



Blackpool Safeguarding  
Children Board

**Procedure  
For  
Managing Allegations  
Against Persons  
who Work with  
Children  
(including Carers  
and Volunteers)**

## Document Control

<b>Document owner:</b>	Linda Evans / Amanda Quirke
<b>Document number:</b>	FINAL V.1
<b>Document location:</b>	P:\BSCB\Policy & Procedures
<b>Issued by:</b>	BSCB
<b>Last edited:</b>	06/02/2014

## Record of Amendments:

<b>Date</b>	<b>Version</b>	<b>Amended by</b>	<b>Description of changes</b>
22/01/14	1	A. Quirke	Final Document

## Approved By:

<b>Name</b>	<b>Title</b>	<b>Signature</b>	<b>Date</b>
BSCB	Strategic Board	P. Newman	22/01/14

## 6.4 Allegations Against Persons who Work with Children (including Carers and Volunteers)

### RELATED NATIONAL GUIDANCE

**A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children** and **Allegations of Abuse made Against a Person who Works with Children**, Working Together to Safeguard Children 2013.

NSPCC Child Protection Fact Sheet - **Managing Allegations Against People who Work with Children: Summary of procedures (England)** July 2010.

Safeguarding Children and safer recruitment in education 2006,2007

**Guidance for Safer Working Practice for Adults Who Work with Children and Young People (2009)**

**Guidance for Safer Working Practice for Adults Who Work with Children and Young People in Education Settings**, Children England.

### RELATED CHAPTERS

**Safe Recruitment, Selection and Supervision of Staff Procedure**

### AMENDMENT

This procedure was revised in August 2012 having regard to the DfE statutory guidance '**Dealing with Allegations of Abuse Against Teachers and Other Staff**', which was published in August 2011, and applies to teachers and staff (including volunteers) in a school or FE college that provides education for children under 18. The revisions relate to the amended criteria for referring allegations against teachers and staff in schools and FE colleges. Also there are minor revisions in relation to suspensions and record keeping. The amendments are shown in italics.

Also with effect from 1<sup>st</sup> October 2012, section 13 of the Education Act 2011 introduced a new restriction on the publication of any information that would identify a teacher who is the subject of an allegation of misconduct that would constitute a criminal offence, where the alleged victim of the offence is a registered pupil at the school.

## Contents

---

- 5 **Introduction**
  - 7 **Roles and Responsibilities**
  - 8 **Recognising and Responding to an Allegation**
  - 9 **What to do if an Allegation is Made by a Child or Young Person**
  - 9 **Initial Action by the Senior Manager**
  - 11 **Responding to an Allegation Made to the Police or Children's Social Care**
  - 11 **Initial Consideration by the Senior Manager and the Local Authority Designated Officer (LADO)**
  - 13 **Action Following the Initial Consideration between LADO and Senior Manager**
  - 15 **Recording of Allegation Meeting or Initial Consideration Discussions**
  - 16 **Confidentiality**
  - 17 **Monitoring progress**
  - 18 **Resignations and Settlement Agreements**
  - 18 **References**
  - 19 **Suspension and Disciplinary Proceedings**
  - 21 **Sharing Information for Disciplinary Purposes**
  - 21 **Record Keeping**
  - 22 **Action in Respect of Unsubstantiated Allegations**
  - 22 **Action in Respect of Unfounded or Malicious Allegations**
  - 23 **Referral to Disclosure and Barring Service (DBS) or Regulatory Body**
  - 23 **Support for the Child and Family**
  - 24 **Support for an Individual**
  - 24 **Learning the Lessons**
  - 25 **Historical abuse**
-

## Introduction

---

1. These procedures should be used by all organisations where adults work with or on behalf of children and young people; Reference to children and young people within this document is intended to include any one who has not yet reached their 18<sup>th</sup> birthday.
2. All such organisations should also have their own procedure for allegations of abuse, which is consistent with this chapter;
3. For convenience the term employer is used throughout this guidance to refer to organisations including schools that have a working relationship with the individual against whom the allegation is made. It should be noted that the use of this term denotes that there are, under these procedures, responsibilities associated with that title;
4. The term employer includes organisations including schools that use the services of volunteers, or people who are self-employed as well as service providers, voluntary organisations, employment agencies or business, contractors, consultants, fostering services, adoption services, kinship carer and private carers, regulatory bodies such as Ofsted in the case of childminders, and others that may not have a direct employment relationship with the individual but will need to consider whether to continue to use the persons services, or to provide the person for work with children in the future, or to deregister the individual. In some circumstances the term "employer" for these purposes will encompass more than one organisation. For example where staff providing services for children in an organisation are employed by a contractor, or where temporary staff are provided by an agency. In those circumstances both the contractor or agency, and the organisation in which the accused individual worked will need to be involved in dealing with the allegation;
5. These procedures also refer to volunteers and students on placement who work with children, or if it is discovered that an individual is known to have been involved previously in child abuse and is or has been working with children.
6. These procedures also include taxi drivers who are employed to transport children and young people to and from schools.
7. These procedures are based on the WT 2013 framework for dealing with allegations made against a person who works with or on behalf of children;

8. These procedures should be applied when there is an allegation that a person who works with a child 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;
  - Behaved towards a child or children in a way that indicates they may pose a risk of harm to children,

whilst in connection with his/her employment or voluntary activity.

*\* In relation to teachers and staff (including volunteers) in a school or FE college that provides education for children under 18, the third bullet point should be amended to read 'behaved towards a child or children in a way that indicates that he or she would pose a risk of harm if they work regularly or closely with children.' (This amendment arises as a result of the DfE statutory guidance **Dealing with Allegations of Abuse Against Teachers and Other Staff**, which was published in August 2011.*

The parameters of the above criteria are notably wider than those which relate to the thresholds appropriate to situations in which there exists reasonable cause to believe a child is suffering or is likely to suffer, significant harm.

9. These procedures may also be used where concerns arise about:
- The person's behaviour with regard to his/her own children;
  - The behaviour in the private or community life of a partner, member of the family or other household member;
  - A person's behaviour in their personal life, which may impact upon the safety of children to whom they owe a duty of care.
10. If an allegation relating to a child is made about a person who undertakes paid or unpaid care of vulnerable adults, consideration should be given to the possible need to alert those who manage her/him in that role. These procedures can also be applied if a complaint or an allegation is made against a person who works with adult service users, which causes concern about the welfare of an adult service user's children;

11. Compliance with these procedures should help ensure that allegations of abuse are dealt with expeditiously, consistent with a thorough and fair process.

## Roles and Responsibilities

---

12. Each Local Safeguarding Children Board has responsibility for ensuring there are effective inter agency procedures in place for dealing with allegations against people who work with or on behalf of children and for monitoring and evaluating the effectiveness of those procedures;
13. In order to discharge the duties of the LSCB each member organisation should identify a Named Senior Officer (NSO). The LSCB should maintain a record of the NSOs who will have overall responsibility for:
- Ensuring that the organisation operates these procedures for dealing with allegations;
  - Resolving any inter agency issues that may arise;
  - Liaising with the Local Safeguarding Children Board.
14. In order to discharge the duties the employers should:
- Put in place and operate arrangements for handling allegations in accordance with these procedures;
  - Identify a **SENIOR MANAGER (SM)** to whom allegations or concerns should be reported, and a deputy in his/her absence or if he/she is the subject of the allegation. NB The SM's do not need to have direct line management of staff.
15. The Police will also appoint officers to fill roles similar to the Named Senior Officer and Senior Manager. The senior officer will have a strategic oversight of these arrangements, liaising with all Local Safeguarding Boards in the Police force area while others, possibly unit managers, will be responsible for liaising with specific **Local Authority Designated Officers** (LADO's, taking part in Allegation meetings, reviewing cases where there is a police investigation and sharing information on the completion of an investigation or prosecution;
16. The LSCB and Local Authority will ensure a LADO is identified who will:

- Be involved in the management and oversight of individual cases;
- Provide advice and guidance to employers and voluntary organisations;
- Liaise with the police and other agencies;
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.
- In Blackpool the LADO will Chair allegations meetings

## **Recognising and Responding to an Allegation (Appendix 1)**

---

17. Allegations may arise from number of sources:

- A child or an adult;
- A parent/carer;
- A member of the public;
- Professional body;
- Police / Children's Social Care.

18. Agencies covered by these procedures should have in place their own policies, procedures and guidance relating to the conduct of their employees and they should be used to ensure compliance with these procedures;

19. Blackburn with Darwen and Blackpool recommend that agencies use the document **Guidance for Safer Working Practice for Adults Who Work with Children and Young People** or **Guidance for Safer Working Practice for Adults Who Work with Children and Young People in Education Settings**;

20. There are different procedures for responding to allegations or complaints. Care needs to be taken to ensure that correct procedures are followed. As a general guide allegations refer to information or concerns which suggest a child/children have been avoidably hurt or harmed by an adult, who owed them a duty of care. The criteria for this are set out above in Paragraph 8.

## What to do if an Allegation is Made by a Child or Young Person

---

21. The person to whom the allegation is reported must:

- Treat the matter seriously;
- Ensure that, where necessary, the child/young person receives appropriate medical attention;
- Make a written record of the information (where possible in the Childs/Parents own words) including when the alleged incident took place; who was present; and what happened;
- Sign and date the written record;
- Report the matter immediately to the **SENIOR MANAGER**, or deputy in his/her absence.
- Confidentiality must be maintained;
- Where the SM is subject to an allegation the report should be made to the LADO.

22. This means that the matter must not be discussed or shared with anyone other than SM to whom it is reported.

## Initial Action by the Senior Manager

---

23. The Senior Manager will:

- Obtain written details of the allegation, signed and dated by the person receiving the allegation;
- Countersign and date the written details;
- Record any other information and names of any potential witnesses;
- Establish a chronology of significant events;
- Consider any information already known about those involved;
- Discreetly check any incident or log books;
- On the basis of these factors, make a professional judgment, and record the reason for any subsequent action taken.

24. Procedures need to be applied with common sense and judgment. Some allegations will be so serious as to require immediate referral to Children's Social Care and the Police for investigation. Others may be much less serious and at first sight may not seem to warrant consideration of a police investigation, or enquiries by Children's Social Care. However it is important to ensure that even apparently less serious allegations are seen to be followed up, and that they are examined objectively by someone independent of the organisation concerned;
25. Consequently the Local Authority Designated Officer (LADO) should be informed of all allegations that come to the employer's attention and appear to meet the criteria so that s/he can consult Police and Children's Social Care colleagues as appropriate. The LADO should also be informed of any allegations that are made directly to the Police (which should be communicated via the Police Force designated officer) or to Children's Social Care;
26. The LADO should first establish, in discussion with the employer, that the allegation is within the scope of these procedures, and may have some foundation. If the parents / carers of the child concerned are not already aware of the allegation, the LADO will also discuss how and by whom they should be informed. In circumstances in which the Police or Children's Social Care may need to be involved, the LADO should consult those colleagues about how best to inform parents. However in some circumstances an employer may need to advise parents of an incident involving their child straight away, for example if the child has been injured whilst in the organisation's care and requires medical treatment;
27. If the allegation meets any of the criteria above (Paragraph 8 ) or is unsure about the action to take - the Senior Manager should report it to the LADO within 1 working day. The important issue is for the Senior Manager to assess the level of risk against the criteria. In the event that the Senior Manager is unclear about what action to take i.e. he/she is unsure whether or not the issue meets the criteria, then the LADO is available for support and advice.
28. If emergency action is required to safeguard or protect the child concerned, the usual child protection procedures will take precedence. Contact with the LADO should not be delayed in order to gather information;
29. If an allegation requiring immediate attention is received outside of normal office hours the Senior Manager should consult/refer immediately with the Out

of Hours Emergency Social Work Service or Local Police. They must ensure they inform the LADO the next working day, where possible.

## **Responding to an Allegation Made to the Police or Children's Social Care**

---

30. If the police receive an allegation, regardless of whether a crime appears to have been committed, the matter should be immediately reported to the police designated liaison officer who will inform the LADO immediately or in the case of out of hours, the next working day;
31. If Children's Social Care receives an allegation regardless of whether it reaches the threshold for a **Section 47 Enquiry**, the matter should be reported to the LADO within 1 working day;
32. Where the LADO receives information from the Police or Children's Social Care which relates to an allegation they should immediately contact the Senior Manager concerned, unless specifically requested by the police not to do so.

## **Initial Consideration by the Senior Manager and the Local Authority Designated Officer (LADO)**

---

33. The LADO in discussion with the Senior Manager/referrer will confirm whether the person is working in regulated activity; this will influence further action and potential referral to the Disclosure and Barring Service. The allegations procedure would be followed in respect of anyone working within regulated activity. For those not working in regulated activity the LADO and Senior Manager/referrer would ensure all safeguarding is being considered and agree on next actions, however they may not be subject to the full procedure.

*<https://www.gov.uk/government/organisations/disclosure-and.../about> links to more information about regulated activity.*

34. The LADO should establish, in discussion with the Senior Manager that the allegation is within the scope of these procedures and may have foundation. If there is disagreement the decision lies with the LADO. Where an employer declines to follow the course of action recommended by the LADO this matter should be referred to the LSCB. There will also be consideration of whether

the subject of the allegation needs to be suspended from any contact with children - the decision to suspend will rest with the employer;

35. There may be up to 3 strands considered as part of this consideration and the discussion will centre upon whether there is a need for:

- A police investigation because a crime has or may have been committed;
- **Section 47 Enquires** by Children's Social Care to determine if services or emergency actions are required;
- Consideration by the employer of disciplinary action in respect of the individual. (Advice and guidance on such action can be obtained from the organisation's Human Resources team).

36. Agreement will be reached between the LADO and the SENIOR MANAGER which will include:

- A plan of action;
- Agreement about informing parents if they are not already involved;
- How and when to inform the subject of the allegations;
- The means by which LADO and Senior Manager will keep each other informed of developments.

37. If the allegation would appear to have some foundation and there is cause to suspect that a child is suffering or is likely to suffer **Significant Harm**, the LADO should ensure that a referral has been made to children's social care who would consider a **Strategy Discussion/ Meeting** in relation to the immediate protection of a child.

38. Either an allegation meeting would be convened by the LADO to consider the outcome of children's social care referral and employer actions, or the LADO would be advised of the outcome of the children's social care referral and advise the employer accordingly.

39. Where there is disagreement about the course of action to be followed, the LADO will make the final decision which will be guided by what is in the best interests of the child. However, where there are employment issues, the actions are an internal matter which may be discussed with the LADO but the organisation has the final decision;

40. Both the LADO and Senior Manager must keep and maintain appropriate records which ensure there is a chronology of discussions, decisions and actions taken.

### **Action Following the Initial Consideration between LADO and Senior Manager**

---

41. If the Significant Harm threshold is not reached, but a police investigation might be needed, the LADO should conduct a similar discussion with the police, the employer and any other agencies to evaluate the allegation and decide how it should be dealt with. NB. The Police must be consulted about any case in which a criminal offence may have been committed;
42. Like a **Strategy Discussion** an Initial Consideration may not need to be a face to face meeting. It should share available information about the allegation, the child, and the person against whom the allegation has been made, consider whether a Police investigation is needed and, if so agree the timing and conduct of that. In cases where a Police investigation is necessary the joint evaluation should also consider whether there are matters which can be taken forward in a disciplinary process in parallel with the criminal process, or whether and disciplinary action will need to wait completion of the Police enquiries and or prosecution;
43. If the allegation is such that it is clear that investigation by police and/or enquiries by Children's Social Care are not necessary, or Allegation Meeting or initial consideration decides this is the case, the LADO will discuss the next course of action with the employer. In those circumstances options open to the employer will range from taking no further action to summary dismissal or a decision not to use the person's services in future;
44. The nature and circumstances of the allegation and evidence and information available will determine which of the range of possible options is most appropriate. In some cases further investigation will be needed to enable a decision about how to proceed. If so the LADO will discuss with the employer how and by whom the investigation will be undertaken. That should normally be undertaken by the employer. However in some circumstances appropriate resources may not be available in the employer's organisation or the nature and complexity of the allegation may point to the employer commissioning an independent investigation;

45. When an Allegation Meeting or an initial consideration is convened to consider an allegation against an adult who works with or on behalf of children's care, consideration should be given to inviting the following people in their various roles:

- LADO;
- Employer and/or Senior Manager;
- Child care social worker and his/her manager where relevant;
- Supervising social worker and his/her manager when an allegation is made against a foster carer;
- Police, where relevant;
- Senior representative of the employment agency or voluntary organisation if the member of staff or volunteer has been placed by them, unless it is alleged that they have colluded or failed to respond to previous complaints;
- Those responsible for regulation and inspection e.g. Ofsted, where the allegation is against a childminder or owner of a regulated setting;
- Human resource representatives where appropriate;
- A medical practitioner with specialist knowledge where appropriate;
- Where a child is placed by or resident in the area of another local authority, a representative of the placing authority;
- Complaints officer if the concern has arisen from a complaint;
- A representative of the legal department of the Local Authority, where relevant.

46. The Allegation Meeting or Initial Consideration will :

- Ensure that arrangements are in place to protect the child/ren involved and any other children affected, including taking emergency action where needed;
- Review the three criteria (paragraph 8);
- Review any previous concerns or allegations regarding the conduct of the accused person;

- Consider whether there should be a **Section 47 Enquiry** and/or police investigation and consider the implications;
- Consider whether any parallel disciplinary process should take place;
- Consider whether a Complex Abuse investigation is applicable - see **Complex (Organised or Multiple) Abuse Procedure**;
- Determine what information can be shared, with whom and when;
- Ensure that arrangements are in place to protect the child/ren involved and any other children affected, including taking emergency action where needed;
- Consider what support should be provided to all children who may have been affected directly and indirectly;
- Consider what support should be provided to the person against whom the allegation has been made and others who might have been affected;
- Ensure that investigations are sufficiently independent;
- Make arrangements to inform the child's parents, and consider how to provide them with support and information during any enquiries;
- Make recommendations where appropriate regarding suspension, or alternatives to suspension;
- Consider the need to share the statements and evidence with the employer.
- For Blackpool consider the criteria for holding the persons information as a person who poses a risk to children as per the BSCB procedures.

### **Recording of Allegation Meeting or Initial Consideration Discussion**

---

47. The record of these discussions is an important working document and one which may at some time need to be shared with the individual concerned;
48. Care should be taken to ensure that any record contains:
- Essential facts;

- A summary of discussions which accurately reflect the contributions made;
  - The decisions reached, with information outlining the reasons for these decisions; and
  - A translation of these decisions into an action plan, which can inform any disciplinary action which may be taken.
49. The recipient agencies and professionals should retain copies of these notes in accordance with their own record retention policies;
50. Should any decisions be subject to appeal, in some situations, the individual concerned will have a right to have access to any documents which have a bearing on his/her case. As such, care should be taken when producing minutes of Strategy Discussions or Initial Evaluation Meetings, to ensure that any personal details relating to a child or their family can be easily **removed**.

## Confidentiality

---

51. Attendees of the Allegations Meeting being convened under the Pan Lancashire Local Safeguarding Board Procedures for Managing Allegations Against Adults who Work with Children are provided with the following information.;

Professionals are reminded that the rules of confidentiality would be adhered to. The minutes of the meeting should not be disclosed to anyone without the consent of the chair of the meeting and in line with the LSCB procedures.

Professionals are advised that the minutes may be shared with the subject of the meeting should they be formally requested under Subject Access Regulations. If appropriate a redacted version of the minutes will be provided through the above process.

A redacted version of the minutes will be provided to the Disclosure and Barring Service if it is agreed that the matter meets the criteria for referral at the end of the allegations process, or if the DBS request them.

## Retention of Minutes and Recordings

Under Blackpool Corporate Retention Schedule copies of draft minutes from meetings once ratified will be destroyed. This relates to all draft/paper copies.

Please note that a summary of the meeting discussion will be provided and not a verbatim account.

At times in Blackpool meetings will be recorded using the voice recorder. This will be in the absence of, or to assist, minute takers.

All recording will be deleted once a final ratified version of the minutes is agreed.

Attendees will have 15 working days after receipt of the minutes in which to respond with any amendments or omissions.

Minutes will be sent electronically by email.

## Monitoring Progress

---

52. LADO will regularly monitor the progress of the case through regular review Allegation meetings/discussions and/or by either liaising with the police and/or Children's Social Care, Senior Managers or organisations as appropriate. Reviews should be conducted at fortnightly or monthly intervals depending upon the complexity of the case;
  53. A final Allegation Meeting should be held at the end of the enquires to ensure that all tasks have been completed and where appropriate, an action plan agreed for learning lessons to inform future practice;
  54. If the Allegation Meeting or initial consideration 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) to consider whether to charge the individual, continue to investigate or close the investigation. Wherever possible that review should take place no later than four weeks after the initial action meeting. Dates for subsequent reviews, at fortnightly or monthly intervals, should be set at the meeting if the investigation continues.
-

## Resignations and Settlement Agreements

---

55. The fact that a person tenders his or her resignation or ceases to provide their services **must not** prevent an allegation from being followed up in accordance with these procedures. 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 co-operate with the process. Wherever possible the person should be given 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 regarded as substantiated on the basis of all the information available should continue even if that cannot be done or if the person does not co-operate. It may be difficult to reach a conclusion in those circumstances, and 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;
56. By the same token so called "settlement agreements" by which a person agrees to resign, the employer 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 cannot prevent a thorough police investigation where appropriate. Nor can it override an employer's statutory duty to make a referral to the **Disclosure and Barring Service** where circumstances require that. Advice should be sought from the employer's Human Resources team.

## References

---

57. The guidance for Schools 2012 gives clear direction with regards to information to be retained and shared in response to references with respect to Teachers and School Staff which differs to that of other professionals. (See Appendix 2)
58. For other agencies and professionals records relating to those who have been found to be "substantiated" as well as those without substance must be retained.

## Suspension and Disciplinary Proceeding

---

59. **The possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed - in respect of children involved in the allegations, and any other children in the individual's home, work or community life. In some cases that will require the employer to consider suspending the person. Suspension should be considered in any case where there is cause to suspect a child is at risk of Significant Harm, or the allegation warrants investigation by the police, or is so serious it might be grounds for dismissal. People must not be suspended automatically and suspension should not be considered as a default option, or without careful thought. Employers must consider whether the circumstances of a case warrant a person being suspended from contact with children until the allegation is resolved. The power to suspend is vested in the employer alone, however the LADO can canvass the view of other agencies involved as to whether the accused member of staff needs to be suspended to inform the employer's consideration of suspension. If suspension is deemed appropriate, the reasons and justification should be recorded and the individual notified of the reasons.** This will be in line with the Local Authority's own Disciplinary Policy.
60. The LADO and the Senior Manager should discuss and agree what action is appropriate in all cases where it is clear at the outset or decided by an Allegations meeting or initial consideration that the investigations by the police or enquires by Children's Social Care are not necessary;
61. While the final decision lies with the organisation/employer, if the LADO disagrees with the decision or considers that the employer's decision may leave a child at risk then the Chair of the LSCB should be advised;
62. Where the employer and LADO is informed by the Police or the Crown Prosecution Service (CPS) that a criminal investigation and any subsequent trial is complete or that an investigation is to be closed without charge or a prosecution discontinued, there must be a discussion between the LADO and the employer as to the next course of action which should centre around the threshold of 'balance of probabilities' rather than the legal threshold of 'beyond all reasonable doubt';

63. A lack of criminal investigation, charge or conviction is not an adequate defence for the adult who is the subject of a disciplinary hearing. There may be elements of an allegation which suggest a breach of expected or appropriate standards of behaviour or propriety even when no criminal activity is identified and the panel must decide whether the person can be trusted to work with children in their continued employment;
64. The discussion between the LADO and the employer should consider any potential misconduct or gross misconduct on the part of the staff member and take into account:
- a. Information provided by the Police and/ or Children's Social Care;
  - b. The result of any investigation or trial and the different standard of proof in disciplinary and criminal proceedings.
65. The options open to the employer range from taking no further action, to summary dismissal or a decision taken not to use the person's services in the future. The nature and circumstances of the allegation and the evidence and information available will determine which option is most appropriate. Prior to any decision being taken, the employer's human resource team must be contacted by the Senior Manager to provide advice and guidance on the procedures that should be followed;
66. Where the Allegations meeting or initial consideration decides that the allegation does not involve a possible criminal offence it will be dealt with by the employer who should aim to institute appropriate action within 3 working days. 'Appropriate action' may involve following disciplinary procedures, equally the employee may wish to follow grievance procedures;
67. If a disciplinary hearing is required and it can be held without further investigation, the hearing should be held, where possible within 15 working days from completion of the Investigation;
68. Where it is agreed that further investigations are required, to determine if disciplinary action should be taken, the LADO will discuss with the employer who should undertake these. The decision as to who is the most appropriate person will differ in different Local Authorities. In all circumstances employers should seek to employ a person who will take an objective approach to the matter. In all cases the investigating officer should aim to provide a report within 10 working days;

69. On receipt of the report, the employer should, where possible, decide within 2 working days whether a disciplinary hearing is needed, if so the hearing should be held within 15 working days from completion of the Investigation.

## **Sharing Information for Disciplinary Purposes**

---

70. In the Allegation Meeting or Initial Consideration the agencies concerned including the employer, should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim. (See also confidentiality and sharing of information statement. Appendix 3.)
71. Wherever possible the Police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the employer, and /or regulatory body, for disciplinary purposes. That should be done as the investigation proceeds rather than after it is concluded. That will enable the Police and the Crown Prosecution Service (CPS) to share relevant information without delay at the conclusion of their investigation or any court case;
72. Children's Social Care should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation is 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 or regulatory body without delay;
73. If the Police or CPS decide not to charge or decide to administer a caution, or the person is acquitted, the Police should pass all relevant information pertaining to the allegation and reasons why the CPS decides not to charge or administer a caution to the employer within 3 working days to avoid delay;
74. If the person is convicted, the police should inform the employer immediately to enable the employer to take the appropriate action.

## **Record Keeping**

---

75. Employers should keep a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved and details of any action taken and decisions reached on a person's confidential personnel file and give a copy to the individual. Such information should be retained on file, including for people who leave the organisation, at

least until the person reaches normal retirement age or for ten years if that will be longer. The record will provide accurate information for any future reference and provide clarification if a future **Disclosure and Barring Service** disclosure reveals an allegation that did result in a prosecution or conviction. This record will prevent unnecessary re-investigation if the allegation should resurface after a period of time. *Details of allegations that are found to be malicious should be removed from personnel records.*

## **Monitoring Progress**

76. The LADO will keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays;
77. This record will assist the LSCB to monitor and evaluate the effectiveness of the procedures and provide statistical information to the Department for Education as required;
78. The police can consult the Crown Prosecution Service (CPS) at any stage regarding the evidence needed to charge a person, but they should also set target dates for reviewing the progress of the investigation and consulting the CPS about charging, continuing or closing the investigation.

## **Action in Respect of Unsubstantiated Allegations**

---

79. Where there is insufficient evidence to substantiate an allegation the employer should consider what further action, if any, should be taken. Parents and child/young person should be informed in writing as to the reasons why no further action will be taken. The individual against whom the allegation was made should be informed in writing and where necessary reference made to the employer's guidance for safe practice.

## **Action in Respect of Unfounded or Malicious Allegations**

---

80. Where an allegation has been determined as unfounded, this may be a strong indicator of abuse elsewhere requiring further exploration. The employer should refer the matter and inform LADO as to whether the matter should be referred to Children's Social Care to determine whether the child is in need of services, or might have been abused by someone else;

81. If an allegation has been deliberately invented or malicious, the police should be asked to consider whether any action might be appropriate against the person responsible;
82. If it is decided on the conclusion of the case that a person who has been suspended can return to work the employer should consider how best to facilitate that. Most people benefit from some help and support to return to work after a very stressful experience. The employer should consider how the persons contact with the child or children who made the allegation can best be managed if they are still in the workplace.

### **Referral to Disclosure and Barring Service (DBS) or Regulatory Body**

---

83. If the allegation is substantiated, and on conclusion of the case, the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the LADO should consult with the employer as to whether a referral to the **Disclosure and Barring Service** and/or a Regulatory Body is required or advisable, and the form and content of a referral. A referral must always be made if the employer thinks that the individual has harmed a child or poses a risk of harm to children. Also, if the person is subject to registration or regulation by a professional body or regulator for example by the Health and Care Professions Council, General medical Council, Teaching Agency,, Ofsted etc, the LADO should advise on whether a referral to that body is appropriate;
84. If a referral is appropriate the report should be made within one month. It is the responsibility of the employer to make the referral; the LADO will provide support to do so where necessary and will track the progress of the referral.

### **Support for the Child and Family**

---

85. Children and families involved in the allegation should be made aware of services that exist locally and nationally which can offer support and guidance, and be provided with any necessary information regarding independent and confidential support, advice or representation;
86. Parents or carers of a child should always be kept informed of the progress of an investigation; however the detail of the information considered by the disciplinary panel and their deliberations can not normally be disclosed;

87. Parents or carers of the child should be told of the outcome as soon as possible after the decision of any disciplinary panel has been reached.

## **Support for an Individual**

---

88. Employers have a duty of care to their workers and should act to manage and minimise the stress inherent in the allegations and disciplinary process. Support to the individual is key to fulfilling this duty;

89. 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 Children's Social Care or the Police. They should be advised to contact their trade union representative, if they have one, and given access to welfare counselling or medical advice where this is provided by the employer;

90. 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 in developments occurring in the workplace. Social contact with colleagues and friends should not be precluded except where it is likely to be prejudicial to the gathering and presentation of evidence;

91. When an employee returns to work following a suspension, or at the conclusion of a case, planned arrangements should be made to facilitate their reintegration. This may involve informal counselling, guidance, support, reassurance and help to rebuild confidence in working with children and young people.

## **Learning the Lessons**

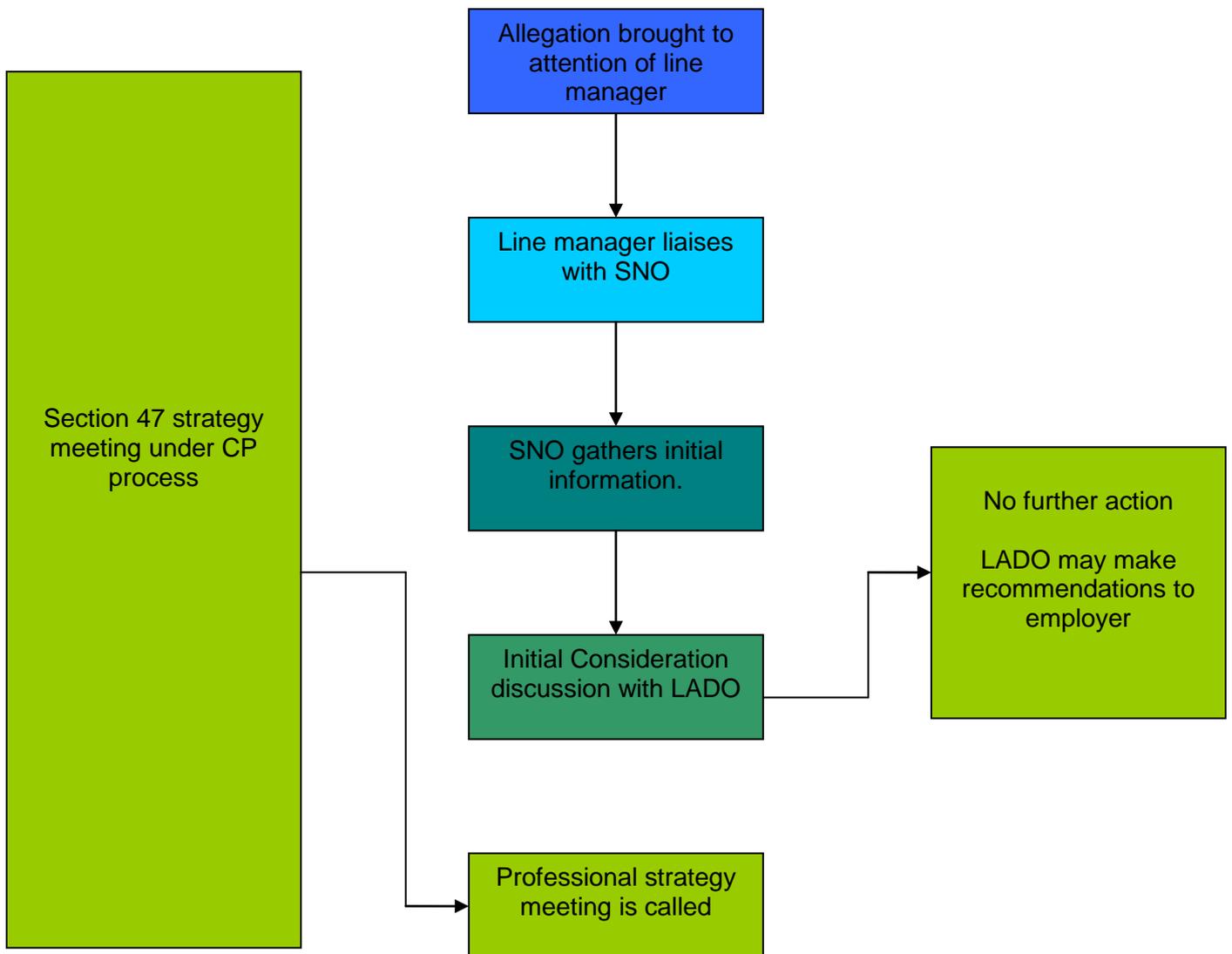
---

92. At the conclusion of a case in which an allegation is substantiated the employer should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice to help prevent similar events in the future. This should include issues arising from any decision to suspend a member of staff, the duration of the suspension and whether or not suspension was justified;

## Historical Abuse

---

93. Historical allegations should be responded to in the same way as contemporary concerns. In these cases it is important to find out if the subject of the allegation is still working with children in a paid or voluntary role. If this is the case the LADO will consider the need for an allegations meeting.



Police investigation  
(Takes precedence)

Social Care investigation  
(Protection of child is paramount)

Disciplinary sanction  
(Care must be taken not to subjudise)

Case Reviewed,  
resolved and closed  
by LADO

Possible disciplinary /  
dismissal and referral  
to DBS and / or  
regulatory body

Actions regarding references  
 What information can and should be retained and by whom

Category Recorded	HR / Personnel Files	References	LADO / CPU Files	Sanctions which can be applied to Pupil	
Substantiated	A clear & comprehensive summary of the allegation, how this was followed up and resolved, what action was taken and how this was resolved	Should appear	All allegations should be recorded and retained for 25 years		
Unsubstantiated		Should NOT appear			
Unfounded		Should NOT appear			
False		Should NOT appear			
Malicious		Should NOT appear		Should NOT appear	May consider whether disciplinary action is appropriate (if this appears in behaviour policy)
		Even if repeated allegations			
Record Keeping	Records should be retained until retirement age or 10 yrs, whichever is longer				

	<b>PLEASE BRING ALONG (WHERE APP.)</b>	
1	Name, address, DOB of alleged victim(s)	
2	Name, address, DOB of subject(s)	
3	Chronology of recent events	
4	What you know about the incident	
5	What you know about the victim	
6	What you know about the subject(s) of the allegation	
7	Any record/notes of interviews	
8	Any record/notes of assessments	
9	Historical information about the alleged victim	
10	Historical information about the subject(s) of the allegation	

## **Confidentiality Agreement**

Attendees of the Allegations Meeting being convened under the Blackpool Safeguarding Children Board (BSCB) Procedures for Managing Allegations Against Adults who Work with Children are requested to read the following information:

The group were reminded that the rules of confidentiality would be adhered to. The minutes of the meeting should not be disclosed to anyone without the consent of the Chair of the meeting and in line with the BSCB procedures.

Attendees should be advised that these minutes may be shared with the subject of the meeting should they be formally requested under the Data Protection Act. If appropriate a redacted version of the minutes will be provided, through the above process.

A redacted version of the minutes will be provided to the Disclosure and Barring Service if it is agreed that the matter meets the criteria for referral at the end of the allegations process, or if the DBS request them. If requested by other professional bodies decisions to share will be made on a case by case basis.

### **Retention of Minutes and Recordings**

Under Blackpool Council Corporate Retention Schedule minutes from meetings, once ratified, will be destroyed. This relates to all draft/paper copies.

Please note that a summary of the meeting discussion will be provided and not a verbatim account.

At times meetings will be recorded using the voice recorder. This will be in the absence of, or to assist, minute takers.

All recording will be deleted once a final ratified version of the minutes is agreed.

Attendees will have 15 working days after receipt of the minutes in which to respond with any amendments or omissions.

Minutes will be sent electronically by email.