



Allegations

TRUST POLICY & PROCEDURE

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Content

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Statement of Intent

Talbot House Trust (North East) Limited (the Trust) believes safeguarding of all children and young people is paramount. The trust has a set of policies designed to determine the actions we will take in order to meet that goal. This policy will provide the framework for dealing with allegations of harm towards a child by an adult working with children (whether in a paid or unpaid capacity). It is our intention, as detailed here, to also raise awareness and promote fairness and consistency in the treatment of anyone raising or facing an allegation.

In line with our commitment to inter-agency working, we will co-operate with all relevant external agencies to aid any investigations required as a result of an allegation being made.

This policy applies to all Trust employees, agency staff and volunteers working with our children, whether employed directly by the Trust or not. It must be used in respect of all cases in which it is alleged that an adult who works with children may have:

- Behaved in a way that has harmed a child, or may have harmed a child.
- Possibly committed a criminal offence against or related to a child.
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.
- Behaved in a way that indicates they may not be suitable to work with children (an allegation against a member of staff who no longer works for the Trust should be referred to the police).

The last bullet point above includes behaviour that may have happened outside of the Trust, in an individual's private life or another role that might indicate that an individual is unsuitable to work with children. This is known as transferable risk.

Throughout this policy the terms "child", "children" and "young people" are used. For the avoidance of doubt, this includes anyone under the age of 18 who attends our school, and under 19 in the case of our residential children's home.

While there is no legal requirement to have a Designated Safeguarding Lead (DSL) assigned to a residential children's home, the Senior Management Team (SMT) DSLs will provide allegations management to the Residential Manager under the terms of this policy.

This policy and procedure should be read in conjunction with the Trust's **Child Protection and Safeguarding, Disciplinary, Whistleblowing Policies** and any other relevant policies and procedures.

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1. Legal Framework

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

- Working Together to Safeguard Children 2020
- Keeping Children Safe in Education 2021
- Disqualification under the Childcare Act 2006 updated 2018
- The Safeguarding Vulnerable Groups Act 2006
- North and South of Tyne Safeguarding Children Partnership Procedures

2. Designated Safeguarding Leads and Deputies (DSLs and DDSLs)

The Trust has three Designated Safeguarding Leads, one deputy and a Trustee allocated to safeguarding. These individuals make up the safeguarding team in the Trust although all staff are responsible for safeguarding children.

Deirdre Person	DSL	Chief Executive (SMT)
Jo Reiling	DSL	Head of Development & DCEO (SMT)
Christine Smiles	DSL	Head Teacher (SMT)
Karen Cowans	DDSL	Family Liaison Coordinator
Louise Cannell-Mirza	Board Member for Safeguarding and Child Protection	Governor and Trustee

2.1 Each of our DSLs and DDSLs attend appropriate external training sessions. They are required to attend at least biannual Experienced DSL Training provided by a CAPE registered provider. Although this is the statutory requirement, Talbot House Trust endeavour to provide a very high standard of safeguarding awareness to its safeguarding team and the wider workforce at greater frequency than statutory requirements. For this reason, training provided will be specialised for our setting and locality.

2.2 When dealing with an allegation, the allocated DSL or DDSL (Case Manager) will apply common sense and judgement; making sure to protect the child and also that any action is quick, fair and consistent.

3. General Principles

The welfare principle “the welfare of the child is paramount”, Children Act 1989 must be upheld at all times and in all cases. The child must be listened to and never be made to feel they are causing problems, and any concerns must be taken seriously. The SMT also have a continuing duty of care to any employee who becomes the subject of an allegation. They should ensure that employees in this position are treated fairly and offered professional support throughout.

3.1 Examples of actions which could lead to an allegation

An allegation of harm made by a child about an adult is an allegation of abuse. Examples of abuse include, but are not limited to, the following (including failed attempts):

Physical Abuse

- Punching

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- Kicking
- Pushing
- Smacking
- Slapping
- Shaking
- Biting
- Throwing a missile at a pupil (chalk, board rubber etc.)

Sexual Abuse

- Abuse of a position of trust, or grooming for the purposes of a sexual relationship
- Possession of indecent and pseudo indecent photographs of children (including computer images)
- Showing indecent or pornographic material to children.
- Inappropriate touching, language, or behaviour towards any child for sexual purposes.
- Inappropriate use of text messaging, e-mail or other IT towards any child for sexual purposes.

Other forms of abuse may include:

- Emotional abuse and neglect.
- Racial comments or behaviour, or failing to address these in others.
- Homophobic comments or behaviour, or failing to address this in others.
- Bullying children, or failing to address this in others.
- Belittling children e.g. persistently placing a child in a corner or a corridor.
- Damaging a pupil's self-esteem through persistent lack of warmth and positive regard.
- Inappropriate punishment e.g. placing a child in a cupboard.
- Failing to protect a child from physical harm or danger (e.g. school trips).
- Failing to ensure access to appropriate medical care or treatment (e.g. where a child sustains an injury).

The above examples are not exhaustive and only serve as a guide. Many of these behaviours do constitute a criminal offence, however, some do not. Some may not reach a threshold of significant harm, but they all constitute professional misconduct. Such incidents may be managed as a low level concern as detailed within the **Child Protection and Safeguarding Policies**.

3.2 Ways in which concerns may become apparent

Employees have regular daily contact with our children and those relationships allow them to hold a unique position to identify the signs of abuse from others in the workplace. Employees are encouraged to share any concern with a DSL immediately, no matter how small. Here are some of the ways in which an allegation may come about:

- Direct allegation or disclosure may be made by the child.
- Indirect disclosure by the child through school work or through a friend.
- Complaints from a parent or carer to:
 - An employee, DSL, DDSL or other member of staff
 - Children's Social Care Services (CSCS)
 - Police.
- Other colleagues, agency staff or visiting worker (CAMHS or CYPS).
- Through review of CCTV footage by an approved operator.
- Allegations may be made anonymously.

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- Observation of an injury - special care must be taken when interpreting any injury without an accompanying disclosure.
- A third party - friend of a child or a taxi escort, for example, may report suspicion to an employee, DSL or DDSL.
- A significant change in behaviour of the child - This is a very subjective area and so special care must be taken in interpretation, in the absence of an accompanying disclosure.

4. Listening to the Child

If a child tells you that another employee has harmed them in any way, your first priority must be to ensure the child is safe. You should understand that, if a child has chosen to tell you this information, you are in a position of trust. Allegations can be distressing for all parties but it is important that the following principles are applied:

- Remain aware of your own presentation, making sure not to deter or embarrass the child.
- The child should be listened to but not interviewed, although you can summarise the account back to them to confirm your understanding if the details are unclear.
- Use phrasing such as “tell me more about that” rather than closed questioning with yes and no answers. Do not lead the child.
- Direct allegations may be difficult for children to make even though you sense they are trying to tell you something, in those cases it is important to ask whether someone has harmed them directly.
- The child should not be interrupted when recalling significant events.
- All information should be noted carefully, including details such as timing, setting, who was present and what was said, in the child’s own words. The account should be verbatim (or as near as possible) and captured immediately after the allegation is made.
- You should ensure that you are engaging with the child in a way which indicates you are listening to them. Try to avoid writing rapid notes while listening to them, and determine whether eye contact or directly looking at them is a positive or negative, and adjust accordingly.
- 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.
- The written record of the allegation should be added to CPOMs or Clear Care System by the person who received it as soon as practicable, but not before reporting it to a DSL, or a DDSL in their absence. In these cases, the code “Allegation on Staff” should be used.
- Remember allegations of sexual abuse are rarely entirely false.
- Only pass the information on to the individuals who need to know.
- Do not make promises that you cannot keep, you can never promise not to tell someone about an allegation.

Section 10.1 of the **Child Protection and Safeguarding Policy** (School) contains more guidance on hearing a disclosure of abuse; those principles should also be applied here in dealing with an allegation against a member of staff.

In responding to a child who makes an allegation, every effort should be made to create an environment conducive to speaking freely, but you must also make it clear to the child that you will need to pass on the information. Explain to the child that the matter will only be disclosed to those people who need to know about it.

5. Guidelines for Reporting

The decision about whether or not an employee should report their concern to a DSL or DDSL may feel difficult, although it really is not. Employees should always remember these principles:

- Even minor injuries, behaviour changes, or seemingly unimportant reports can be very significant when combined with information from other professionals.
- To do nothing about a concern you have about a staff member's treatment about a child would be negligent and could also be a crime.
- Trust your judgment, the consequences of misinterpretation and wrong reporting can be difficult, even unpleasant, but the consequences of not reporting could be much more unpleasant for the child.
- Sharing concerns alleviates the burden caused by keeping it to yourselves.

5.1 Any employee who suspects a child may have been abused by an employee or adult in our organisation, should report the matter immediately to a DSL or DDSL without delay. This should take precedence over any other business, activity or meeting.

5.2 The employee may be asked to write a follow up report, in addition to their own CPOMs or Clear Care System log, if so, this should consist of concise, factual information, after which, all details should be treated as confidential until you are told otherwise. To be clear, the details of the incident should be recorded electronically by the member of staff, rather than the actual allegation, this will be recorded by the DSL or DDSL managing the report. The written information should be:

- Factual, but should also include context.
- Bullet pointed, although not brief.
- Detailed, leave nothing out even if you feel it is not relevant.
- Dated and signed.
- Scanned in with the original note retained by the DSL or DDSL.

5.3 The DSL or DDSL who has been informed about the allegation will inform the CEO in the first instance, or the Deputy CEO in the CEO's absence. This should take precedence over any other business, activity or meeting.

5.4 Where the allegation is about the CEO, it will be reported to the Chair of Trustees. If an allegation is made about a Trustee or Governor, the SMT will manage the referral.

5.5 Two members of the SMT who are also DSLs will review the information independently and view any CCTV footage of the incident which is available. DSLs all have access to CCTV footage, both in live time and in playback. Because some children make incorrect allegations against staff, we have an agreement with our LADO to prevent obviously false or malicious allegations being referred. If the incident can be viewed on CCTV footage, and it is apparent to the two SMT DSLs that the allegation is untrue, no referral to the LADO need be made. Please refer to the CCTV policy for further details on camera location and type and the use and retention of footage.

5.6 An allocated DSL or DDSL will oversee all further action (Case Manager in KCSIE) in accordance with relevant Trust policies and procedures and may consult employees within the Trust who have knowledge of the child, only at the discretion of the LADO or police.

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- 5.7 A decision will be made about what action to take, from a number or combination of options below:
- No further action - only if the allegation can be seen to be false, malicious or unfounded by the two SMT DSLs who have viewed the footage. In this case, the DSL will record the result of the allegation on CPOMS using the category "allegation on staff" and the appropriate result.
 - Internal investigation – for the purposes of fact finding which may be followed by an external report to the LADO or the police if the information is found to support this action. This should only happen when there is not enough information to make a clear report, or when instructed to do so by the LADO or police. In some cases, an independent investigator may be employed for this purpose.
 - LADO – in all other cases, an allegation of harm will result in referral to the LADO and any other external agency such as CSCS.
 - Police - in cases where a crime is thought to have been committed or a child is at risk of harm, the police will be informed first and the DSL or DDSL will consider using 999 for an emergency response or 101 in other cases.
 - Suspension - where it is thought that the allegation may be true, as in there is no footage indicating that the alleged harm did not take place, suspension of the staff member should be considered (although it should not be an automatic action). Strong consideration should be given to alternatives to suspension, for instance, possible redeployment or shadowing in order to minimise risk to the child. The potential permanent professional reputational damage to the staff member involved should also be considered. DSLs should discuss with each other and confirm with the LADO. Suspension should be strongly considered when:
 - There is cause to suspect a child is at risk of harm; and / or
 - The allegation warrants investigation by the police; and /or
 - The allegation is so serious that it might be grounds for dismissal.

- 5.8 The DSL or DDSL will keep full written details on the actions taken using the categories "LADO" and "allegation on staff" within CPOMs or Clear Care Systems log. Using these categories will ensure confidentiality for the staff member involved until the matter is at a close.

6. Referrals to LADO

Although we have children attending our school, and living in our home from a wide regional area, as our workplace is in Newcastle Upon Tyne, all allegations of abuse will be reported to the LADO in Newcastle. There may be liaison with other Local Authority representatives after that initial report, but all further actions will be managed by the LADO in Newcastle. Where police involvement is required the case will usually be allocated to the Child and Adult Protection (CAP) team within Northumbria Police (based in Gateshead). The LADO has overall responsibility for oversight of the procedures for dealing with allegations.

- 6.1 All referrals must be made by the allocated DSL or DDSL, however, in the unlikely event where they are not available, staff must not delay making a report directly to the LADO using the contact details noted here. Any concern must be reported within one working day, however, it should be reported immediately.
- 6.2 The role of the LADO:
- Chair the meeting or meetings.

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- Provide advice and guidance to the DSL or DDSL regarding the staff member remaining on site or being suspended. It should be remembered that the power to suspend lies with the Trust; the LADO, police and other agencies can only advise.
- Advise the DSL or DDSL when to inform the staff member about the allegation.
- Advise whether the parents or carers should be told and when.
- Determine next steps and what route any internal investigation should follow.
- Liaise with the police and other agencies.
- Ensure that child protection procedures are initiated when a child is considered at risk of harm.
- Monitor the progress of cases with regular reviews, to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process. The first review should take place within 4 weeks of the initial assessment and then either fortnightly or monthly thereafter.
- Inform other Local Authority Designated Officers, where appropriate.
- In cases of complex abuse, organise the appropriate meetings and co-ordinate information sharing to all interested parties, including Ofsted, LA Commissioners and CSCS.
- Liaise with social care where an allegation has been proven to be false or malicious, so that the child or children involved have the opportunity to disclose harm which may be happening to them from other individuals.

6.3 Melanie Scott is the Local Authority Designated Officer. Her contact details are: Children's Safeguarding Standards Unit, Newcastle Civic Centre, Barras Bridge, Newcastle upon Tyne, NE1 8PU, 0191 211 6730, melanie.scott@newcastle.gov.uk.

6.4 The report will be made verbally by telephone or via email if contact cannot be made straight away by phone. Either way, if no conversation can be had with the LADO initially, contact should be made with the duty LADO in her absence, on the telephone number above and within the timescales set.

6.5 Who else may the allocated DSL or DDSL inform or discuss the allegation with?

- Other DSLs or DDSLs
- The SMT
- The CEO
- The HR Department
- Residential Management
- Social Care
- Parents (only once agreed with police or LADO)
- Police
- Other LADO or LA officers (as agreed with our LADO)
- The DSL or the CEO may inform the Board of Trustees and Governors.

6.6 In making a report, the LADO will need the following details emailed or reported verbally:

- The full name, address and date of birth of the child.
- The parent's name and number.
- If not the parent, the contact details for whoever the child lives with.
- If the child has a social worker, their contact details.
- The full name, date of birth, address and phone number for the member of staff or adult who has allegedly committed the abuse. Authorities may also want to know details about

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this person which relate to their lives outside of school, for instance, whether they work anywhere else with children, have children of their own or live with someone who does.

- The details of the allegation, what happened, how it was discovered and which SMT DSLs reviewed it.

6.7 What further responsibilities does the allocated DSL or DDSL have?

- Ensure a record is kept by the Trust.
- Ensure a response is gained to the referral.
- Attend strategy meetings with the LADO and / or other external agencies.
- Provide written reports, documentation and CCTV footage for any meetings, as appropriate.
- Continue to accurately record relevant details or information relating to the child.
- Manage the process of the report and be mindful not to let timescales drift.
- Allocate a member of staff to act as “keeping in touch” contact for suspended members of staff and ensure that they undergo regular welfare check ups.
- Report serious concerns to Ofsted and Local Authority partners.
- Implement changes in procedures or training after an incident where required.
- Report to the Disclosure and Barring Service and / or TRA (Teaching Regulation Agency) as required.
- Keep the HR Department up to date regarding timescales especially if the employee has been suspended.

7. Strategy Meetings

Once the LADO has reviewed the report of the allegation and any evidence available, she may advise on next steps. If the allegation meets the threshold of harm, a strategy meeting will be called to discuss next steps.

- 7.1 The meeting should take place within 15 days of the notification that a meeting is required, in complex cases there may be a requirement for more than one meeting.
- 7.2 Strategy meetings are for professionals only and may be attended by:
- The allocated DSL or DDSL.
 - The LADO.
 - A CSCS representative.
 - A health representative (where medical assessment has taken place).
 - A police officer, usually a child protection officer.
- 7.3 The purpose of a strategy meeting is to determine whether there are grounds for a police investigation, share information and determine next steps.
- 7.4 Where the allegation is about physical contact or restraint, participants will be reminded that employees are entitled to use reasonable force to control or restrain children in certain circumstances. See the **Behaviour Policy**.
- 7.5 Police forces should usually allocate an officer who will be responsible for:
- Liaising with the LADO;
 - Taking part in the strategy discussion and initial evaluation;
 - Reviewing the progress of police investigations;
 - Sharing information on completion of the investigation or any prosecution;

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- Sharing information about the individual's police record where there may have been previous concerns about their interactions with children.

7.6 If the strategy discussion or initial assessment determines 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
- Close the investigation (at which point an internal investigation can usually begin if it has not already begun).

8. Support for Children, Parents and Carers involved in Allegations of Abuse

The Trust recognises the importance of support for the child, and for the family of a child who makes an allegation of abuse. The allocated DSL or DDSL will ensure that the child and family are supported and signposted to the appropriate services. The Trust's priority will be to the child and their safety and wellbeing.

8.1 Parents or carers of a child or children involved should be told about the allegation as soon as possible (paying particular attention to the terms of our **GDPR and Data Protection Policy**). However, where a strategy discussion is required, or police or children's social care services need to be involved, the allocated DSL should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers.

8.2 Parents or carers should also be kept informed about the progress of the case, where appropriate to do so. This may include the outcome of any disciplinary hearing if appropriate.

8.3 Parents or carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002. See <https://www.legislation.gov.uk/ukpga/2011/21/section/13/enacted>. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

8.4 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services will be involved.

9. Support for Employees Facing Allegations of Abuse

A staff member facing an allegation of abuse may experience high levels of stress and worry as a result. Support is available for members of staff who find themselves in this position.

9.1 If an employee is suspended as a result of an allegation, they can refer to the Trust's **Disciplinary Policy and Procedures**, however, they are reminded of the following:

- Where a safeguarding allegation has been made against an employee, the Trust will consider taking advice from the LADO in the first instance and they may have been part of the decision to suspend.
- If an individual is suspended they must immediately return all access keys, employment related identification, business cards, financial cards etc. to management before leaving the premises.
- During any period of suspension, the suspended employee is not permitted to visit the premises at any time, contact employees, trustees, children, contractors or suppliers,

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unless authorisation is given by the allocated DSL. This will only be granted where it is felt that such contact will not prejudice the gathering of evidence.

- They must not post about the Trust on social media.
- During any period of suspension, the employee will continue to be paid full basic salary.
- Suspension is not a disciplinary sanction and does not imply that any decision has already been made about the outcome of the allegation.
- Suspension will be for no longer than is necessary to investigate the allegations and agree an outcome.
- Employees who are suspended will be allocated a member of staff to keep in touch with and are encouraged to liaise with the HR Department for guidance on welfare support during the process.

- 9.2 The Trust may not be able to share information with employees while investigations are live. If the LADO recommends that a referral is made to the police or other external agencies as part of any strategy meetings held, any internal investigations by the Trust are placed on hold until such time that the Trust is able to proceed.
- 9.3 Police may contact staff members or other witnesses directly and they may be asked to attend an interview which may be under caution.
- 9.4 When an allegation has been made against the Head Teacher or Registered Manager, the DSL or DDSL should inform the CEO or DCEO who must also inform the Board of Trustees and Governors.
- 9.5 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. A referral to the DBS must be made if the criteria are met.
- 9.6 The Trust will not enter into settlement or compromise agreements where the employer agrees not to refer the allegation to DBS. Such an agreement is likely to result in a criminal offence being committed for failure to comply with the duty to refer.
- 9.7 Cases in which an allegation was proven to be false, unsubstantiated, unfounded or malicious will not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.
- 9.8 Specific support will be given to employees returning to work after a suspension. The Trust may consider a plan which includes adjustments to allow the employee to return to normal life, this could include a phased return, mentoring and supervision.

10. Whistleblowing

If you have concerns about or if you have witnessed behaviour by a colleague that you consider in good faith to be abusive or inappropriate, it is important that you disclose these views without fear of retribution, even if the concerns are subsequently unsubstantiated. In such circumstances you will be supported in accordance with the Trust's **Whistleblowing Policy**.

11. Confidentiality

The Trust recognises that it can be difficult when an allegation has been made about an employee or a colleague; however, it is vitally important that confidentiality is maintained for the

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purposes of fair investigation. Employees who are the subject of, or witness to, an allegation must not discuss it with other staff members. If the Trust becomes aware that employees are discussing an allegation with each other, the SMT will investigate to establish what has been discussed and with whom. Disciplinary action may occur and in certain cases the police may also bring charges. Trust employees are reminded not to gossip, it could harm internal investigations, or impede police action and ultimately be harmful to the wellbeing of the colleague concerned.

The allocated DSL should take advice from the LADO, police and children's social care services to agree the following:

- Who needs to know and, importantly, exactly what information can be shared.
- How to manage speculation, leaks and gossip among the staff team and wider community.
- How to manage press interest if and when it should arise.

12. Outcomes of an Allegation

12.1 Once all investigation work has been completed the incident outcome will be recorded in full on our systems. The staff member's HR file will contain a full record as well as any Child Protection or Child in Need file for the child. There are five possible outcomes for an allegation once all enquiries have been satisfied and the investigations are complete. These definitions are taken from Keeping Children Safe in Education (latest version).

- False – there is sufficient evidence to disprove the allegation.
- Unfounded – to reflect cases where there is no evidence or proper basis which supports the allegation being made.
- Malicious – there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation.
- Unsubstantiated – there is insufficient evidence to either prove or disprove the allegation. The term, therefore does not imply guilt or innocence.
- Substantiated – there is sufficient evidence to prove the allegation.

12.2 The Trust and the LADO may decide to take disciplinary action as a result of the outcome of an allegation. In that case:

- The result could be a sanction including summary dismissal, even if the police has determined there is no further action in the case.
- Police and CSCS will be asked to share the results of any of their own investigations to inform the disciplinary process.
- It should be remembered that the remit of the police, is different to that of the Trust in the result of an investigation. Police are required to prove "beyond a reasonable doubt", the Trust needs to ascertain a "reasonable belief".
- The LADO will be made aware of the resulting disciplinary action taken and will advise on further referrals (DBS, TRA and other employers or services).
- Further information may be found in the **Disciplinary Policy**.

12.3 Records will be kept appropriate to the outcome reached. In the case of allegations of sexual abuse, records will be preserved for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the enquiry. All other records should be retained at least until the accused has reached normal pension age or 10 years after the allegation is made, if that is longer.

13. Policy Review

This policy is non-contractual and is subject for review on a regular basis in the light of operating experience and/or changes in legislation, but at least annually. A DSL who is also part of the SMT will be responsible for reviewing this policy.

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I have read, understood and acknowledge this Policy and will endeavour to follow the guidance outlined within.

Print name: _____

Job Title: _____

Department: _____

Sign: _____

Date: _____

Please complete full details above, once complete please return to the HR Department within 5 working days.

Please do not hesitate to contact HR should you have any questions.

HR Department

Talbot House Trust