

Allegations of Abuse against Staff and Volunteers Policy

Document Control

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Related policies and documents

- Trust Values
- Safeguarding and Child Protection Policy
- Disciplinary Policy
- Grievance Policy
- Whistleblowing Policy
- Teachers' Standards
- Keeping Children Safe in Education (KCSIE) - 2021
- Working Together to Safeguard Children - 2018
- IT Acceptable Use Policy

Definitions

- Where the word 'Trust' is used in this document it refers to The Elliot Foundation Academies Trust.
- Where the words 'Governance Body' are used they refer to the relevant Governance Body of an individual academy within the Trust.
- Where the words 'Senior Leader' are used they refer to the CEO/Executive Principal/Principal/Director or member of the senior leadership team leading the reorganisation process
- Where appropriate the Local Governance Body of individual academies will publish details of the procedures and practices to implement Trust policies.

The Elliot Foundation Academies Trust Values

1. Put children first

- a. We trust and value your professionalism
- b. We share the responsibility for the learning and welfare of all of our children
- c. Our purpose is to improve the lives of children

2. Be safe

- a. Don't assume that someone else will do it
- b. Look after yourself, your colleagues and all children
- c. We are all responsible for each other's safety and well being
- d. Discuss any concerns with an appropriate member of staff

3. Be kind & respect all

- a. People are allowed to be different as are you
- b. Kindness creates the positive environment we all need to flourish
- c. This kindness should extend to ourselves as well as to others

4. Be open

- a. If you can see a better way, suggest it
- b. If someone else suggests a better way to you, consider it
- c. We exist to nurture innovators and support those who take informed risks in the interests of children

5. Forgive

- a. We all make mistakes
- b. Admit them, learn from them and move on

6. Make a difference

- a. Making the world a better place starts with you
- b. Model the behaviour that you would like to see from others

1. Policy statement and objectives

- 1.1. The Trust recognises its responsibility for protecting the safety and welfare of children. All children deserve to learn and develop in a safe environment where they are not exposed to suffering harm or abuse. This responsibility will, in part, be delivered by creating and maintaining a culture of vigilance within the organisation.
- 1.2. The Trust is committed to treating any allegation made against a member of staff or volunteer that suggests they may have conducted themselves in a way that poses a potential risk to a child with the utmost seriousness. The Trust will endeavour to ensure all allegations are investigated thoroughly, expediently and in a manner that is fair and does not prejudice either the pupil or the member of staff/volunteer.
- 1.3. The Trust also recognises the duty of care which exists to any staff member or volunteer who is the subject of an allegation and appreciates that the period in which someone is under investigation can be an extremely difficult and stressful time for them. Therefore, the Trust will ensure all cases are handled sensitively and that individuals are provided with effective support during the process used to manage allegations.
- 1.4. This policy statement follows statutory guidance from the Department for Education in relation to handling allegations of abuse against teachers and other staff.

2. Scope and principles

- 2.1. This policy applies to all staff who are employed by The Elliot Foundation Academies Trust, including casual employees and also applies to volunteers engaged to provide their services to the Trust. Allegations raised against a member of staff who is no longer employed by the Trust should be referred to the police.
- 2.2. This policy relates to managing allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present role(s) or in any capacity.
- 2.3. The framework set out in the policy provides for allegations of abuse to be dealt with fairly and consistently and in a way which secures protection for the child/ren involved and appropriate support for the adults.
- 2.4. Every staff member and volunteer has a responsibility to report all allegations of child abuse. Failure to do so could result in a child being put at risk of harm and could constitute a breach of an employee's contractual duty.

- 2.5. In all cases, managers must inform and seek advice from the central HR Team or the Trust's Designated Safeguarding Lead (DSL) before dealing with an allegation of abuse against a staff member or volunteer working with the Trust, including information sharing and how to handle press interest if and when it should arise
- 2.6. Separate policies and procedures exist to deal with misconduct, grievances and allegations of bullying and harassment.
- 2.7. This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation with staff and recognised trade unions.

3. Roles and remits

- 3.1. KCSIE outlines how creating a culture in which concerns about adults are shared responsibly with the right person, recorded and dealt with appropriately is critical. This is because it serves to encourage an open and transparent culture; enables schools to identify problematic or inappropriate behaviour early; minimises the risk of abuse; and ensures that adults working in or on behalf of a school understand and act within professional boundaries and the Trust's Values. Senior leaders and managers play a pivotal role in ensuring members of staff and volunteers help our schools fulfill these responsibilities appropriately.
- 3.2. **Senior Leaders and Line Managers** responsibilities:

Senior Leaders and Managers' Responsibilities
Seek to embed Elliot Values in all areas of work life and support members of staff and volunteers to do so too.
Have an understanding of the Allegations of Abuse against Staff and Volunteers Policy and the role that is played by individuals when concerns are raised by pupils about adults' behaviour.
Undertake all relevant safeguarding training and keep up to date with any changes to procedures to ensure they possess the skills, knowledge and guidance needed to deal with allegations appropriately.
Create and maintain a culture of vigilance in schools in which staff are encouraged to continually monitor potential safeguarding risks, look out for signs of abuse and report concerns.
Ensure that staff know what standards of behaviour are expected of them, setting an example to others by displaying those standards of conduct at all times.

Seek relevant and appropriate support from the central HR team and the Trust's DSL as soon as possible.

Take appropriate action promptly in accordance with this policy and without delay when concerns come to light, seeking advice from the LADO, police and other relevant external agencies when necessary.

Understand that all allegations of abuse against a member of staff or volunteer must be handled with due care and sensitivity. Any individual who is subject to allegations must be treated fairly and there should be no presumption of guilt before an investigation has taken place.

Principals, Designated Safeguarding Leads (DSLs) and other employees designated with the responsibility for managing allegations have a duty to safeguard confidentiality as far as is possible. Sensitive information must only be disclosed on a need to know basis with other professionals involved in the investigative process.

Ensure that accurate written records are maintained throughout in relation to the allegation.

Acknowledge the need to continually improve safeguarding practices. Senior leaders should actively learn lessons from previous incidents and strive to implement appropriate changes and recommendations through updating guidance, amending policies and training staff on a regular basis.

- 3.3. All members of staff and volunteers have a duty to protect pupils and should try to maintain an environment where children feel safe and comfortable raising concerns. Members of staff and volunteers must exercise a high degree of vigilance at all times and should act on any allegations colleagues, parents or children share with them in regards to the alleged inappropriate conduct of a member of staff or volunteer.

- 3.4. **Members of staff and volunteers** responsibilities:

Members of Staff and Volunteers Responsibilities

Seek to embed Elliot Values in all areas of work life and support other employees and volunteers to do so too.

Have an understanding of the Allegations of Abuse against Staff and Volunteers Policy and the role that is played by individuals when concerns are raised by pupils about adults' behaviour.

Complete all relevant safeguarding training and keep up to date with any changes to procedures that may inform how members of staff and volunteers should approach issues of a safeguarding nature.

Recognise that all allegations raised by children should be taken seriously and understand that it is their duty to listen to pupils and to encourage them to talk about any issues they have in regards to adults' conduct towards them.

Ensure that allegations raised directly with you by pupils or parents are immediately reported to the relevant senior leaders without unnecessary delays.

If a fellow member of staff or volunteer informs you of a safeguarding concern that has come to their attention, you should remind the individual of their responsibility to report incidents and instruct them to immediately escalate the matter to the relevant senior leaders.

Contact the Case Manager or DSL in situations where you are unsure of how to respond to a particular allegation or are in need of support and guidance.

Keep accurate written records detailing the nature of an allegation and pass the details on to the relevant member of staff.

Conduct themselves in a professional manner during the investigation process and show respect for others.

Take all reasonable steps to maintain an appropriate level of confidentiality, ensuring only individuals responsible for managing cases are informed of the relevant details.

4. Roles and responsibilities for the management of allegations against staff/volunteers

4.1. The table below outlines the individual who will be responsible for acting as the Case Manager:

Member of Staff/Volunteer subject to the allegations	Appropriate Senior Leader/ Case Manager responsible for managing the allegation
School based staff/volunteers (except Principal/Executive Principal structures)	Executive Principal/Principal
Principals	Executive Principal or Regional Director
Executive Principals	Regional Director/Ops Team Member
Centrally employed staff (except CEO)	Chief Executive Officer
Chief Executive Officer	Trustee appointed by the Chair of the Board of Trustees

Trustee	Chair of Trustees
Chair of Trustees	LADO appointed

5. Recognition of concerns

- 5.1. Children who report to school staff or volunteers that they have been abused or mistreated must be listened to and heard, whatever form their attempts to communicate their worries take.
- 5.2. When students disclose concerns about the behaviour of adults, staff members and volunteers are always encouraged to keep an open mind and should not make suggestions to any child about alternative explanations for their worries and should refrain from interpreting what the child is saying as this could compromise an investigation.
- 5.3. Staff and volunteers should only use open questions to gain clarity and must write down the child's words, explanations and questions raised accurately. This information needs to be included in a report of the incident in accordance with local procedures and that should be submitted to the appropriate senior leader (see paragraph 4.1) and DSL on the day the allegations come to light. The report should also include the time of the communication disclosed by the child and the time the report was written.
- 5.4. Members of staff and volunteers must not promise total confidentiality to a pupil making allegations. They must explain to the pupil, having regard to their age and level of understanding, the need to investigate, saying they have a duty to report the matter as it relates to the child's welfare and safety, and to that of other pupils.

6. Initial considerations

- 6.1. All allegations or concerns relating to staff and volunteers must be immediately reported to the appropriate senior leader (see paragraph 4.1) and DSL.
- 6.2. In all circumstances, the individual responsible for managing cases should notify the central HR team and the Trust's DSL immediately after being made aware of concerns raised about a member of staff or volunteer. This is to allow a discussion about the nature of the allegations to take place and to enable all parties to collectively agree on an appropriate course of action. At each stage of the process the Case Manager should maintain constant dialogue with the central HR team and the Trust's DSL so they can be kept up to date with any developments in relation to the case.

- 6.3. When a complaint of abuse or inappropriate behaviour of a safeguarding nature is made against a member of staff or volunteer there must be an immediate consideration of whether a child is at risk of significant harm and in need of protection. If at any point there is risk of immediate serious harm to a child, a referral should be made to Children's Social Care or the police immediately. Anybody can make such a referral.
- 6.4. The Case Manager must refer the allegations to the LADO on the same day that the concerns were originally raised with them.
- 6.5. Initial consideration should be given to the type of concern that has been raised. There are many situations which are appropriately dealt with under the remit of internal HR policies and practice. However, the following concerns must be discussed with external agencies, in particular the LADO, prior to any internal investigations taking place. These considerations relate to whether the individual:
- 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 he or she 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
- 6.6. As outlined in KCSIE, the criteria detailed above also includes behaviour that occurred outside of school that might potentially make someone unsuitable to work with children.
- 6.7. Historical allegations or those relating to a staff member or volunteer who no longer works for the Trust should be referred to the police.

7. Supply teachers and other workers/visitors

- 7.1. Concerns that relate to an individual not directly employed by the Trust (i.e. those engaged via contractors or supply teachers) should still be reported to the appropriate senior leader (see paragraph 4.1) and DSL and subsequently referred to the LADO. The appropriate senior leader will also be expected to consult with a member of the central HR Team and the Trust's DSL about how to proceed.
- 7.2. The school should not automatically stop using supply teachers or other workers until all the facts have been gathered and the Principal has liaised with the LADO to determine a suitable outcome.

- 7.3. The agency or employer of the worker should also be notified of the concerns and will be expected to cooperate with any enquiries. The school in question will usually take the lead with the process because they have direct access to the situation and child/ren involved so are in a position to gather information in relation to the case.
- 7.4. In accordance with KCSIE, when schools are managing an allegation in relation to a supply teacher or worker, they should keep the agency or employer informed of the process they are using to manage the case and should also take into account the agency/employer's own policies and their duty to refer to the DBS as personnel suppliers. This should include inviting the agency/employer's HR lead or equivalent to meetings and keeping them up to date with information.

8. Case manager

- 8.1. A suitable Case Manager will be appointed without delay to deal with the allegation/s. The Case Manager will usually be the Principal (or CEO in relation to head office staff). Please refer to the table in paragraph 4 for further details.
- 8.2. A suitably experienced and qualified member of the HR Team will be assigned to support the Case Manager in all HR related aspects of the management of the case.
- 8.3. The Case Manager will be responsible for:
- taking any necessary steps to ensure the immediate safety and welfare of the child/ren involved
 - contacting the LADO to consider and discuss the allegation/s and ongoing liaison with the LADO;
 - accessing appropriate HR and/or Trust DSL advice;
 - providing or arranging relevant support for the adult subject to the allegation/s
 - attending any complex strategy meetings or other meetings held under the remit of managing the case;
 - recording decisions and the rationale on which they are based;
 - deciding any next steps of action alongside the LADO, the HR Team, Trust DSL and other external agencies;
 - informing relevant parties, including the staff member or volunteer who is the subject of the allegation/s, of the stages of the process as appropriate and agreed with the LADO.

9. Local Authority Designated Officer

- 9.1. The Case Manager should immediately discuss the safeguarding concern/s with the LADO on the same day the allegations were originally raised with them. During this conversation, they will jointly consider the nature, content and context of the allegation/s and agree on the next course of action to deal with the situation.
- 9.2. The LADO will also expect to receive a written referral form from the Case Manager that contains information about the allegation, the date the incident occurred and details relating to both the child and the member of staff subject to the allegations.
- 9.3. The LADO may require additional information from the Case Manager, such as details of the employee's home situation or pre-employment checks. The Case Manager should ensure the provision of prompt and accurate information to assist the LADO in considering the allegations.
- 9.4. If the outcome of the initial consultation between the LADO and Case Manager is that no further action should be taken, then both parties should record the decision that has been made and the rationale behind it and will agree what information should be put in writing to the individual that the allegations relate to.
- 9.5. If there is cause to suspect a child is suffering or is likely to suffer significant harm, the LADO may wish to convene a complex strategy meeting in order to further discuss the allegations with both the Case Manager and other external agencies such as the police or social care. The Case Manager should cooperate with this process and make every effort to attend such a meeting and provide full and frank information to facilitate discussion. The Case Manager will ordinarily be accompanied to the complex strategy meeting by a suitable member of the HR Team.
- 9.6. No internal investigation should be commenced until consultation has taken place with the LADO.

10. Employee or volunteer subject of the allegation

- 10.1. The Case Manager and the HR Team member assigned to support them will ensure that the employee or volunteer who is subject to the allegation/s is advised of the allegation/s at the earliest appropriate opportunity following consultation with the LADO and police, as appropriate. The individual will be provided with information in relation to the process and also be encouraged to contact their Trade Union Representative as soon as possible to obtain support and guidance.

- 10.2. It is of utmost importance that throughout the process the Trust fulfils its duty of care to the employee or volunteer subject to the allegation/s. Accordingly, the Case Manager will provide the employee with details of the Trust's employee wellbeing service and assign a senior member of staff to act in a pastoral capacity for them.
- 10.3. Consideration will be given to how the individual should be kept informed of any developments in their case and other matters of concern occurring in the school.
- 10.4. The parties responsible for managing the case will ensure that they take all reasonable steps to maintain confidentiality and protect the identity of the employee or volunteer whilst the allegation/s is dealt with. The employee or volunteer subject to the allegation/s will also be expected to maintain confidentiality in relation to the process and must not discuss the matter with colleagues or other stakeholders, other than those specified at the time of the allegation being communicated to them or subsequently agreed by those managing the case.

11. Suspension

- 11.1. In accordance with the Trust's Disciplinary Policy, suspension of a staff member subject to allegations should not be an automatic response and all options to avoid suspension should be examined when determining whether suspension is appropriate.
- 11.2. The Case manager must explore whether there are alternative measures that can be put in place to avoid suspending an employee in collaboration with the LADO, the Trust's HR Team and Trust's DSL. Examples of alternative measures include:
 - redeployment within the school so that the individual does not have direct contact with the child/ren concerned;
 - providing another adult to be present when the individual has contact with the child/ren;
 - redeploying the staff member to alternative work in the school so the individual does not have unsupervised access to children;
 - moving the child/ren to classes where they will not come into contact with the member of staff, but this decision should only be made if it is in the best interest of the child/ren concerned and takes account of their views. It should be made making it clear that this is not a punishment and parents have been consulted; or
 - allowing the member of staff to work from home while the case is being managed

- 11.3. Case Managers should refer to the Trust's Disciplinary Policy for more details relating to the suspension process and must discuss the matter with the HR Team before taking any decision to suspend an employee.

12. Criminal investigation

- 12.1. It is possible that the police will investigate the allegation/s under the remit of a criminal investigation and this may lead to criminal charges and prosecution of the employee or volunteer.
- 12.2. The Case Manager should maintain contact with the police, often through the LADO, to ensure that they are made aware as soon as any criminal investigation begins. In addition, the Case Manager will check what information they are able to tell the individual if appropriate and should seek confirmation as to whether the criminal investigation and prosecution has concluded and what the outcome was.
- 12.3. Wherever possible, the Case Manager should ask the police to seek the permission of the individuals involved in the criminal investigation to share their statements and evidence with the Case Manager for use in any subsequent internal disciplinary investigation.

13. Internal disciplinary investigation

- 13.1. If the LADO is content for the Trust to deal with the matter via internal processes from the outset or once the LADO and/or police have concluded their own processes and the LADO has confirmed the Trust may now manage the situation internally, the appropriate senior leader will need to determine whether the matter can be dealt with informally or needs to be dealt with under the Trust's Disciplinary Policy. This decision must be discussed with the Trust's HR Team.
- 13.2. Once the matter has been dealt with in accordance with the Trust's Disciplinary Policy, the outcome of should be identified as one of the following:
- **Substantiated:** there is sufficient evidence to prove the allegation;
 - **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation;
 - **False:** there is sufficient evidence to disprove the allegation;
 - **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;
 - **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

- 13.3. If, following an appropriate investigation and disciplinary hearing, the allegation/s is deemed to be substantiated the employee may be dismissed or the volunteer's services dispensed with. In these circumstances consideration must be given to the Trust's legal duty to refer to the Disclosure and Barring Service (DBS) anyone who has:
- harmed, or poses a risk of harm, to a child or vulnerable adult;
 - where the harm test is satisfied in respect of that individual;
 - where the individual has received a caution or conviction for a relevant offence,
 - or if there is reason to believe that the individual has committed a listed relevant offence; and that the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

Any such referral should be made as soon as possible following the conclusion of the case.

- 13.4. In the case of a teacher, consideration should also be given to whether a referral to the Teaching Regulation Agency (TRA) should be made to enable the agency to consider prohibiting the teacher from teaching.

14. Record keeping

- 14.1. False and malicious allegations made against an individual will be removed from their record. In all other scenarios, the following details in relation to the case will be retained:
- a clear and comprehensive summary of the allegation;
 - details of how the allegation was followed up and resolved;
 - a note of any action taken, and decisions reached and the outcome as categorised above;
 - a copy provided to the person concerned, where agreed by children's social care or the police;
 - and a declaration on whether the information will be referred to in any future reference.

- 14.2. Cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious will not be included in employer references.

15. Resignations and other exit mechanisms

- 15.1. If an employee or volunteer resigns or ceases to provide their services following an allegation/s being made against them, or an alternative exit strategy is agreed such as a settlement agreement, this should not prevent the allegation/s being dealt with in accordance with this procedure.

- 15.2. In these circumstances, the Case Manager and HR Team member should consider whether a referral to the Disclosure and Barring Service (DBS) should be made in respect of the employee or volunteer for consideration of inclusion on the Barred List in accordance with the duty outlined in paragraph 13.3 above. In the case of a teacher, they should also consider whether a referral to the TRA should be made to consider prohibiting the teacher from teaching.
- 15.3. In these circumstances, it is important that any subsequent employment or volunteer reference provided by Trust/academy in relation to the employee or volunteer identifies that an allegation of a safeguarding nature was being dealt with at the time that they resigned or withdrew their services. The employee in question will be informed by the Trust of their duty to declare this information in their references prior to leaving the organisation.

16. Protection and support for those involved

- 16.1. It is of the utmost importance that any potential victims feel heard, supported and respected for coming forward to disclose concerns. Children and young people who are the alleged victim/s should have a key member of staff assigned to them to keep them informed of events and to be available to them during this process. If more than one child or young person is involved, consideration will be given to any additional resources needed.
- 16.2. Employees or volunteers who cooperate with this procedure in good faith must not suffer any form of retaliation or victimisation as a result. Employees or volunteers who believe they have suffered any such treatment, should inform the Case Manager.
- 16.3. Anyone found to have retaliated against or victimised someone for cooperating with the procedure in good faith will themselves be subject to disciplinary action or further disciplinary action under the Trust's Disciplinary Policy.

17. Parents and carers

- 17.1. Parents/carers should be informed and involved in any process involving their child.
- 17.2. Where a strategy discussion is required, or police or children's social care need to be involved, the Trust will not tell the parents or carers until it has been agreed with those agencies what information can be shared. Parents should also be kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member.

- 17.3. Managing what and how to tell parents/carers is a difficult but necessary aspect of managing allegations and the LADO will be asked for advice as necessary. Where Social Services and/or the police are involved they may provide the school with advice on additional support the child may need.
- 17.4. Where there is no criminal prosecution the Trust/academy will tell parents or carers the outcome of the investigation. The deliberations of any disciplinary hearing, and the information taken into account in reaching a decision, will not normally be disclosed but the parents or carers of the child will usually be told the outcome in confidence.
- 17.5. Parents and carers should also be made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress as set out in section 141F of the Education Act 2002. The responsibility to maintain confidentiality includes refraining from publishing any information that could be used by someone to identify the individual who is the subject of an allegation on social media forums and networking sites or groups.

18. Malicious and unsubstantiated allegations

- 18.1. Where the Trust/Academy considers pupil/s have made malicious allegations, the Case Manager should refer the matter to the Children's Social Care services, possibly through the LADO, in order that they can determine whether the child concerned is in need of help and support.
- 18.2. If an allegation is shown to be deliberately or maliciously invented, the pupil/s is likely to have breached Trust/Academy behaviour policies. The Trust/Academy will therefore consider whether to apply an appropriate sanction which could include temporary or permanent exclusion.
- 18.3. Once an investigation has been concluded, if there is evidence to suggest a member of staff or volunteer has made a deliberately false or malicious allegation, then this could potentially lead to disciplinary action being taken against the individual.
- 18.4. The Case Manager will ensure appropriate support is provided to the employee or volunteer who was subject of a malicious or unsubstantiated allegation/s, including support to reintegrate back into the workplace.

19. Improved practice

- 19.1. The Trust understands the importance of learning from previous incidents to improve how safeguarding concerns are prevented and dealt with. After the conclusion of each incident, the Case Manager, central HR Team and the

school and Trust's DSL will work together to identify whether existing practices can be further improved. They will also take onboard feedback from the LADO and other key stakeholders to ensure that any recommendations are incorporated into the Trust and school safeguarding policies and procedures in order to make them as robust and effective as possible. This process will also involve providing appropriate support and training to all staff members/volunteers or specific individuals when changes to the safeguarding practices are being implemented.