a Supply Teacher, the Headteacher and Administration/Cover Manager should be contacted and will make the necessary communication with the supply agency, based on People Team advice.

Date	Summary of change	Contact	Policy Implementation Date	Review Date
February 2025	Updated to reflect KCSIE and clearer processes and responsibilities outlined.			
June 2022	Consultation with JNCC	HR	N/A	N/A
August 2022	New Policy implemented	HR	August 2022	October 2025
April 2025	Addition of DIB Statement. Roles and Processes reviewed / updated and reference to HR amended to People Team.	People Team	June 2025	April 2028

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Appendix 1 - Flow Chart of Process

NOTIFICATION

Allegation raised to the Responsible Officer (refer to 6.1.3 Table 1) regarding a member of staff. Investigation to be carried out by Headteacher/DSL (responsible person in school) or Executive Director (responsible person for central staff and Headteacher).

IMMEDIATE RESPONSE

Assess if an immediate intervention is required and ensure the student/person raising the concern is supported and the initial details are collected – see section 10.2. Contact with the LADO for initial guidance should also take place as part of the Trust process.

THRESHOLD ASSESSMENT

Determine does the allegation meet the Harm Threshold? (see section 5)

No

If this does not meet the Harm Threshold criteria, this will still be recorded and there may still be actions required such as:
an internal investigation i.e. addressing concerns regarding professionalism in line with the Trust's Disciplinary Procedure/ Internal investigation in line with the Low-Level Concerns Policy/No further action required.

Yes

REFERRALS

Responsible Officer will
Inform Head of Safeguarding
Inform People Business Partner
Refer allegation to the LADO within one working day
Consider suspension in consultation with the People Team
Initiate an internal or external investigation

LADO will
Provide advice and guidance to Responsible Officer. This may include an internal investigation by the Trust and/or multi-agency investigation.

Stage 1 – SAFEGUARDING INVESTIGATION COMMENCES

This may take place by Trust staff or an independent investigator and internal or external to the school (based on guidance from LADO, Head of Safeguarding, People Team Representative).

Refer to Point 12.4

Outcome

Substantiated – there is sufficient evidence to prove the allegation → **Stage 2 – Trust's Disciplinary Process**

Unsubstantiated and 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 → School to follow internal procedures or Trust's Disciplinary Policy

False/Unsubstantiated/Unfounded → No further action, however appropriate guidance and support may be required – see People Team for guidance

Post Investigation Actions

Ensure accurate records of entire process are in order, report outcome to relevant authorities, where substantiated e.g. DBS, TRA, support for both complainant and/or employee under investigation, as needed.