

## OSCAR ROMERO AWARD TRUST

### POLICIES AND PROCEDURES

DATE LAST REVIEWED	FEBRUARY 2024
MEMBER OF STAFF RESPONSIBLE	CO-ORDINATOR
STATUTORY / NON-STATUTORY	STATUTORY

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NAME OF POLICY	DATE LAST REVIEWED	MEMBER OF STAFF RESPONSIBLE	STATUTORY/ NON STATUTORY	APPROVED BY TRUSTEES-DATE
Safeguarding & Child Protection	May 2023	Jeff Sendall DSL	Statutory	12 May 2023
Management of Allegations	May 2023	Co-Ordinator		12 May 2023
Disciplinary	May 2023	Co-Ordinator		12 May 2023
Whistleblowing	May 2023	Co-Ordinator		12 May 2023
Health & Safety	May 2023	Co-Ordinator		12 May 2023
GDPR	May 2023	Co-Ordinator		12 May 2023
Privacy	May 2023	Co-Ordinator		12 May 2023
Data Retention	Feb 2024	Co-Ordinator		23 Feb 2024
Quality Assurance	May 2023	Co-Ordinator		12 May 2023

## A. SAFEGUARDING AND CHILD PROTECTION POLICY

### 1. Introduction:

“The work of safeguarding people has to be seen within the overall mission of the Church: otherwise it starts to look bureaucratic and burdensome, and what should be life affirming becomes life-draining and the community loses hope. As she seeks to protect the vulnerable and weak the Church needs “to act justly, love tenderly and walk humbly with God” (Micah 6:8). It is a ministry of love and healing and seeks justice for all.” Safeguarding with Confidence - The Cumberlege Commission Report 2007

### 2. Policy Statement:

Safeguarding determines the actions that we take to keep children safe and protect them from harm. The Oscar Romero Award Trust (ORAT) is committed to the promotion of Catholic Social Teaching and social justice. Central to this commitment is the belief that each person is made in the image of God and has a unique dignity as a human being created in fellowship by God. From this flows the principle of right relationships. ORAT has a responsibility to promote the welfare of all children and young people who come into contact with its work.

The ORAT is a project aimed at whole school communities. It is the responsibility of those involved in each individual school to be familiar with and adhere to the Safeguarding and Child Protection policies of their school.

This policy is aimed at the Board of Trustees, validators or other ORAT representatives visiting or directly engaged with participating schools.

This policy will link to other policies which will provide more information and greater detail.

### 3. Definitions:

Within this document:

Safeguarding is defined in the Children Act 2004 as protecting from maltreatment; preventing impairment of health and development; ensuring that children grow up with the provision of safe and effective care; and work in a way that gives the best life chances and transition to adult hood. Our safeguarding practice applies to every child.

The term Staff applies to all those working for or on behalf of The Oscar Romero Trust, full time or part time, in either a paid or voluntary capacity.

Child refers to all young people who have not yet reached their 18th birthday. As some students in schools are beyond the age of 18 we continue to exercise a duty of care and they are also covered by this policy.

Child Protection is an aspect of safeguarding, but is focused on how we respond to children who have been significantly harmed or are at risk of significant harm.

### 4. Aims:

- to demonstrate our commitment to protecting the children and young people who participate in the ORAT scheme
- to provide staff with the framework to promote and safeguard the well-being of children and young people and in so doing ensure they meet their statutory responsibilities.
- to ensure consistent good practice across the organisation

## 5. We recognise that:

- the welfare of the child is paramount as enshrined in the Children Act 1989
- all children, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity have a right to equal protection from all types of harm or abuse
- some children are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues
- working in partnership with children, young people, their parents, carers, schools and other agencies is essential in promoting young people's welfare
- safeguarding processes are intended to put in place measures that minimise harm to children and young people. There will be situations where gaps or deficiencies in the policies and processes we have in place will be highlighted. In these situations a review will be carried out in order to identify learning and inform future policy, practice and culture of the organisation
- as an organisation both policy and performance will be reviewed at least annually in line with relevant guidance

## 6. We will seek to keep children and young people safe by:

- valuing them, listening to and respecting them
- appointing a Designated Safeguarding Officer (DSL) and a lead board member for Safeguarding
- adopting child protection and safeguarding practices through procedures and a code of conduct for staff
- providing effective management for staff through supervision, support, training and quality assurance measures
- recruiting staff safely ensuring all necessary checks are made
- using our safeguarding and child protection procedures to share concerns (including low level concerns) and relevant information with the appropriate person in a school
- ensuring that we have effective complaints and whistle-blowing measures in place
- ensuring that we provide a safe physical environment for our staff by applying health and safety measures in accordance with the law and regulatory guidance

## 7. Legal framework:

This policy has been drawn up on the basis of law and guidance that seeks to protect children, namely:

- Children Act 1989
- UN Convention on the Rights of the Child 1991
- Data Protection Act 2018
- Human Rights Act 1998
- Sexual Offences Act 2003
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010
- Protection of Freedoms Act 2012
- Children and Families Act 2014
- Special educational needs and disability (SEND) code of practice:  
0 to 25 years - Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities; HM Government 2014

- Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers; HM Government 2018
- Working together to safeguarding children: a guide to inter-agency working to safeguard and promote the welfare of children; HM Government 2018
- Keeping Children Safe in Education September 2022

8. This policy should be read alongside our policies/procedures on:

- Safer recruitment, induction and training for validators
- Whistleblowing
- Code of conduct for staff and volunteers
- Health & Safety
- GDPR
- Privacy Notice
- Role of the designated safeguarding officer
- Managing allegations against staff
- Complaints

9. Contact details

Designated Safeguarding Lead: Jeff Sendall

(Tel: 02392475909 email: [J.Sendall@st-thomasmores.hants.sch.uk](mailto:J.Sendall@st-thomasmores.hants.sch.uk))

Board of Trustees member for Safeguarding: Julie Oldroyd email: [j.oldroyd@romeroaward.co.uk](mailto:j.oldroyd@romeroaward.co.uk)

Co-ordinator: Mugeni Sumba

(Tel: 07843514376 email: [contact@romeroaward.co.uk](mailto:contact@romeroaward.co.uk))

Chair of Trustees: David Hartnett email: [d.hartnett@romeroaward.co.uk](mailto:d.hartnett@romeroaward.co.uk)



Signed (Chair of the Board of Trustees)

## OTHER POLICIES AND PROCEDURES

### **B. ROLE SPECIFICATION AND RESPONSIBILITIES OF THE DESIGNATED SAFEGUARDING LEAD** *(to be read in conjunction with DSL role description in KCSiE)*

**In this organisation the DSL is Jeff Sendall  
The Deputy DSL is Laura Park.**

#### **1. Purpose of role**

- Take the lead role in ensuring that the appropriate arrangements are in place in ORAT for keeping children and young people safe
- To promote the welfare of all people using ORAT

#### **2. In addition to the role of all staff and the senior management team the DSL will:**

- Refer cases to social care, LADO and the police where appropriate, in a timely manner avoiding any delay that could place the child at more risk.
- Assist the Trustees in fulfilling their safeguarding responsibilities set out in legislation and statutory guidance
- Attend appropriate training and demonstrate evidence of continuing professional development to carry out the role.
- Ensure every member of staff knows who the DSL and the Deputy are, have an awareness of the DSL role and know how to contact them.
- Ensure all staff and volunteers understand their responsibilities in being alert to the signs of abuse and responsibility for referring any concerns about a child to the DSL and concerns about an adult to the Chair of Trustees.
- Ensure all staff and volunteers undertake annual safeguarding training so that they can fulfil their responsibilities knowledgeably.
- Ensure any members of staff joining the organisation outside of the agreed training schedule receive induction prior to commencement of their duties
- Keep records of child protection concerns securely
- Be aware of the training opportunities and briefings provided by relevant safeguarding bodies to ensure staff are aware of the latest local guidance on safeguarding
- Develop, implement and review procedures in the organisation that enable the identification and reporting of all cases, or suspected cases, of abuse
- Meet any other expectations set out for DSLs in KCSiE Documents

## **C. SAFER RECRUITMENT, INDUCTION AND TRAINING OF VALIDATORS**

### **1. Safer Recruitment**

The ORAT operates a safer recruitment process in relation to the appointment of validators of the Award. On all recruitment panels there is at least one member who has undertaken safer recruitment training. The process checks the identity, criminal record (enhanced DBS), mental and physical capacity, right to work in the U.K., professional qualification (if applicable) and seeks confirmation of the applicant's experience and history through references. An on-line search of potential validators will be carried out before appointment.

### **2. Induction**

The Induction process aims to:

- i. enable validators to promote the organisation's ethos and mission
- ii. ensure that all validators are valued and recognized for their contribution by the organisation
- iii. enable validators to derive personal and professional satisfaction from the contribution they make to the organisation
- iv. ensure that all validators are aware and understand the safeguarding policies and procedures of the trust

All new validators will be given the appropriate induction advice, support, training and resources. This will include:

- Information on Policies relevant to the role of Validator
- Health and Safety procedures.
- Safeguarding and Child Protection
- Code of Conduct
- Financial procedures

### **3. Training**

The DSL will provide all validators with training to enable them to both fulfil their role and also to understand the safeguarding and child protection policy, the code of conduct and part one of Keeping Children Safe in Education. This will be carried out during the initial training and thereafter annually and as appropriate

## **D. CODE OF CONDUCT FOR STAFF AND VOLUNTEERS**

### **1. Purpose and Principles**

This Code of Conduct aims to establish a set of principles which underpin the expected conduct of staff and volunteers working for ORAT with the intention of encouraging them to achieve the highest standards of conduct at work and of minimising the risk of improper conduct occurring.

The Code of Conduct is not exhaustive in defining acceptable and unacceptable standards of conduct and behaviour and in circumstances where guidance does not exist individuals are expected to use their professional judgement and act in the best interests of the organisation.

### **2. Scope**

The Code of Conduct applies to:

- ☐ all members of staff
- ☐ trustees
- ☐ volunteers

References to 'staff' throughout the Code of Conduct refer to all of the above groups.

### **3. Professional Standards at Work**

Staff are expected to demonstrate the highest possible standards of personal and professional conduct and behaviour and consistently act with honesty and integrity. The organisation expects staff to treat everyone with dignity and respect at all times. Furthermore, staff must have regard for the ethos and values of schools as well as their policies and procedures and act in accordance with these at all times.

Staff must act in accordance with their duty of care to ensure that the safety and welfare of children and young people are accorded the highest priority. In this and other ways staff should always maintain standards of conduct and behaviour which sustain their professional standing and that of the organisation.

### **4. Safeguarding**

ORAT recognises its statutory and moral duty to safeguard and promote the welfare of pupils and understands that staff play a vital role in meeting these responsibilities. Staff must be aware of their individual safeguarding responsibilities, including to provide a safe environment, to be aware of the signs of abuse and neglect, to identify children who are suffering, or are likely to suffer, significant harm and to take appropriate action in such cases.

All members of staff must be aware of the organisation's arrangements for supporting child safeguarding, including the role of the Designated Safeguarding Lead (DSL).

In this organisation the DSL(s) are:

- ☐ Jeff Sendall and Laura Park

Staff are reminded of their duty to report all safeguarding concerns including low level concerns about staff. Any concerns or allegations must be raised without delay to the DSLs or Chair of Trustees



## **5. Appropriate Relationships**

Individuals who volunteer in a school environment are in a position of trust. Staff should be mindful of the need to maintain professional boundaries appropriate to their position and must always consider whether their actions are warranted, proportionate, safe and applied equitably.

Staff should act in an open and transparent way that would not lead any reasonable person to question their actions or intent. Staff should think carefully about their conduct so that misinterpretations are minimised.

Staff must avoid unnecessary physical contact with children.

Any sexual behaviour by a member of staff with or towards a pupil is unacceptable. Staff are reminded that under the Sexual Offences Act 2003, it is a criminal offence for a person aged 18 or over to have a sexual relationship with a child under 18, where that person is in a position of trust in respect of that child e.g. working in a school, even if not teaching children, even if the relationship is consensual.

## **6. Use of IT Including Social Media**

E-mail and internet systems must be used only in accordance with the organisation's acceptable use of ICT policy.

Social networking sites offer the opportunity for communication outside normal professional boundaries. Staff must take care to protect their privacy and must be mindful of their professionalism and not post material which damages, or could damage, the reputation of the organisation or which causes concern about their suitability to work with children and young people.

Staff are not to use mobile phones in the learning environment. This is to avoid any suggestion that a member of staff is using their phone to send or receive texts, accessing social media, taking photographs, videos etc of individuals.

## **7. Dress and Appearance**

An individual's dress and appearance is a matter of personal choice; however, staff should ensure that they dress appropriately, decently and safely for the role they undertake, as well as setting a good example.

## E. MANAGEMENT OF ALLEGATIONS OF ABUSE AGAINST STAFF POLICY

### 1. Introduction

As a Catholic Charity Trust we recognise the personal dignity and rights of children and the special responsibility and duty of care that we have to ensure we work in a safe way. Unfortunately, there are occasions where allegations are made against staff and volunteers. In the interests of fairness and probity it is important that such matters are managed correctly.

Within this document the following definitions apply:

1.1 The term **Staff** applies to all those working for or on behalf of The Oscar Romero Trust, full time or part time, in either a paid or voluntary capacity.

1.2 **Child** refers to all young people who have not yet reached their 18th birthday. As some students in schools are beyond the age of 18, we continue to exercise a duty of care and they are also covered by this policy.

1.3 **Coordinator** refers to person who is responsible for the day-to-day running of the Oscar Romero Award Trust.

### 2. Legal Framework

2.1 This policy has due regard to statutory legislation, including, but not limited to, the following:

- a) The Children Act 1989
- b) The Education Act 2002
- c) The Education (Independent School Standards) Regulations 2014
- d) The Children Act 2004
- e) The Equality Act 2010

2.2 This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- a) [Working Together to Safeguard Children 2015](#)
- b) [Keeping children safe in education 2023 - part one \(publishing.service.gov.uk\)](#)

### 3. Initial Allegation made to the Trust

3.1 Any allegation of abuse, including low level, whereby a member of staff is accused of abusing or harming a child must be reported to the DSL. Should the initial allegation first be made to any other member of staff, then that member of staff must either request the person raising the allegation to report it to the DSL or, if that is not possible, to pass details of the allegation to the Coordinator immediately. The Coordinator should consult the DSL and if the alleged incident occurred during a validation visit, also ensure that the school's DSL is aware.

3.2 Should the allegation be made against the Coordinator or a DSL or a Trustee, this should be brought to the attention of the Chair of Trust immediately.

3.3 Should the allegation meet any of the following criteria then the Designated Safeguarding Lead (DSL) should report the allegation to the Local Authority Designated Officer (LADO) the same day that the allegation is received.

3.3.1 Behaved in a way that has harmed a child or may have harmed a child.

3.3.2 Possibly committed a criminal offence against or related to a child.

3.3.3 Behaved towards a child or children in a way that indicates that they pose/may pose a risk of harm to children.

3.4 Refer to Flow Chart. Staff are encouraged to escalate any concerns including low level concerns which they feel are not being appropriately acted upon

#### **4. Initial Consideration**

4.1 The DSL will discuss the matter with the LADO and provide any further details of the allegation and the circumstances in which it was made. The DSL should not investigate the allegation at this stage. The discussion will also consider whether there is evidence or information that establishes that the allegation is false or unfounded.

4.2 If the allegation is not patently false and there is cause to suspect that a child is suffering, or is likely to suffer, significant harm, the LADO will immediately refer it to children's social care and ask for a strategy discussion, in accordance with 'Working Together to Safeguard Children', to be convened straight away. In those circumstances, the strategy discussion should include the LADO and the DSL.

4.3 If there is not cause to suspect that "significant harm" is an issue, but a criminal offence might have been committed, the LADO should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion will also involve the Trust and any other agencies involved with the child.

#### **5. Action Following Initial Consideration**

5.1 Where the initial consideration decides that the allegation does not involve a possible criminal offence, it will be for the Coordinator and DSL to deal with it. In such cases, if the nature of the allegation does not require formal disciplinary action, the Coordinator should institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be in accordance with the disciplinary policy

5.2 Where further investigation is required, the Coordinator and DSL should discuss who will undertake that with the LADO.

5.3 The investigating officer should aim to provide a report to the Coordinator within 10 working days.

5.4 On receipt of the report of the investigation, the Coordinator should consult the LADO, and decide whether a disciplinary hearing is needed within two working days. If a hearing is needed it should be held within 15 working days.

5.5 In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the Coordinator, DSL and Chair of Trustees should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

5.6 The LADO should continue to liaise with the Trust to monitor progress of the case and provide advice or support when required or requested.

#### **6. Cases Where Crimes May Have Been Committed**

6.1 If there is no cause to suspect that significant harm is an issue, but a criminal offence might have been committed, the Trust will work with the LADO who may be determining, with the Police if an investigation is required

6.2 If the police and/or the Crown Prosecution Service (CPS) decide not to charge the individual with an offence, decide to administer a caution, or the person is acquitted by a court, the police should pass all information they have which may be relevant to a disciplinary case to the Trust without delay. In those circumstances, the Coordinator and DSL should deal with the case in consultation with the LADO.

6.3 If the person is convicted of an offence the Trust should work with the police and LADO so that the appropriate action can be taken.

## **7. Allegations which are likely to necessitate an immediate referral to children and family services**

7.1 The following situations will require immediate referral to children and family services:

7.1.1 Where the student has suffered, is suffering, or is likely to suffer significant or serious harm

7.1.2 Where the student alleges that a criminal offence has been committed

7.1.3 Any allegation of a sexual nature

7.2 The Coordinator and DSL should be aware that some other complaints may also be regarded as safeguarding issues and, therefore, each complaint should be carefully considered in consultation with the LADO before taking any action.

## **8. Suspension**

8.1 The possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed in respect of the child(ren) involved in the allegations. In some cases, that will require the Trust to consider suspending the person until the case is resolved.

8.2 Suspension must not be an automatic response when an allegation is reported. If the Trust is concerned about the welfare of other children in the community or the Staff's family, those concerns should be reported to the LADO or police, but suspension is highly unlikely to be justified on the basis of such concerns alone. The Trust should consider carefully whether the circumstances warrant a person being suspended from contact with children until the allegation is resolved.

8.3 The Trust should consider the potential permanent, professional and reputational damage to Staff that can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.

8.4 Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving the reasons for the suspension. The person should be informed at that point who their named contact is within the organisation and provided with their contact details.

8.5 LA children's social care services or the police cannot require the Trust to suspend a member of staff, although the Trust should give appropriate weight to their advice.

8.6 The power to suspend is vested in the Chair of Trustees or the Trustees, who are the employers of staff at the Trust.

8.7 In certain circumstances, where a strategy discussion or initial evaluation concludes that there should be enquiries by the LA children's social care services and/or an investigation by the police, the LADO should canvass police and the LA children's social care services for views about whether the accused member of staff needs to be suspended from contact with children to inform the Trust consideration of suspension.

8.8 A risk assessment should be carried out for each individual case to determine whether the member of staff should be suspended. The assessment should take into account the context of the allegation, background information in relation to the member of staff, and any outcome following the strategy meeting. It should also take into account whether a temporary transfer or period of paid leave is appropriate as an alternative to suspension. The assessment must be recorded and a copy kept on file.

## **9. Monitoring Progress**

9.1 The Trust should regularly contact the LADO regarding the progress of cases, and to be updated on any external strategy meetings pertinent to the individuals or case, or by liaising with the police and/or children's social work services colleagues or the Trust, as appropriate.

9.2 Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

## **10. Referral to DBS**

10.1 If, on conclusion of the case, the Trust ceases to use the person's services against whom the allegation was made, or the person ceases to provide his or her services, the Trust should consult the LADO about whether a referral to the DBS is required. If a referral is appropriate, the report should be made within one month.

## **11. Keeping Records**

11.1 It is important that a clear and comprehensive record of any allegation is made even if police/disciplinary action is not taken or proven. This should include details of the allegation, how the allegation was followed up and resolved, and a note of any action taken, including any sanctions imposed.

11.2 The record should be kept on the member of staff's personal file.

11.3 The purpose of this record is to enable accurate information to be given in response to any future reference request if the individual leaves the Trust.

11.4 It is also important that accurate and detailed information is held in the event that the DBS makes requests for further information. This information is given to the DBS, if requested, due to the nature of the allegation. A comprehensive record of all allegations will provide clarification in cases where a future DBS disclosure reveals information from the police about an allegation which did not result in a criminal conviction.

## **12. Confidentiality**

12.1 Confidentiality should be maintained whenever an allegation is made; however, there may be a need to share information with relevant agencies or other staff as a result of an investigation.

12.2 Any enquiries from the press should be directed to the Coordinator, unless it is a freedom of information or data protection request, in which case the Trust legal representative should be contacted.

## **13. Support for those Involved**

13.1 The Trust recognises that it has a duty of care to their employees and therefore will ensure any employee against whom an allegation is made is supported. A case manager will be appointed, this may be the Coordinator, a member of the senior team or another person appointed by the Coordinator or Trustees.

## **14. Action to be taken in respect of false allegations**

14.1 If an allegation made is proved to be false and/or malicious, action should be taken to determine whether the person who made the allegation is in need of services or may have been abused by someone else.

14.2 If it is clear to the Coordinator, DSL and the LADO that the allegation is demonstrably false or unfounded, the member of staff should be informed orally and in writing of the allegation, that it is without foundation and that no further action will be taken.

14.3 Where appropriate, and if requested, support should be offered, which could include occupational health and counselling services.

14.4 If an allegation made by a member of staff is proved to be false and/or malicious, an investigation should take place in accordance with the Trust Disciplinary Policy and Procedures. The police may also consider taking action against the individual making the allegation.

14.5 Documentation should be retained on the employee's personal file to demonstrate that the allegation was malicious. Any allegation that has been found to be false, unfounded, unsubstantiated or malicious will not be included in any reference.

## **15. Learning lessons**

15.1 Where an allegation has been made against a member of staff, lessons can be learned, whether the allegations are proven or not. At the conclusion of a case, relevant parties should discuss what can be learned and, therefore, lead to improved practice, either to the Trust procedures or to help prevent similar events in the future. The LADO, the DSL and the Coordinator should review the case.

## **16. Information Sharing**

6.1 In an initial evaluation of the case, the agencies concerned must share all relevant information they have about the person who is the subject of an allegation, and about the alleged victim.

16.2 Staff attending any external strategy meeting should be prepared with the appropriate information, e.g. full name, address, when their latest Disclosure and Barring Service (DBS) check was completed, start date, involvement in youth activities, children of their own, and any other information that could be helpful.

## **17. Resignations and ‘Compromise Agreements’**

17.1 The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures.

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

17.3 Wherever possible, the person should be given a full opportunity to answer the allegation and make representations about it.

17.4 The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available, should continue even if representations cannot be given or the person does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person’s period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

17.5 By the same token so called “compromise agreements” by which a person agrees to resign, the Trust agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, must not be used in these cases. In any event, such an agreement will not prevent a thorough police investigation where that is appropriate. Nor can it override the statutory duty to make a referral to The Disclosure and Barring Service.

## **18. Supporting those Involved**

18.1 Supporting the employee:

- a) The Trust has a duty of care to their employees. They should act to manage and minimise the stress inherent in the allegations and disciplinary process. Support for the individual is vital to fulfilling this duty.
- b) Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action.
- c) The individual should be advised to contact a colleague for support. They could also be given access to welfare counselling or medical advice.
- d) The Trust should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual; this may include occupational health.
- e) Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues.
- f) Social contact with colleagues and friends must not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.



## **Appendix A: Definitions**

### **A1. Significant Harm**

A1.1 This is the threshold where compulsory social care intervention must take place. This was introduced by the Children Act 1989 and the Law Commission provided the following definition: "Harm as a concept should be taken to include not only ill-treatment (including sexual abuse and forms of ill treatment that are not physical), but also the impairment of physical or mental health and the impairment of physical, emotional, social or behaviour development".

### **A2. Abuse**

A2.1 Abuse can be either physical, sexual, emotional harm, or a form of neglect. The definitions of different types of abuse can be found in

[Keeping children safe in education 2023 - part one \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/672212/Keeping-children-safe-in-education-2023-part-one.pdf)

### **A3. Position of Trust**

A3.1 Those working with children and young people should understand that they are in positions of power and trust in relation to these groups. There is potential for exploitation and harm to children and young people, and employees have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. Employees should always maintain professional boundaries and avoid behaviour which might be misinterpreted by others.

## **Appendix B: Information Guide for Employees Facing Allegations**

### **B1. Aim**

B1.1 The aim of this information guide is to explain the processes involved, and the support and guidance available, if it is alleged that you have:

- 1.1.1 Harmed a student or put a child at risk of harm.
- 1.1.2 Committed a criminal act towards a student.
- 1.1.3 Behaved in a way that raises concern about the risk you may pose to children or young people.

### **B2. Initial Action**

B2.1 After the allegation is made, the DSL will inform the Co-Ordinator, after consulting the Local Authority Designated Officer (LADO), to discuss the next action points, taking advice from social care and the police as needed. The police may advise that you are not told about the allegation immediately.

### **B3. Types of Possible Investigation**

B3.1 The types of investigation that may be undertaken are:

- a) Safeguarding inquiries by social care.
- b) Criminal investigation by police.
- c) Disciplinary/capability investigation.

B3.2 A disciplinary investigation will usually be held in abeyance until external agency investigations are complete, unless prior agreement is reached. Whilst these investigations should be conducted as



speedily as possible, they should also be balanced against the need to be thorough and fair, in line with natural justice. Statements taken in external investigations could be used in subsequent disciplinary proceedings.

## **B4. Suspension**

B4.1 Suspension is a neutral act and should not be automatic. Where possible, the decision to suspend should be informed by the strategy discussion, and should only occur when the known facts relating to the allegation indicate:

- a) A student may be at risk.
- b) The allegations are so serious that dismissal for gross misconduct is possible.
- c) Suspension is necessary to allow the conduct of the investigation to proceed unimpeded.

B4.2 Alternatives to suspension will be considered, e.g. leave of absence, transfer of duties, additional supervision.

B4.3 Where suspension is being considered, an interview with you will normally be arranged. You have the right to be accompanied by a colleague.

B4.5 The interview is not an examination of the evidence, but an opportunity for you to make representations concerning possible suspension.

B4.6 Other people, including other staff, should only be told about the allegation on a 'need-to-know basis'. Notification may be delayed if the police think this could prejudice an investigation.

B4.7 Those who will be told of the allegation and likely course of action include you, the student concerned, his/her parent, the person making the allegation, your manager, the Coordinator, the DSL, Chair of Trust, the LADO and the investigating agencies as above.

B4.8 If you are suspended, those persons likely to be on a disciplinary panel, if convened, will be given limited information so any future disciplinary process is not prejudiced. If the matter becomes common knowledge, it may be necessary to issue a brief statement, agreed by the agencies concerned, to parents, students and the public.

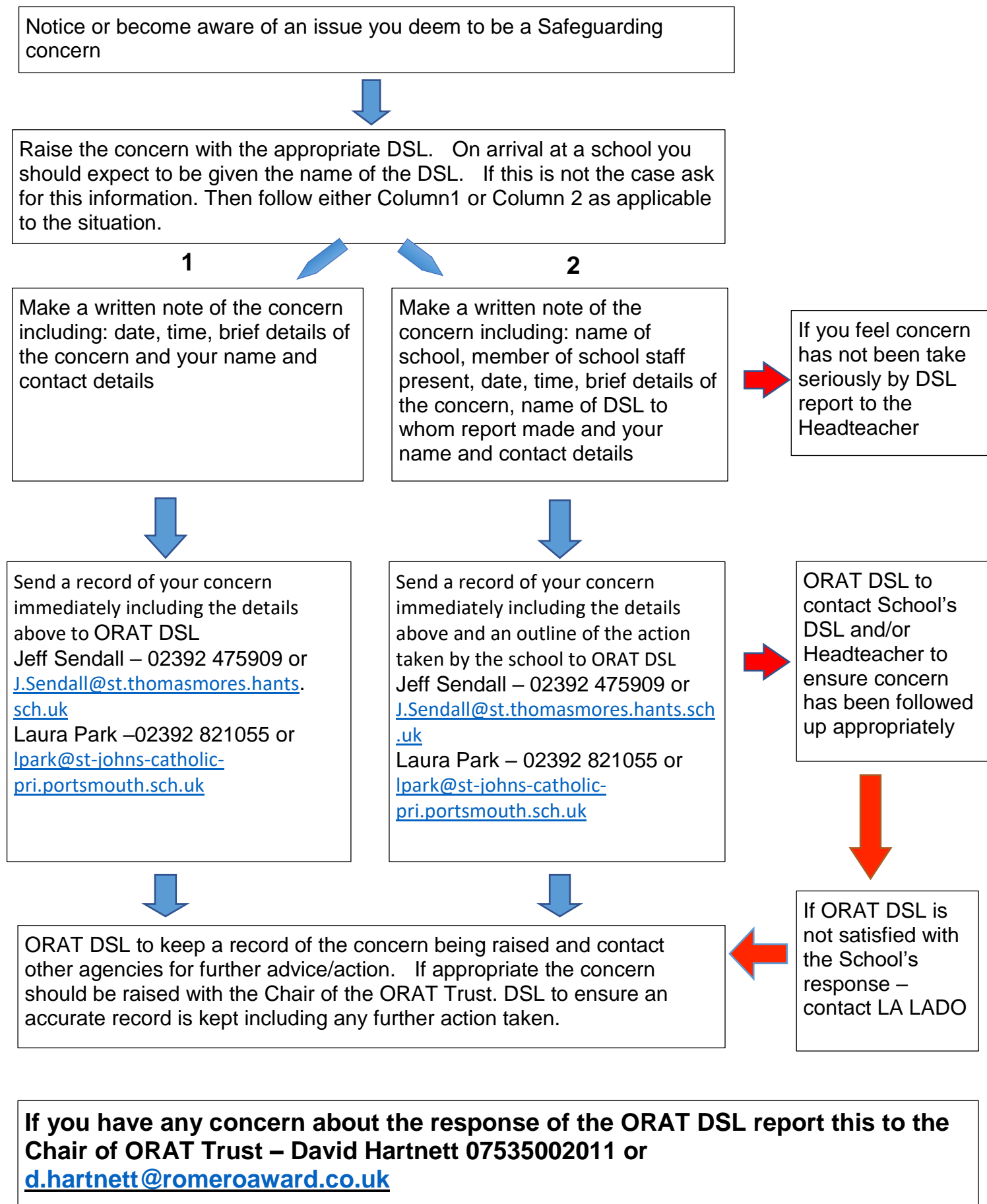
## **B5. Support**

B5.1 You should expect to be:

- a) Given a support contact within the organisation, usually the second DSL, who should keep you up-to-date with the progress of your case and update you about normal organisation activities.
- b) Social contact with colleagues should not be precluded unless this would be detrimental to the investigation. The type of information and frequency of contact should be agreed, but colleagues should not comment on or discuss the investigation.
- c) Offered staff counselling service and/or occupational health support.

B5.2 This may be a stressful time, you are advised to see your GP if you think your health may be affected.

## Oscar Romero Award Trust Safeguarding Flowchart



## 1. DEFINITIONS

In this Disciplinary Policy and Procedure, unless the context otherwise requires, the following expressions shall have the following meanings:

- i. ORAT means the Oscar Romero Trust named at the beginning of this Disciplinary Policy and Procedure and includes all sites upon which the trust undertaking is, from time to time, being carried out.
- ii. 'Chair' means the Chair of the Trust
- iii. 'Clerk' means the Clerk to the Trust
- iv. 'Coordinator' means the Coordinator of the Trust
- v. 'Companion' means a willing colleague not involved in the issues under review by this Disciplinary Policy and Procedure, or an accredited trade union representative or an official employed by a trade union who will be expected to make themselves available for the periods of time necessary to meet timescales under this Disciplinary Policy and Procedure.
- vi. Misconduct means any action or inaction which contravenes the rules laid down by ORAT and/or any Professional Code of Conduct and Practice. In such cases the Disciplinary Policy and Procedure will apply

## 2. SCOPE OF PROCEDURE

2.1 This Disciplinary Policy and Procedure applies to you if you are an employee or volunteer at ORAT (hereinafter referred to as an "employee" or "you").

2.2 The purpose of this policy is to provide a structure to address any issues or concerns that ORAT may have relating to an employee's conduct.

2.3 ORAT delegates its authority in the manner set out in this policy.

2.4 There may be occasions, for example in relation to child protection allegations, where this procedure needs to be modified to comply with the requirements of ORAT's Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer to offer advice to Trustees at appropriate stages.

2.5 ORAT is committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this policy.

2.6 The management of unsatisfactory performance and related investigations will be treated in confidence as far as possible by all parties involved at all stages of this Disciplinary Policy and Procedure.

2.7 ORAT will maintain records of all interviews and reviews which take place under this Disciplinary Policy and Procedure. All data and evidence collected is to be shared between all the relevant parties, where appropriate.

## 3. INFORMAL ACTION

3.1 The Coordinator may give you informal warnings at any time about any conduct or performance falling short of the standard expected.

3.2 Informal warnings may be recorded in writing and referred to at a later stage to evidence that an informal approach was attempted and the success or failure of such an approach. Informal warnings will not normally be kept on record for longer than 12 months.

3.3 Failure to comply with informal action should not, on its own, be used as justification for issuing a higher form of sanction than would otherwise have been imposed under the formal process.

#### 4. **SUSPENSION**

4.1 In cases where it is considered appropriate the Coordinator, or the Chair may suspend you for a period of up to ten working days. The Coordinator must inform the Chair of the suspension

4.2 This period of suspension may be extended subject to review by the Chair every 10 working days. The reason(s) for extending the suspension will be confirmed in writing.

4.3 Only ORAT may end the suspension.

4.4 Notification of suspension should ideally be undertaken in person but may, where circumstances dictate, be notified to the employee in writing. If notification of suspension is undertaken in person, it will be confirmed in writing.

4.5 ACAS suggests that suspension may, whilst investigations are carried out, be appropriate where:

- (a) Relationships have broken down
- (b) Gross misconduct is alleged
- (c) There are reasonable concerns that evidence or witnesses could be interfered with
- (d) There are responsibilities to other parties
- (e) It is necessary for the protection of pupils, staff or property
- (f) The presence at work of the employee under investigation may be an obstacle to a proper investigation.

4.6 Suspension is a neutral act and is not a disciplinary sanction. If appropriate, you will receive full pay and benefits during a period of suspension (unless you are otherwise absent from work due to sickness or other leave and have exhausted the pay entitlements connected to such absence).

4.7 During a period of suspension ORAT may require that you do not:

- 4.7.1 attend work at any time (except with the prior agreement of the Coordinator or Chair);
- 4.7.2 communicate in any way with Trustees except:
  - (a) with the prior written agreement of the Coordinator/Chair; or
  - (b) where following the investigation you are called to a formal disciplinary meeting, when you may then approach Trustees as potential witnesses, but this must be done via the Investigating Manager to avoid any breach of the Data Protection Act or duties of confidentiality.
- 4.7.3 discuss the fact of your suspension or the fact, or nature, of the allegations against you with any member of staff except:
  - (a) with the prior written agreement of the Coordinator/Chair;
  - (b) for communication with your Companion who is a Trade Union representative;
  - (c) where you are called to an interview with the Investigating Manager or a Disciplinary Meeting, when you approach a Companion who is a colleague; or

(d) where you are called to a formal Disciplinary Meeting you may approach work colleagues as potential witnesses in support of your case.

4.8 During a period of suspension ORAT may suspend your access to your email account and the Oscar Romero website (Hidden Section)

4.9 During a period of suspension ORAT may take such steps as necessary to cover your commitments.

4.10 During any period of suspension your contractual duties to ORAT (whether express or implied) remain in force and enforceable.

## 5. INVESTIGATING, DISCIPLINARY AND APPEAL MANAGERS

5.1 The table below sets out the persons to be appointed throughout the stages of the disciplinary procedure depending on the person who is the subject of the disciplinary proceedings:

<i>Employee Level</i>	<i>Investigating Manager</i>	<i>Disciplinary Manager</i>	<i>Appeal Manager</i>
Coordinator	Chair or other Trustee nominated by the Chair	Disciplinary Panel appointed by the Vice-Chair	Appeal Panel appointed by the Vice-Chair
Other Employees	A person appointed by the Coordinator	Coordinator or in cases where there is a real risk of dismissal, the Chair of Trustees	Appeal Panel appointed by the Vice-Chair

5.2 In cases relating to any alleged gross misconduct that would bring ORAT into disrepute, particularly in relation to its religious character, the Chair may act as Investigating Manager regardless of the level of the employee involved and the Disciplinary Manager may be the Disciplinary Panel.

## 6. FORMAL PROCESS

### 6.1 Step 1 - Investigation

6.1.1 The Investigating Manager will conduct an investigation into the alleged misconduct.

6.1.2 The Investigating Manager may appoint any other person from within ORAT or an external third party to assist in the investigation.

6.1.3 The Investigation Manager will notify you in writing of the fact of the investigation and the allegations made. The investigation may include a face to face interview with you but this is not mandatory. In the event of a face-to-face interview you will be notified at least 5 working days beforehand. You may, if you wish, provide a written statement or response to the Investigating Manager.

6.1.4 You are required to co-operate fully with the Investigating Manager to ensure that the investigation can be completed as swiftly and thoroughly as possible and, in any event, within a reasonable timeframe.

6.1.5 At the conclusion of the investigation, the Investigating Manager will produce an Investigation Report setting out, in detail, the allegations made in respect of your conduct, the evidence considered and a recommendation that either:

- (a) A Disciplinary Manager be appointed and a Disciplinary Meeting be convened in accordance with Step 2 below; or
- (b) There is insufficient evidence to support the allegations of misconduct to proceed in accordance with Step 2 below and no further action will be taken under this Disciplinary Policy and Procedure.

6.1.6 You will be sent a copy of the Investigation Report.

## **6.2 Step 2 – Disciplinary Meeting**

6.2.1 If the Investigation Report contains a recommendation that you must attend a formal disciplinary meeting (“the Disciplinary Meeting”) with the Disciplinary Manager appointed, the Investigating Manager will write to you within 5 working days of receiving the Investigation Report, inviting you to the Disciplinary Meeting.

6.2.2 The Disciplinary Meeting shall take place at least 5 working days after the Investigation Report was sent to you in accordance with Paragraph 5.1.6.

6.2.3 In advance of, and at the Disciplinary Meeting, the Disciplinary Manager shall consider:

- (a) Evidence presented in support of the allegations of misconduct against you;
- (b) Evidence presented in defence of the allegations of misconduct against you; and
- (c) Where misconduct is admitted, whether in whole or in part, any evidence you have in mitigation.

6.2.4 The Disciplinary Manager may adjourn the Disciplinary Meeting to allow for further investigations in the light of your evidence and will reconvene the Disciplinary Meeting to give you an opportunity to comment on any further evidence produced by further investigations.

6.2.5 The Disciplinary Manager is not required to hear oral evidence and may rely on written evidence.

6.2.6 If the Disciplinary Manager does decide to hear oral evidence, you will be given an opportunity to comment on it either by (a) attending the meeting or (b) reviewing the notes of that oral evidence after the meeting (if you were not present at the meeting when such oral evidence was given). In the event of (b) you must provide any response to the notes of the oral evidence within 5 working days of receipt of the same.

6.2.7 Once all the evidence has been considered, the Disciplinary Manager will confirm the outcome of the Disciplinary Meeting in writing to you within 5 working days of the date of the Disciplinary Meeting (“the Disciplinary Decision Letter”) being either:

- (a) the imposition of a formal disciplinary sanction in accordance with Paragraph 6; or

(b) that, on balance, there is insufficient evidence to substantiate the allegations made against you and so the disciplinary proceedings will be terminated and no further action will be taken under this Disciplinary Policy and Procedure.

### 6.3 Step 3 – Appeal

6.3.1 In the event that you are unsatisfied with the decision of the Disciplinary Manager as set out in the Disciplinary Decision Letter, you can appeal to the Appeal Manager provided that you do so in writing to the Clerk within 10 working days of the Disciplinary Decision Letter being sent to you.

6.3.2 Your appeal letter must set out the grounds of your appeal in detail. This will enable the Clerk and the Appeal Manager to determine if the appeal is to be by way of a rehearing of the case or by way of a review of the case.

6.3.3 The Appeal Meeting will normally be held within 20 working days of your appeal letter being received by the Clerk.

6.3.4 The Appeal Manager may consider any new evidence produced by you which was not available to the Disciplinary Manager.

6.3.5 The Appeal Manager may only consider new evidence produced by the Disciplinary Manager if it touches upon your credibility in relation to evidence you have already given or if it rebuts any new evidence produced, or any assertions made, by you in your grounds of appeal.

6.3.6 In the event that the Appeal Manager considers that any new evidence from whatever source would warrant a more severe sanction the Appeal Manager shall refer the matter to the original Disciplinary Manager for reconsideration. The Disciplinary Manager may then impose a more severe sanction. In such a case, you are entitled to appeal against such increased sanction in accordance with this Paragraph 5.3.

6.3.7 The Appeal Manager is not required to hear oral evidence and may rely on written evidence.

6.3.8 If the Appeal Manager does decide to hear oral evidence, you will be given an opportunity to comment on it either by (a) attending the meeting or (b) reviewing the notes of that oral evidence after the meeting (if you were not present at the meeting where such oral evidence was given). In the event of (b) you must provide any response to the notes of the oral evidence within 5 working days of receipt of the same.

6.3.9 The Appeal Manager will confirm the outcome of the Appeal Meeting in writing to you within 5 working days of the date of the Appeal Meeting. The decision of the Appeal Manager is final and there will be no further right of appeal. The outcomes of the Appeal Meeting are:

- (a) the Appeal Manager may uphold the decision of the Disciplinary Manager; or
- (b) the Appeal Manager may uphold your appeal and overturn the decision of the Disciplinary Manager.
- (c) the Appeal Manager may impose a lesser sanction.

## 7. FORMAL SANCTIONS

The Disciplinary Manager may impose the following sanctions:

### 7.1 A First Written Warning

7.1.1 A First Written Warning will remain live for **12** months from the date that the Disciplinary Manager's written decision was sent to you.

7.1.2 For a first disciplinary offence (ignoring any informal action), a First Written Warning would be the normal response.

### 7.2 A Final Written Warning

7.2.1 A Final Written Warning will remain live for **24** months from the date that the Disciplinary Manager's written decision was sent to you.

7.2.2 A Final Written Warning would normally be given for a second disciplinary offence committed or discovered during the currency of a live First Written Warning (even if that First Written Warning related to a different type of misconduct, if appropriate in the circumstances).

7.2.3 A Final Written Warning could be given for serious misconduct regardless of previous disciplinary history if the conduct is sufficiently serious.

### 7.3 Dismissal on notice

7.3.1 Dismissal on contractual notice would be given for a disciplinary offence (other than an act of gross misconduct) committed or discovered during the currency of a live Final Written Warning (even if the Final Written Warning related to a different type of misconduct, if appropriate in the circumstances).

7.3.2 For the avoidance of doubt the notice period commences immediately and does not await the outcome of any appeal.

### 7.4 Dismissal without notice or termination payment

7.4.1 Dismissal without notice or termination payment (also known as summary dismissal) will only occur if you have committed an act of gross misconduct or otherwise have destroyed the trust and confidence required between an employee and their employer, in this case between you and ORAT.

7.4.2 For the avoidance of doubt your dismissal takes effect immediately and does not await the outcome of any appeal.

7.4.3 The following is a **non-exhaustive** list of matters which ORAT considers may amount to gross misconduct:

- (a) Conduct incompatible with, or prejudicial to, the religious character of ORAT or the precepts or tenets of the Catholic Church
- (b) Conduct that is likely to bring ORAT or the Church into disrepute
- (c) Conduct giving rise to any Child Protection issue including, but not limited to, a change in your DBS status during the course of your employment
- (d) Failure to disclose your DBS status/submit to a DBS check where requested to do so by the Coordinator and/or ORAT
- (e) A serious breach of any relevant code of conduct or professional standards
- (f) Theft of any property



- (g) Malicious or wilful damage to any property
- (h) Knowingly or recklessly falsifying, or knowingly or recklessly causing falsification of, any documents whether for personal gain or not
- (i) Ordering any goods or services on behalf of ORAT from a supplier in which you or a relative have a personal interest (whether financial or not) without declaring that interest and without the permission of the charity
- (j) Dishonesty
- (k) Violence to any person
- (l) Abusive, threatening or offensive language or behaviour to any person
- (m) Unlawful discrimination or harassment
- (n) Bullying
- (o) Deliberate refusal to carry out a lawful and safe instruction
- (p) Absence from work without leave or reasonable explanation
- (q) Attending work or undertaking duties whilst under the influence of alcohol or unlawful drugs
- (r) Misuse of ORAT's ICT (including internet and email access and any social networking policy) to view or distribute obscene, pornographic, defamatory or otherwise unacceptable material
- (s) Inappropriate behaviour which gives rise to a Safeguarding concern including but not limited to supplying your personal contact details to a pupil, interacting with a pupil online, making any sexual or romantic contact with any pupil whatever their age
- (t) Breaching the confidentiality or data protection obligations surrounding ORAT
- (u) Covert recording of any meetings without the knowledge or consent of all persons present
- (v) Serious breach of health and safety procedures
- (w) Serious negligence (whether or not leading to any actual loss)
- (x) Criminal activity during the course of employment
- (y) Making a false malicious or vexatious allegation against ORAT

7.5 In all cases where the formal sanction involves dismissal, the Disciplinary Manager will recommend to ORAT that your employment is terminated in accordance with your contract of employment (where appropriate) and ORAT will take steps to terminate your employment.

#### 7.6 Voluntary demotion as an alternative to higher formal sanction

7.6.1 There may be a situation where the Disciplinary Manager considers that a recent promotion or job change has been a contributory factor in your misconduct.

7.6.2 Where paragraph 6.6.1 applies, the Disciplinary Manager may offer you the option of taking a voluntary demotion as an alternative to a higher formal sanction. Any such offer shall be made in writing.

## 8. ORAT PANELS

8.1 ORAT Disciplinary and Appeal Panels shall comprise three persons from Trustees/Coordinator/Lead Validator not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers not previously involved in the matter, in which case the Chair and/or Vice-Chair may be appointed to an ORAT Disciplinary or Appeal Panel.

8.2 In the event that there are insufficient numbers of ORAT members available to participate in a Disciplinary or Appeal Panel, ORAT may appoint associate members solely to participate in the appropriate Panel

## **9. COMPANION**

9.1 If you are the subject of disciplinary allegations leading to a meeting with the Investigation Manager, the Disciplinary Manager or the Appeal Manager, you may be accompanied at such interview or meeting by a Companion.

9.2 You must let the relevant Manager know who your Companion will be at least one working day before the relevant interview or meeting.

9.3 If you have any particular reasonable need, for example, because you have a disability, you can also be accompanied by a suitable helper.

9.4 Your Companion can address the relevant interview or meeting in order to:

- (a) put your case;
- (b) sum up your case;
- (c) respond on your behalf to any view expressed at the relevant interview or meeting; and
- (d) Ask questions on your behalf.

9.5 Your Companion can also confer with you during the relevant interview or meeting.

9.6 Your Companion has no right to:

- (a) answer questions on your behalf;
- (b) address the relevant interview or meeting if you do not wish it; or
- (c) prevent you from explaining your case.

9.7 Where you have identified your Companion and they have confirmed in writing to the relevant Manager that they cannot attend the date or time set for the relevant interview or meeting, the relevant Manager will postpone the relevant interview or meeting for no more than five working days from the date set by ORAT to a date or time agreed with your Companion provided that it is reasonable in all the circumstances. Should your Companion subsequently be unable to attend the rearranged date, the meeting may be held in their absence or written representations will be accepted

## **10. VENUE FOR INTERVIEWS OR MEETINGS**

If the allegations are sensitive the relevant Manager may hold the interview or meeting on neutral ground

## **11. REFERRALS**

Where a person working within ORAT is dismissed or would have been dismissed if they had not resigned because that person committed conduct:

- (a) which endangered a child or was likely to endanger a child
- (b) which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger him

- (c) involving sexual material relating to children (including possession of such material)
- (d) involving sexually explicit images depicting violence against human beings (including possession of such images)
- (e) of a sexual nature involving a child

ORAT must refer that person to the Disclosure & Barring Service (“DBS”) under section 35 of the Safeguarding Vulnerable Groups Act 2006.

## **G. WHISTLEBLOWING**

The ORAT forms part of the mission of the Catholic Church. It is sustained in its mission by receipt of public and private funds. Accordingly, it is accountable to the Catholic community of which it is a part. All staff are expected to be conscientious and loyal to the aims and objectives of the organisation

### **1. INTRODUCTION**

- 1.1 The ORAT expects the highest standards of conduct from all staff and will treat seriously any concern that staff may have about illegal or improper conduct.
- 1.2 Staff will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the Chair of the Trustees any serious impropriety or breach of procedure.
- 1.3 In the majority of cases any concerns raised will be managed by the Chair of the Trustees.
- 1.4 This procedure applies to all staff who may work in the organisation on a voluntary or contracted basis.

### **2. WHAT IS THE PURPOSE OF THIS PROCEDURE?**

- 2.1 This procedure is designed to enable staff to notify the Chair of the Trustees (see 4.4) of any reasonable suspicion of illegal or improper conduct
- 2.2 It is a procedure in which the Chair of the Trustees is required to act swiftly and constructively in the investigation of any concerns

### **3. WHEN SHOULD IT BE USED?**

- 1.5 Staff must act in good faith and must have reasonable grounds for believing the information to be accurate
- 1.6 No individual who uses this procedure in good faith will be penalised for doing so. The organisation will not tolerate harassment and/or victimisation of staff raising concerns under the terms of this policy
- 1.7 Financial regulations require staff who suspect fraud, corruption or other financial irregularity to ensure this is reported to the Chair of the Trustees (see 3.4) who will, if appropriate, report to the appropriate authority
- 1.8 Concerns which constitute illegal or improper conduct of the Chair of the Trustees should be reported to another Trustee or the Headteacher of Oaklands Catholic School

### **4. MECHANISM FOR RAISING CONCERNS**

- 4.1 Depending on the nature of the concern, the complainant will be asked to justify and support their claim. Normally the complainant will be asked to do this in writing. It will, therefore, be helpful to note down any facts and dates as they happen.
- 4.2 Where anonymity is requested efforts will be made to meet the request where appropriate but that might not always be possible. The earlier and more open the expression of concern the easier it will be to take appropriate action.
- 4.3 Each case will be investigated thoroughly with the aim of informing the complainant of the outcome of any investigation as quickly as possible.
- 4.4 Where the issue concerns the Chair of the Trustees or, having made your report, you believe he/she has failed to take appropriate action then you should bring the matter to the attention of another Trustee or Headteacher of Oaklands Catholic School.

## **5. EXAMPLES OF ILLEGAL AND/OR IMPROPER CONDUCT**

- a) fraudulent or improper use of the organisation's money or assets
- b) corruptly receiving any gift or advantage
- c) allowing private interests to override the interests of the organisation.

## H. HEALTH AND SAFETY

Staff must adhere to Health and Safety policies and should ensure that they take every action to keep themselves and others safe.

### 1. Use of IT

The following advice provides some general guidelines on the use of mobile devices

#### Posture

Seating should be in a position which prevents aches and pains. An adjustable chair should be used which allows the user to sit so that the lower part of the back is supported.

#### Use of a keyboard

Users should avoid any awkward bending of the wrists when using a keyboard. Sitting at the wrong height could lead to the wrists being in a bent position. Chairs should be positioned so that the forearms, wrists and hand are in a straight line. Arms resting on the work surface should keep the wrists in a relaxed, neutral position.

#### Use of a mouse

Although many devices have an integral mouse for prolonged usage it is best practice to use a separate mouse. If a laptop mouse is used, then hands should be kept flat and the fingers relaxed.

#### The screen

Glare and reflections on a computer screen should be avoided wherever possible. The angle of the screen can affect the amount of glare and reflection. A compromise may have to be made between the glare, reflections and the most comfortable viewing angle. The device should be kept clean at all times.

#### The environment

A mobile device, by definition, can be used in many different operating environments.

If using at home, then it is important to find a suitable place to work that has both a comfortable chair and a desk/table on which to place the device.

If you are concerned about your work environment, you should undertake a Display Screen Equipment (DSE) Assessment.

### 2. Use of car

You may be required to use your car in the course of carrying out duties for ORAT.

You should ensure that:

2.1 You hold a valid license for the type of vehicle

2.2 The vehicle meets all legal requirements and is roadworthy (e.g. it holds a valid MOT certificate, if appropriate and is serviced in line with the manufacturer's schedule).

2.3 There is a valid insurance policy covering the driver and vehicle for intended use. For certain roles this may require the driver to have 'Personal Business use' cover

# I. GENERAL DATA PROTECTION REGULATIONS POLICY

## 1. Introduction

- 1.1 The Oscar Romero Awards Trust (ORAT) needs to collect and use certain types of information about people with whom it deals in order to operate effectively. In addition, it is required by law to collect and use certain types of information to comply with the requirements of Government departments.
- 1.2 As an organisation that collects, processes and stores personal information, ORAT must comply with the General Data Protection Regulation (GDPR). In addition, it must process data in accordance with the DBS Code of Practice and DBS Data Protection Policy.
- 1.3 This policy is intended to ensure that personal information is dealt with correctly and securely.

## 2. Scope of the Policy

Data Protection applies to any record in any medium that holds data about any living individual or data that can be used to identify a living individual. This includes any expression of opinion about an individual and intentions towards an individual. This includes data held visually (photographs, video clips) or as sound recordings or on paper. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

## 3. Responsibilities

Under GDPR, ORAT is the “Data Controller” for the personal data it collects and receives. Data Controllers have a General Duty of accountability for personal data.

Article 5 of the GDPR requires that personal data shall be:

- 3.1 processed lawfully, fairly and in a transparent manner in relation to individuals;
- 3.2 collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- 3.3 adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- 3.4 accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- 3.5 kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals;
- 3.6 personnel data is processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Any member of ORAT who holds information about identifiable living individuals has to comply with data protection in managing that information. Individuals can be liable for breaches of the Act.

In processing Enhanced DBS/Children's Barred List checks ORAT will work in accordance with CSAS (Catholic Safeguarding Advisory Service) Policy which can be found at <https://www.csas.uk.net/wp-content/uploads/2018/07/CSAS-Information-Security-Policy-for-DBS-Final-11.07.2018.pdf>

#### **4. General Statement**

ORAT is committed to maintaining the above principles at all times and as such will:

- 4.1 Inform individuals why the information is being collected, when it is collected and how long it will be kept;
- 4.2 Only use the data for the purpose for which it was collected, or to seek permission prior to using the data for any other purpose;
- 4.3 Inform individuals when their information is shared, why and with whom it was shared;
- 4.4 Check the quality and accuracy of the information it holds at regular intervals;
- 4.5 Ensure that information is not retained for longer than is necessary;
- 4.6 Ensure that when obsolete information is destroyed that it is done so appropriately and securely;
- 4.7 Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded;
- 4.8 Ensure that only authorised personnel have access to the personal information whatever medium (paper or electronic) it is stored in.
- 4.9 Share information with others only when it is legally appropriate to do so;

#### **5. Complaints**

Complaints relating to the handling of personal information may be referred to the Information Commissioner who can be contacted at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or at [www.ico.gov.uk](http://www.ico.gov.uk)



## J. PRIVACY NOTICE

### 1 INTRODUCTION

1.1 The Oscar Romero Award Trust (ORAT) is a charity registered with the Charity Commission in England and Wales. Our charity number is 1174108 and our registered address is c/o Oaklands Catholic School and Sixth Form College, Stakes Hill Road, Waterlooville, Hants PO7 7BW. In this Notice, references to 'we' and 'us' mean the ORAT.

1.2 When you provide us with Personal Data in order to engage with us and/or benefit from our activities, we will keep a record of the data you give to us in order to enable us to comply with our statutory obligations and to achieve our charitable objects.

1.3 For the purpose of the General Data Protection Regulation 2016/279 (GDPR), the ORAT through its Trustees will be the Data Controller in respect of your Personal Data.

1.4 Everyone has rights with regard to how their Personal Data is handled by organisations. The ORAT is committed to ensuring that Personal Data is properly and securely managed in accordance with the relevant data protection laws and believes this is an important part of achieving trust and confidence between the ORAT and those with whom it interacts.

Please read this Notice to understand how we use and protect the information that you provide to us or that we obtain or hold about you, and to understand what your rights are in relation to information that we hold. This Notice applies to information about living identifiable individuals only.

### 2 WHAT PERSONAL DATA DO WE HOLD ABOUT YOU?

2.1 We may hold the following types of Personal Data dependent on your role e.g a school making an application, a validator:

For a school making an application we may hold:

2.1.1 Name and contact details of the school

2.1.2 Name and contact of the person at the school making the application on behalf of the school

2.1.3 Any other information which you provide to us in your application for the Oscar Romeo Award including photographs, video clips

For a validator we may hold:

2.1.4 Name and contact details

2.1.5 Gender, age, date of birth, marital status and nationality

2.1.6 Information about your education/work history and professional qualifications

2.1.7 Financial information

2.1.8 Information obtained as a result of any background checks on volunteers e.g. validators

2.2 We may hold Special Categories of Personal Data e.g. in the case of background checks information about criminal records or proceedings

### **3 HOW AND WHY DO WE PROCESS YOUR PERSONAL DATA?**

3.1 The Personal Data which we hold about you may be processed in a number of ways, for example:

- 3.1.1 To communicate with you in relation to news about or activities and events taking place including seeking feedback and informing you of any changes to our activities;
- 3.1.2 To improve our activities and the way we communicate with you including our website.
- 3.1.3 To process applications from you
- 3.1.4 For audit and statistical purposes
- 3.1.5 To ensure we comply with our legal obligations (e.g. by providing information to the Charity Commission or carrying out safeguarding activities)

### **4 ON WHAT GROUNDS DO WE PROCESS YOUR PERSONAL DATA?**

4.1 We must have a lawful basis for processing your information, typical examples include:

- 4.1.1 The activities are within our legitimate interests in advancing and maintaining the Oscar Romero Award
- 4.1.2 You have given consent (which can be withdrawn at any time by contacting us using the details below) for us to process your information
- 4.1.3 The processing is necessary for compliance with a legal obligation (e.g. where we pass information to a local authority for safeguarding or other reasons)

4.2 If we process any Personal Data comprising criminal convictions or offences we must have a further lawful basis for the processing. This may include:

- 4.2.1 Where ORAT is exercising obligations or rights which are imposed or conferred by law on us or you in connection with your work and ORAT has an appropriate policy document in place (e.g. to undertake appropriate checks on individuals prior to taking up a role as validator).
- 4.2.2 Where it is carried out in the course of safeguarding children or other individuals at risk (e.g. a safeguarding disclosure).

### **5 WHO WILL WE SHARE YOUR INFORMATION WITH?**

5.1 We will only use your Personal Data for the purposes for which it was obtained unless we are required to under the Data Protection Rules or order of a Court.

5.2 We have in place administrative, technical and physical measures designed to guard against and minimise the risk of loss, misuse or unauthorised processing or disclosure of the Personal Data that we hold.

### **6 HOW LONG DO WE HOLD YOUR DATA?**

6.1 Your data will be kept in accordance with our Retention Policy. In any event, we will endeavour to only keep Personal Data for as long as is necessary and to delete it when it is no longer so.

## **7 YOUR RIGHTS**

7.1 You have rights in respect of the Personal data you provide to us. In particular:

7.1.1 The right to request a copy of all or some of the Personal data we hold about you;

7.1.2 If we process your Personal Data on the basis that we have your consent, the right to withdraw that consent;

7.1.3 The right to ask that any inaccuracies in your Personal Data are corrected;

7.1.4 The right to have us restrict the processing of all or part of your Personal Data;

7.1.5 The right to ask that we delete your Personal Data where there is no compelling reason for us to process it.

7.2 Please note that the above rights may be limited in some situations e.g. where we can demonstrate that we have a legal requirement to process your Personal Data.

7.3 Rights can only be exercised by the individual whose information is being held by ORAT or with that individual's express permission. Children from around the age of 12 years upwards are entitled to make their own requests

## **8 CHANGES TO THIS NOTICE**

8.1 We may make changes to this Notice from time to time as our organisational practices and/or applicable laws change. We will not make use of your personal information that is inconsistent with the original purpose (s) for which it was collected or obtained or otherwise than is permitted by data protection laws.

## **9 CONTACT DETAILS**

9.1 If you have any questions, require further information about how we protect your personal Data, if you wish to exercise any of the above rights or to make a complaint about the use of your information please contact the ORAT Protection Officer – Mr Mugeni Sumba

9.2 We hope that we can satisfy any queries you may have about the way in which we process your Personal Data. However, if you have unresolved concerns you have the right to complain to the Information Commissioner (ICO) ([www.ico.org.uk](http://www.ico.org.uk)).

## **H. DATA RETENTION POLICY**

### **1. Purpose, Scope and Users**

This policy sets out the required retention periods for specified categories of personal data and sets out the minimum standards to be applied when destroying certain information.

This policy applies to all trustees, officers, employees and validators that may collect, process or have access to data. It is the responsibility of all the above to familiarise themselves with this policy and ensure adequate compliance with it.

This policy applies to all information used by the ORAT. Examples of documents include:

- 1.1 Emails
- 1.2 Hard copy documents
- 1.3 Electronic records including video and audio

### **2. Safeguarding of Data during Retention Period**

If electronic storage media is used, then any procedures and systems ensuring that information can be accessed during the retention period should also be stored in order to safeguard the information against loss as a result of future technological changes. The responsibility for the storage falls to the Data Protection Officer.

Access to computers holding data shall be protected by a quality password. Any data held on a memory stick shall be encrypted. Persons dealing with personal data shall be suitably trained in the necessary protocols.

### **3. Destruction of Data**

On a regular basis trustees, officers, employees and validators should review all data, whether held electronically or on paper to decide whether to destroy or delete any data once the purpose for which those documents were created is no longer relevant. See Appendix for the retention schedule. Overall responsibility for the destruction falls to the Data Protection Officer.

Once the decision is made to dispose according to the Retention Schedule, the data should be deleted, shredded or otherwise destroyed to a degree equivalent to their value to others and their level of confidentiality

The Data Protection Officer shall fully document the destruction process.

### **4. Destruction Method**

Level 1 documents are those that contain information that is of the highest security and confidentiality and those that include personal data. These documents shall be disposed of as confidential waste (cross-cut shredded and incinerated) and shall be subject to secure electronic deletion.

Level 2 documents are proprietary documents that contain information such as names, signatures and addresses or which could be used by third parties to commit fraud, but which do not contain any personal data. The documents should be destroyed as for Level 1 documents above.

Level 3 documents are those that do not contain any confidential information or personal data and are published ORAT documents. These should be strip-shredded or disposed of through a recycling company and include among other things, advertisements, catalogues, flyers and newsletters. These may be disposed of without an audit trail.

## APPENDIX

### DATA RETENTION SCHEDULE

PERSONAL DATA RECORD CATEGORY	MANDATED RETENTION PERIOD	OWNER
FINANCIAL RECORDS		
Financial Statements	Permanent	ORAT
Audits	Permanent	ORAT
Invoices	7 years	ORAT
Expenses documents	7 Years	ORAT
BUSINESS RECORDS		
Policies	Permanent	ORAT
ORAT Meeting Minutes	Permanent	ORAT
HR RECORDS		
Applications for posts, interview notes (successful candidates)	Duration of association (+7 years)	ORAT
Applications for posts, interview notes (successful candidates)	For 1 year after interview date	ORAT
Bank details - current	Duration of association (+7years)	ORAT
Address details	Duration of association	ORAT
Expense claims	Duration of association (+7years)	ORAT
Training records	Duration of association	ORAT
AWARD APPLICANTS		
Platform data – inclusive of video data, photographs, attachments, names and email addresses	Retained whilst the organisation is involved with the Award and for 7 years thereafter.	Individual Organisation

## K. QUALITY ASSURANCE

The Oscar Romero Award Trust was established in 2017 to work with education institutions through effective partnerships to transform the hearts and minds of the school community to promote Catholic Social Teaching principles, especially justice and human dignity, following the example of St Oscar Romero.

Quality is important to our work because we value the schools and colleges that choose to undertake in this Award. We are committed to continuous improvement and have established a quality assurance system which provides a framework for measuring and improving our performance. Quality assurance in the Oscar Romero Award Trust is applied to the following processes:

- Assessment and validation of the Participator Level
- Assessment and validation of the Developer Level
- Assessment and validation of the Innovator Level
- Use of Trust's resources

We have the following systems and procedures in place to support us in our aim of delivering a service that is outstanding to our schools and leads to continuous improvement throughout our work:

- Coordinator will conduct a 10% check of Participator Level validations and 25% check of Developer and Innovator Level validations
- If the quality assurance process shows inadequate performance, training and support will be provided until a satisfactory standard is achieved
- Regular gathering and monitoring of feedback from schools and colleges
- A complaints procedure
- Training and development for our Validators
- Regular audit of our internal processes by Trustees – Meetings between Coordinator and Chair as well as Line Manager
- Measurable quality objectives which reflect our aims
- Management reviews of audit results, customer feedback and complaints
- An overall system quality assurance check is to be conducted by an external auditor every three years

This policy is posted on our website.

Although the Coordinator has ultimate responsibility for Quality, all staff (including volunteers) have a responsibility within their own areas of work to help ensure that Quality is embedded throughout the Oscar Romero Award Trust.