HINGUAR PRIMARY SCHOOL AND NURSERY

MANAGING ALLEGATIONS POLICY

Responsible members of Staff
Mrs. F. Willis (Acting Headteacher and designated person)

This Policy was approved by the Governors January 2019
This policy will be reviewed on an annual basis

“Hinguar Primary School is committed to safeguarding and promoting the welfare of children and expects all staff, governors and volunteers to share this commitment”.

This policy is based on statutory guidance from the Department for Education. Keeping Children Safe in Education, September 2019 (which replaces KCSIE issued 2015)

and further reference to:
•Southend, Essex and Thurrock (SET) LSCB Child Protection Procedures 2017 Part A Chapter 7

This guidance relates to all adults working with children and young people, whether in a paid or voluntary position including those who work with children on a temporary, supply or locum basis.
Key Information
School
The named designated person for Hinguar Primary School and Nursery is Ferliene Willis-Acting headteacher. In the head teacher's absence Mr Wilson will take on the role of case manager.

Whistle-blowing
All staff should be made aware of the school's whistle-blowing policy and feel confident to voice concerns about the attitude or actions of colleagues. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the LADO.

Reporting Concerns /Suspicions/Allegation
If a parent of a child or a member of staff has any concerns about the behaviour of another member of staff this should be reported to the head teacher immediately. If the head teacher is absent the member of staff should report their concern to the deputy designated person. If it is an allegation against the head teacher it should be reported to the Chair of Governors.

The following information is statutory guidance and will be adhered to when managing an allegation at Hinguar Primary School and Nursery.

Duties as an employer and employee
This part of the guidance is about managing cases of 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 position, or in any capacity. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in a school or college that provides education for children under 18 years of age has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.

This part of the guidance relates to members of staff who are currently working in any school or college regardless of whether the school or college is where the alleged abuse took place.

Employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school or college is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

Initial Considerations
The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above at all, or may do so without warranting consideration of a police investigation or enquiries by local authority children’s services. In these cases local arrangements should be followed to resolve cases quickly and without delay.(See Appendix 1 for further detail)

Some rare allegations will be so serious as to require immediate intervention by the local authority’s social care services and/or police. The local authority designated officer (LADO)
should be informed of all allegations that come to a school’s attention and appear to meet the criteria so that he or she can consult police and local authority children’s social care services as appropriate.

The following definitions should be used when determining the outcome of allegation investigations:

a. **Substantiated**: there is sufficient evidence to prove the allegation;
b. **Malicious**: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
c. **False**: there is sufficient evidence to disprove the allegation;
d. **Unsubstantiated**: there is insufficient evidence to either prove or disprove the allegation.

The term, therefore, does not imply guilt or innocence.

In the first instance, the head teacher, or where the Headteacher is the subject of an allegation, the chair of governors, (the 'case manager') should immediately discuss the allegation with the LADO. The purpose of an initial discussion is for the designated officer(s) and the case manager to consider the nature, content and context of the allegation and agree a course of action. The designated officer(s) may ask the case manager to provide or obtain relevant additional information, such as previous history, whether the child or their family has made similar allegations previously and the individual's current contact with children. There may be situations when the case manager will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with the designated officer(s) in order to help determine whether police involvement is necessary.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in which case this decision and a justification for it should be recorded by both the case manager and the designated officer(s), and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the designated officer(s) what action should follow both in respect of the individual and those who made the initial allegation.

The case manager should inform the accused person about the allegation as soon as possible after consulting the designated officer(s). It is extremely important that the case manager provides them with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the case manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or college or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step.

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened. If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.
Where it is clear that an investigation by the police or children’s social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the designated office(s) should discuss the next steps with the case manager. In those circumstances, the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.

In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the designated officer(s) should discuss with the case manager how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the school’s staff.

However, other circumstances, such as lack of appropriate resource within the school, or the nature or complexity of the allegation will require an independent investigator. Many local authorities already provide for an independent investigation of allegations, often as part of the personnel services that maintained schools.

Supporting those involved
Employers have 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. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the local authority social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided by the employer.

The headteacher 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. For staff in maintained schools, that may include support via the local authority occupational health or employee welfare arrangements. 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. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or local authority children’s social care services need to be involved, the headteacher should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process.

The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told of the outcome in confidence. (In deciding what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 1998, the law of confidence and, where relevant, the Human Rights Act 1998.) Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the
Education Act 2002 (see below). If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children’s social care services, or the police as appropriate, should consider what support the child or children involved may need.

Confidentiality
It is extremely important that when an allegation is made, the school makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. Section 13 of the Education Act 2011 introduces new restrictions implemented in September 2012 preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. The provisions commence on 1 October 2012.

The legislation imposing restrictions makes clear that “publication” of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public”. This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

In accordance with the Association of Chief Police Officers’ (ACPO) guidance the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police would like to depart from that rule, e.g. an appeal to trace a suspect, they must apply to a magistrates’ court to request reporting restrictions be lifted)

The headteacher should take advice from the LADO, police and local authority social care services to agree the following:
- Who needs to know and, importantly, exactly what information can be shared;
- How to manage speculation, leaks and gossip;
- What if any information can be reasonably given to the wider community to reduce speculation; and
- How to manage press interest if, and when it should arise.

Resignations and ‘Settlement Agreements’
If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance.

A referral to the DBS must be made, if the criteria are met. If the accused person resigns or their services cease to be used and the criteria are met it will not be appropriate to reach a settlement/compromise agreement. These are as follows:
- 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 individual has committed a listed relevant offence;
and that individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

A settlement/compromise agreement which prevents the school from making a DBS referral, when the following criteria are met would likely result in a criminal offence being committed as the school would not be complying with its legal duty to make the referral.

The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual. Guidance on referrals can be found on Gov.UK

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. Wherever possible the accused should be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused 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.

‘Settlement agreements’ (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to co-operate or resignation before the person’s notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

Record keeping
Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person’s confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS Disclosures reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation resurfaces after a period of time. The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer. The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on employment retention.

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

**Timescales**

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations must be investigated as a priority so as to avoid any delay. Target timescales are shown below for different actions in the summary description of the process. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

For those cases where it is clear immediately that the allegation is unfounded or malicious then it is expected that they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it, although if there are concerns about child protection, the employer should discuss with the LADO. In such cases, if the nature of the allegation does not require formal disciplinary action, the head teacher should institute appropriate action within 3 working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

**Oversight and Monitoring**

The LADO has overall responsibility for oversight of the procedures for dealing with allegations; for resolving any inter-agency issues, and for liaison with the Local Safeguarding Children Board (LSCB) on the subject. The LADO will provide advice and guidance to the headteacher/case manager, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals depending on the complexity of the case.

Police forces should also identify officers who will be responsible for: liaising with the LADO, taking part in the strategy discussion, or initial evaluation, subsequently reviewing the progress of those cases in which there is a police investigation, and sharing information on completion of the investigation or any prosecution.

If the strategy discussion or initial assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible that review should take place **no later than 4 weeks** after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

**Suspension**

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 rare cases that will require the headteacher to consider suspending the accused until the case is resolved. Suspension must not be an automatic response when an allegation is reported: all options to avoid suspension should be considered prior to taking that step. If the headteacher is concerned about the welfare of other children in the community or the teacher’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.
Suspension should be considered only in a case where there is cause to suspect a child or other children at the school is/are at risk of significant harm, or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the case manager must consider carefully whether the circumstances warrant suspension from contact with children at the school or until the allegation is resolved, and may wish to seek advice from their personnel adviser and the LADO.

In cases where the school is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the school it will be necessary to immediately suspend that person from teaching pending the findings of the NCTL’s investigation.

The headteacher should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the LADO, police and children’s social care services have no objections to the member of staff continuing to work during the investigation, the headteacher should be as inventive as possible to avoid suspension. Based on assessment of risk, the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment within the school so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or work for the local authority.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The headteacher should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the case manager and the LADO. This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

Children’s social care services or the police cannot require the headteacher to suspend a member of staff or a volunteer, although they should give appropriate weight to their advice. The power to suspend is vested in the proprietor of the school, or the governing body of the school who are the employers of staff at the school. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children’s social care
services and/or an investigation by the police, the LADO should canvass police and children’s social care services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform the school consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

**Information Sharing**
In a strategy discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Where the police are involved, wherever possible the employer should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delay at the conclusion of their investigation or any court case.

Children’s social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

**Action following a Criminal Investigation or a Prosecution**
The police or the Crown Prosecution Service (CPS) should inform the school and LADO straight away when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged. In those circumstances the LADO should discuss with the head teacher whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or the local authority social care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take account of the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

**Disciplinary or suitability process and investigations**
The LADO and the designated senior manager should discuss whether disciplinary action is appropriate in all cases where:

- It is clear at the outset or decided by a Management Planning meeting that a police investigation or local authority children's social care enquiry is not necessary; or
- The employer or LADO is informed by the police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.

The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:

- Information provided by the police and/or local authority children's social care;
- The result of any investigation or trial;
- The different standard of proof in disciplinary and criminal proceedings.

In the case of supply, contract and volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the LADO and employer should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services, or provide future
work with children, and if not, whether to make a report for consideration of barring or other action. See Part A, chapter 7.7, Substantiated allegations and referral to the DBS.

If formal disciplinary action is not required, the employer should institute appropriate action within three working days. If a disciplinary hearing is required, and further investigation is not required, it should be held within 15 working days.

If further investigation is needed to decide upon disciplinary action, the employer and the LADO should discuss whether the employer has appropriate resources or whether the employer should commission an independent investigation because of the nature and/or complexity of the case and in order to ensure objectivity. The investigation should not be conducted by a relative or friend of the member of staff.

The aim of an investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and/or the individual's suitability to work with children. Its purpose is not to prove or disprove the allegation.

If, at any stage, new information emerges that requires a child protection referral, the investigation should be held in abeyance and only resumed if agreed with local authority children's social care and the police. Consideration should again be given as to whether suspension is appropriate in light of the new information.

The investigating officer should aim to provide a report within ten working days.

On receipt of the report the employer should decide, within two working days, whether a disciplinary hearing is needed. If a hearing is required, it should be held within 15 working days.

**Action on conclusion of a case**

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person’s services, or the person resigns or otherwise ceases to provide his or her services, the LADO should discuss with the headteacher and their personnel adviser whether to refer the case to the DBS for consideration of inclusion on the barred lists; and in the case of a member of teaching staff whether to refer the matter to the National College for Teaching and Leadership (NCTL) to consider prohibiting the individual from teaching. This is part of the Department for Education, responsible for the regulation of teachers in respect of serious misconduct.

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

Professional misconduct cases should be referred to the relevant regulatory body.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the headteacher should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual’s circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The headteacher should also consider how the person’s contact with the child or children who made the allegation can best be managed if they are still a pupil at the school.

**Learning Lessons**

At the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there are any
improvements to be made to the school’s procedures or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and headteacher should consider how future investigations of a similar nature could be carried out without suspending the individual.

**Actions in respect of unfounded or malicious allegations.**

If an allegation is determined to be unfounded or malicious, the LADO should refer the matter to the children’s social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the headteacher should consider whether any disciplinary action is appropriate against the pupil who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she was not a pupil.

**FURTHER INFORMATION**


Organised and historical abuse
Investigators should be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with complex abuse procedures which, if applicable, will take priority. See Part A, chapter 8, Organised and complex abuse.
Historical allegations should be responded to in the same way as contemporary concerns. It will be important to ascertain if the person is currently working with children and if that is the case, to consider whether the current employer should be informed.
Allegations against a teacher who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police.

Initial response to an allegation or concern
An allegation against a member of staff may arise from a number of sources (e.g. a report from a child, a concern raised by another adult in the organisation, or a complaint by a parent).

Initial action by person receiving or identifying an allegation or concern
The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.
They should not:
- Investigate or ask leading questions if seeking clarification;
- Make assumptions or offer alternative explanations;
- Promise confidentiality, but give assurance that the information will only be shared on a 'need to know' basis.
They should:

- Make a written record of the information (where possible in the child/ adult's own words), including the time, date and place of incident/s, persons present and what was said;
- Sign and date the written record;
- Immediately report the matter to the designated senior manager, or the deputy in their absence or; where the designated senior manager is the subject of the allegation report to the deputy or other appropriate senior manager.

**Initial action by the designated senior manager**

When informed of a concern or allegation, the designated senior manager should not investigate the matter or interview the member of staff, child concerned or potential witnesses. They should:

- Obtain written details of the concern/allegation, signed and dated by the person receiving (not the child / adult making the allegation);
- Approve and date the written details;
- Record any information about times, dates and location of incident/s and names of any potential witnesses;
- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

The designated senior manager should report the allegation to the LADO and discuss the decision in relation to the agreed threshold criteria in chapter 7.1 within one working day. The following definitions should be used when determining the outcome of allegation investigations:

Referrals should not be delayed in order to gather information and a failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.

If an allegation requires immediate attention, but is received outside normal office hours, the designated senior manager should consult the local authority children's social care emergency duty team or local police and inform the LADO as soon as possible.

If a police officer receives an allegation, they should, without delay, report it to the designated detective sergeant on the child abuse investigation team (CAIT). The detective sergeant should then immediately inform the LADO.

Similarly an allegation made to local authority children's social care should be immediately reported to the LADO.

**Initial consideration by the designated senior manager and the LADO**

There are up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Social care enquiries and/or assessment about whether a child is in need of protection or services;
- Consideration by an employer of disciplinary or capability action.

The LADO and the designated senior manager should consider first whether appropriate safeguarding actions has been taken.

The LADO and the designated senior manager should consider whether further details are needed in order to establish whether the allegation meets the threshold for LADO involvement (see 7.1.2).
The LADO and the designated senior manager should then consider whether further details are needed in order to establish whether there is evidence or information that establishes that the allegation is false or unfounded. Care should be taken to ensure that the child is not confused as to dates, times, locations or identity of the member of staff.

If there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO should refer to local authority children's social care so that they can initiate s47 investigations. The LADO may chair any strategy meetings as these meetings may form part of a Management Planning Meeting in order for all relevant information to be shared in relation to the concerns about a child or person who the allegation is against. However, it is also recognised that strategy meetings may be separate from Management Planning Meetings. In any event, the progress and outcome of any on-going s47 investigations should be communicated to the LADO whilst there is an on-going managing allegations process.

The police must be consulted about any case in which a criminal offence may have been committed. If the threshold for significant harm is not reached, but a police investigation might be needed, the LADO should immediately inform the police and convene a Management Planning Meeting.

Management Planning Meeting
Wherever possible, a Management Planning Meeting should take the form of a meeting. However, on occasions a telephone discussion may be justified. The following is a list of possible participants:

- LADO;
- Social care manager to chair (if a strategy meeting);
- Relevant social worker and their manager;
- Detective sergeant;
- The Designated Health Professional (CCG); and always when an allegation concerns a health agency worker /professional;
- Designated senior manager for the employer concerned;
- Human resources representative;
- Legal adviser where appropriate;
- Senior representative of the employment agency or voluntary organisation if applicable;
- Manager from the fostering service provider when an allegation is made against a foster carer;
- Supervising social worker when an allegation is made against a foster carer;
- Those responsible for regulation and inspection where applicable (e.g. CQC, GMC or Ofsted);
- Where a child is placed or resident in the area of another authority, representative/s of relevant agencies in that area;
- Complaints officer if the concern has arisen from a complaint.
The Management Planning meeting should:

- Decide whether there should be a s47 enquiry and/or police investigation and consider the implications;
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information;
- Consider the current allegation in the context of any previous allegations or concerns;
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children (e.g. section 93, Education and Inspections Act 2006 in respect of teachers and authorised staff);
- Consider whether a complex abuse investigation is applicable; See Part A, chapter 8, Organised and complex abuse;
- Plan enquiries if needed, allocate tasks and set timescales;
- Decide what information can be shared, with whom and when.

The Management Planning meeting should also:

- Ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed;
- Consider what support should be provided to all children who may be affected;
- Consider what support should be provided to the member of staff and others who may be affected and how they will be kept up to date with the progress of the investigation;
- Ensure that investigations are sufficiently independent;
- Make recommendations where appropriate regarding suspension, or alternatives to suspension;
- Identify a lead contact manager within each agency;
- Agree protocols for reviewing investigations and monitoring progress by the LADO, having regard to the target timescales;
- Consider issues for the attention of senior management (e.g. media interest, resource implications);
- Consider reports for consideration of barring;
- Consider risk assessments to inform the employer’s safeguarding arrangements;
- Agree dates for future Management planning meetings.

A final Management Planning meeting/discussion should be held to ensure that all tasks have been completed, including any referrals to the DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learnt.

The Management Planning meeting should take into account the following definitions when determining the outcome of allegation investigations:

a. **Substantiated:** there is sufficient evidence to prove the allegation;

b. **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive

c. **False:** there is sufficient evidence to disprove the allegation;

d. **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation.

The term, therefore, does not imply guilt or innocence.

If an allegation or concern arises about a member of staff, outside of their work with children, and this may present a risk of harm to child/ren for whom the member of staff is responsible, the general principles outlined in these procedures will still apply.

The Management Planning meeting should decide whether the concern justifies:

- Approaching the member of staff’s employer for further information, in order to assess the level of risk of harm; and/or
• Inviting the employer to a further Management Planning meeting about dealing with the possible risk of harm.

If the member of staff lives in a different authority area to that which covers their workplace, liaison should take place between the relevant agencies in both areas and a joint Management Planning meeting convened.

In some cases, an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family or other household member) may present a risk of harm to child/ren for whom the member of staff is responsible. In these circumstances, a Management Planning meeting should be convened to consider:

• The ability and/or willingness of the member of staff to adequately protect the child/ren;
• Whether measures need to be put in place to ensure their protection;
• Whether the role of the member of staff is compromised.

Substantiated allegations
The Disclosure and Barring Service (DBS) was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). The relevant legislation is set out in the Protection of Freedoms Act 2012.

If an allegation is substantiated and the person is dismissed or the employer ceases to use the person’s service or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether a referral should be made to the Disclosure and Barring Service (DBS). The employer should make this referral but the LADO has overall responsibility to ensure the referral is made.

If a referral is to be made; it should be submitted within one month of the allegation being substantiated.
Allegations / Concerns Against Staff
Child Protection Process

1. Allegations / concerns identified in organisation to be reported to designated senior manager

2. Allegation / concern made direct to police or LA children’s social care

3. Consultation between LADO and designated senior manager

4. Allegation is unfounded or false

5. Allegation is a possible disciplinary matter

6. Child has suffered or is likely to suffer significant harm

7. No significant harm but allegation might constitute a criminal offence

8. Social care and / or police investigation

9. After completion (earlier if agreed with LA children’s social care and police)

10. LADO to be informed within 1 working day if alleged behaviour:
   - Harmed a child, or may have
   - Is a possible criminal offence
   - Towards child/ren indicated unsuitable to work with children

11. No further action, but refer to:
   - LA Children’s social care as ‘child in need’
   - Police if allegation deliberately invented

12. LADO refers to LA children’s social care for strategy discussion

13. LADO refers to police for initial evaluation

14. Social care or police investigation

15. No social care or police investigation

16. Share information

17. Decide action

18. Consider suspension

19. Consider:
   - No further action
   - Professional advice
   - Disciplinary process
   - Referral to DBS
Allegations / Concerns Against Staff
Disciplinary / Suitability Process

No police or LA children's social care enquiries
LADO and employer consider appropriate internal action
- No formal disciplinary action needed
- Formal disciplinary action decided

Police / LA children's social care enquiries discontinued
Within 3 working days
Further investigation needed
Investigation and report Within 10 working days
Disciplinary hearing Decide within 2 working days if yes, hold within 15 working days

Conviction or acquittal at court
Without delay

- No further action
- Professional advice
- Consult supply agency or contractor if appropriate
- Appoint internal or independent investigator

No further action
Professional advice
Formal warning
Cease to use services

Refer to DBS and/or regulatory body within 1 month