St Giles Nursery School
BELONGING-EXPLORING-ACHIEVING

Managing Allegations of Abuse Made Against Persons who Work with Children and Young People 2025-2026

This policy provides information about dealing with allegations against people who work with children and young people in either a paid or voluntary capacity. This procedure should be used by all organisations where the people work with children and young people, including organisations that provide staff or volunteers who work with or care for children. It also takes into account the requirements laid out in the Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012.

All references in this document to 'staff or members of staff' should be interpreted as meaning all paid or unpaid professionals and volunteers, including for example agency staff, foster carers, approved adopters and child minders. This chapter also applies to any person, who manages or facilitates access to an establishment offering services to children or young people.

AMENDMENT

This policy was adjusted in April 2018 to note that referrals should be made to the Local Authority Designated Officer (LADO) via the Lincolnshire LSCB website (see **Section 2.1, Local Authority Designated Officer**) and to advise that there is Guidance provided by the DBS regarding the Barring Service (see **Section 9, Post Investigation**).

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1. Introduction and Criteria

All allegations of abuse of children by those who work with children, whether in a paid or unpaid capacity must be taken seriously and, cover a wide range of circumstances. This procedure applies when an allegation or suspicion arises within an individual's own work, with his or her own Children, with other children living outside the family and historical allegations.

This procedure should be applied when there is such an allegation or concern that a person who works with children, 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 he or she may pose a risk of harm to children.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

The last bullet point above includes behaviour that may have happened outside an organisation that might make an individual unsuitable to work with children, this is known as transferable risk.

These behaviours should be considered within the context of the four categories of abuse (i.e. physical, sexual and emotional abuse and neglect – see **Recognition of Significant Harm Procedure, Categories of Abuse and Neglect**) These include concerns relating to inappropriate relationships between members of staff and children or young people as well as other concerns for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see s16-19 **Sexual Offences Act 2003**);
- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 **Sexual Offences Act 2003**);
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text / e-mail messages or images, gifts, socialising, etc.);
- A professional smacking or hitting a child;
- Possession of indecent photographs / pseudo-photographs of children.

Allegations of historical abuse should be responded to in the same way as contemporary concerns. A requirement in such cases is to find out whether the person against whom the allegation is made is still working with children and if so, to refer to the Local Authority Designated Officer. Decisions regarding the person's current employer or voluntary organisation should be made in consultation with the LADO.

The difference between an allegation and concern

It might not be clear whether an incident constitutes an 'allegation'. It is important to remember that to be an allegation the alleged incident has to be sufficiently serious as to suggest that harm has or may have caused harm to a child/ren or that the alleged behaviour indicates the individual may pose a risk of harm to children (or otherwise meet the criteria above).

It is difficult to determine the level of risk associated with an incident the following should be considered:

- Was the incident a disproportionate or inappropriate response in the context of a challenging situation?
- Where the incident involved an inappropriate response to challenging behaviour, had the member od staff had training in managing this?
- Does the member of staff understand that their behaviour was inappropriate and express a wish to behave differently in the future>? For example, are they willing to undergo training?
- Have similar allegations been made against this employee – is there a pattern developing?

Incident which fall short of the threshold could include an accusation that is made second or third hand and the facts are not clear, or the member of staff alleged to have done this was not there at the time; or there is confusion about the account.

When it is decided that the incident does not meet the threshold of harm/risk of harm and is a concern only, then the employer should take steps to ensure any conduct or behaviour issues are addressed with the member of staff through normal practices.

If the **Local Authority Designated Officer** receives information or an allegation from an employer or other source which does not fit into the criteria above, but it does still raise concerns about the overall conduct or culture within an organisation, then the LADO may refer this information to the appropriate regulatory body or organisation, and if necessary use the LSCP professional resolution and escalation policy. (See **Professional Resolution and Escalation Protocol**). If the concerns are being raised about a Lincolnshire County Council (LCC) setting then the LADO should notify the Director of Children's Services who will decide how this matter should be dealt with.

2. Key Roles and Responsibilities

Working Together to Safeguard Children requires that:

County level and unitary local authorities should ensure that allegations against people who work with children are not dealt with in isolation. Any action necessary to address corresponding welfare concerns in relation to the child or children involved should be taken without delay and in a coordinated manner. Local authorities should have a designated officer, or team of officers (either as part of multi-agency arrangements or otherwise), to be involved in the management and oversight of allegations against people that work with children. The designated oficer, or team of officers, should be sufficiently qualified and experienced to be able to fulfil this role effectively, for example qualified social workers. Any new appointments to such a role, other than current or former designated officers moving between local authorities, should be qualified social workers. Arrangements should be put in place to ensure that any allegations about those who work with children are passed to the designated officer, or team of officers, without delay.

Local authorities should put in place arrangements to provide advice and guidance to employers and voluntary organisations. Local authorities should also ensure that there are appropriate arrangements in place to effectively liaise with the police and other agencies to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

Working Together 2018 states:

Early Years and Childcare

Early years providers have a duty under section 40 of the Childcare Act 2006 to comply with the welfare requirements of the early years foundation stage (EYFS)44. Early years providers must ensure that:

- *they are alert to any issues of concern in the child's life*
- *They have and implement a policy and procedures to safeguard children. This must include an explanation of the action to be taken when there are safeguarding concerns about a child and in the event of an allegation being made*

against a member of staff. The policy must also cover the use of mobile phones and cameras in the setting, that staff complete safeguarding training that enables them to understand their safeguarding policy and procedures, have up-to-date knowledge of safeguarding issues, and recognise signs of potential abuse and neglect

- *They have a practitioner who is designated to take lead responsibility for safeguarding children within each early years setting and who must liaise with local statutory children's services as appropriate. This lead must also complete child protection training*

2.1 Local Authority Designated Officer

The local authority should have a designated Officer, or team of officers, to be involved in the management and oversight of allegations against people that work with children. In Lincolnshire the officers are called Local Authority Designated Officer (LADO) and their role is to:

- Manage the overall allegations process, including receiving reports and maintaining accurate records of allegations;
- Provide advice and guidance to employers and voluntary organisations; including **Ofsted Disqualification under the Childcare Act 2006**; (including advice regarding internal disciplinary procedures and human resource processes that need to be followed);
- 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;
- Provide advice and guidance to employers in relation to making referrals to the **Disclosure and Barring Service** (DBS) and regulatory bodies such as Ofsted, the General Medical Council etc.;
- Escalate and challenge concerns with organisations at any stage in this process using the **Professional Resolution and Escalation Protocol**.

To make a referral to the Local Authority Designated Officer, please refer to the **LSCP website**.

2.2 Named Senior Officer

Working Together to Safeguard Children sets out that employers and voluntary organisations should ensure that they have clear policies in place setting out the allegations process, including timescales, for investigation and what support and advice will be available to individuals against whom allegations have been made.

Each LSCP member organisation should identify a named senior officer with overall responsibility for:

- Ensuring that the organisation deals with allegations in accordance with this LSCP procedure;
- Ensuring safer recruitment practices and safeguarding training are in place within the organisation and aligned to this LSCP procedure (The LSCP will assess this through the Section 11 assessment);
- Resolving any inter-agency issues; and
- Liaising with the LSCP on the subject.

The Senior Officer is the Headteacher- Amy Stancer

2.3 Designated Senior Manager

Employers should also appoint a designated senior manager:

- Whom allegations or concerns should be reported to;
- A deputy to whom reports should be made in the absence of the designated senior manager or where that person is the subject of the allegation or concern.

The Senior Manager is the Head Teacher- Amy Stancer

The Deputy Manager is Stewart Cook (Lead Safeguarding Governor)

3. General Considerations Relating to Allegations Against Staff

3.1 Persons to be Notified

The employer must inform the local authority designated officer (LADO) within one working day when an allegation is made and prior to any further investigation taking place.

The LADO will advise the employer whether or not informing the parents of the child/ren involved will impede the disciplinary or investigative processes. Acting on this advice, if it is agreed that the information can be fully or partially shared, the employer should inform the parent/s. In some circumstances, however, the parent/s may need to be told straight away (e.g. if a child is injured and requires medical treatment).

The parent/s and the child, if sufficiently mature, should be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This may include the outcome of any investigation, but not the deliberations of, or the information used in, a hearing.

The employer should seek advice from the LADO, about how much information should be disclosed to the accused person. The LADO may liaise with the Police and/or Children's Social Care regarding this.

Subject to restrictions on the information that can be shared, the employer should, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g. disciplinary action, and dismissal or referral to the DBS or regulatory body).

The accused member of staff should:

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved;
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;
- If suspended, be kept up to date about events in the workplace.

Ofsted should be informed of any allegation or concern made against a member of staff in any day care establishment for children under 8 (this is usually the responsibility of the setting, but the LADO will enquire as to whether this course of action has been taken and if not advise accordingly) or against a registered child minder. They should also be invited to take part in any subsequent **Strategy Meeting/Discussion** where the allegation is against the owner or manager of the setting.

Children's Social Care should inform Ofsted of all allegations made against a foster carer, prospective adopter, or member of staff in a residential child care facility.

If an organisation removes an individual (paid worker or unpaid volunteer) from work such as looking after children, (or would have, had the person not left first), because the person poses a risk of harm to children, the organisation must make a referral to the Disclosure and Barring Service. (The referral should be made as soon as the employer has sufficient evidence/admission at any point in the process and not wait until the end of the proceedings). **Note**: It is an offence to fail to make a referral without good reason.

3.2 Confidentiality

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and accused person, (where this would not place the child at further risk), up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.

The police should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances (e.g. an appeal to trace a suspect). In such cases, the reasons should be documented and partner agencies consulted beforehand.

Section 13 of the Education Act 2011 introduced restrictions implemented in September 2012 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.

Such restrictions remain in place unless or until the teacher is charged with a criminal offence, though they may be dispensed with on the application to the Magistrates' Court by any person, if the court is satisfied that it is in the interests of justice to do so, having regard to the welfare of:

a. The person who is the subject of the allegation; and

b. The victim of the offence to which the allegation relates.

There is a right of appeal to the Crown Court.

This restriction will apply to allegations made against any teacher who works at a school, including supply and peripatetic teachers. 'School' includes Academies, Free Schools, Independent Schools and all types of Maintained schools.

There is a new offence of publishing any information in breach of these restrictions. Publication includes any communication, in whatever form, which is addressed to the public at large or any section of the public.

3.3 Support

The organisation, together with Children's Social Care and / or police, where they are involved, should consider the impact on the child concerned and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are addressed.

Human Resources should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's occupational health or employee welfare arrangements.

It is good practice for the accused person to have access to the following:

- Copy of the LSCP Procedure on Allegations of Abuse made against a Person who works with children;
- Information on how to access legal / union advice and representation;
- Relevant leaflets on the process. These do not replace the need for a face to face discussion, but provide a framework for discussion;
- Information on the process of the enquiry and the planned timescales;
- Information on interviews which may be conducted;
- Information on independent support which may be available;
- In the case of foster carers, the financial arrangements if fostered children are removed or the carer is temporarily suspended from taking further placements. If fostered children are removed from placement and the carer is suspended from taking new placements, the Lincolnshire County Council (LCC) fostering service will continue to pay the allowance normally paid for LCC foster carers. This will be continued until the outcome of any review into continuing approval is reached.

3.4 Suspension

Suspension is a precautionary act and it should not be automatic, alternatives should be considered. It 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
- The allegation is so serious that it might be grounds for dismissal.

The possible risk of harm to children should be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staff's home, work or community life.

If a Section 47 strategy meeting / discussion is to be held or if Children's Social Care or the police are to make enquiries, the LADO may canvass their views on suspension and inform the employer. Only the employer, however, has the power to suspend an accused employee and they cannot be required to do so by a local authority or police.

If a suspended person is to return to work, the employer should consider what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor), and also how best to manage the member of staff's contact with the child concerned, if still in the workplace.

3.5 Resignations and 'Compromise/Settlement Agreements'

Every effort should be made to reach a conclusion in all cases even if:

- The individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations;

- It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete.

'Compromise/settlement agreements' must not be used (i.e. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed). A compromise/settlement agreement which prevents the employer from making a DBS referral when the criteria are met for so doing would likely result in a criminal offence being committed for failure to comply with the duty to refer. The organisation must make a referral to the Disclosure and Barring Service to consider whether top add the individual to the barred list. This applies irrespective of whether a referral has been made to local authority children's social acre and/or the designated officer or team of officers it is an offence to fail to make a referral without good reason.

3.6 Whistleblowing

All staff should be made aware of their organisation'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 who will advise on the course of action, which either they or the member of staff will take.

3.7 Timescales

It is in everyone's interest to resolve cases as quickly as possible whilst ensuring the investigation is conducted in a consistent, fair and thorough manner. Every effort should be made to manage cases to avoid any unnecessary delay recognising that the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness, and complexity of the allegation.

4. Direct Referrals to the Police/Children's Social Care Services

Where a referral is made directly to Children's Social Care Services, they will consult with the Local Authority Designated Officer (LADO) and possibly the Police.

If a referral is made to the Police first, the Central Referral Unit (CRU) will then refer this to the LADO and Social Care.

5. Cross Boundary Issue

Where a child from the Lincolnshire local authority area makes an allegation in a setting or placement which is outside their own area, the lead responsibility for action lies with the local authority for the area where the alleged abuse occurred.

In these circumstances, the child's social worker will liaise with the relevant local authority and agree a joint strategy.

Interviews of children from outside the Lincolnshire local authority area will usually be undertaken by their own local Children's Social Care Services in conjunction with the Police as appropriate.

Where the referral relates to a child from another local authority temporarily placed in an establishment located within the Lincolnshire local authority area, for example a boarding school, the Local Authority Designated Officer should liaise with the child's home authority about the roles and responsibilities in carrying out this procedure.

6. Allegations Against Staff in their Personal Lives

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 LADO 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 an initial evaluation 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.

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, an initial evaluation 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.

7. Action

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). It may also arise in the context of the member of staff and their life outside work or at home.

7.1 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.

7.2 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 details of the concern / allegation from the person that received (not the child / adult making the allegation);
- 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 **Section 1, Introduction and Criteria** within one working day. 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 Children's Social Care emergency duty team or local police and inform the LADO as soon as possible.

7.3 Initial Consideration by the Designated Senior Manager and the LADO

There are up to four possible outcomes to an allegation and three possible related but independent strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Children’s Social Care enquiries and/or assessment about whether a child is in need of protection or services; (Refer to the appropriate Social Care team);
- Consideration by an employer of disciplinary action (Ensure that the appropriate registered body is informed in line with the procedures of that organisation);
- No further action.

The LADO and the designated senior manager should consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is false. 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 the allegation is not demonstrably false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO should ensure a referral is made to Children's Social Care and ask them to consider an immediate Section 47 **Strategy Meeting**:

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 services 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. Prospective adopters will have some delegated **Parental Responsibility** established by the introduction of the Adoption and Children Act 2002. Thus consideration on how to consult formally with them about the investigation needs to be agreed, deciding on how this should be done, balancing this with the overriding need to ensure the child's safety.

The employer should inform the individual subject to the allegation about the allegation as soon as possible after consulting the LADO. However, where an initial evaluation discussion/meeting is needed, or it is clear that police or children's Services may need to be involved, that should not be done until those agencies have been consulted, and have agreed what information can be disclosed to the person. If the person is a member of a union or professional association s/he should be advised to seek support from that organisation.

7.4 Initial Evaluation

An initial evaluation can take the form of a telephone discussion or face to face meeting, of which the LADO will decide on an individual case basis.

If a child is not believed to have suffered, or to be likely to suffer Significant Harm but a police investigation will continue, the Local Authority Designated Officer (LADO) should conduct an Initial Evaluation with the police, the designated senior manager and any other agencies involved to evaluate the allegation and decide how it should be dealt with.

This Initial Evaluation should consider how to take matters forward in a criminal process parallel with a disciplinary process or whether any disciplinary action will need to await the completion of the police enquiries and/or prosecution. The progress should be reviewed by the police no later than four weeks after the initial evaluation meeting and thereafter at fortnightly or monthly intervals.

In addition an initial evaluation might be held if the LADO and designated senior manager agree that further discussion is needed with other agencies. If more information is required to establish which strands need to be followed then it should be made clear who needs to gather that information and supply it for the discussion/meeting. (See **Initial consideration by the designated senior manager and the LADO**.)

Other circumstances where the LADO decides that an initial evaluation is needed

Where it has been agreed that an initial evaluation needs to be convened (as above) the LADO will chair the meeting and be responsible for ensuring the meeting is properly recorded and details of decisions made sent to all invites. All appropriate partners will be invited to the meeting. Particular attention needs to be given to the following issues at the initial evaluation:

- How information can be shared between the three strands. Within agreed bounds of confidentiality, information should be shared as freely as possibly in the interests of both fairness and a thorough assessment of all the facts. Many organisations allow statements and staff interviews given as part of an investigation to be used in internal disciplinary processes and this must be made clear in agency specific procedures. It is good practice to advise those interviewed that information and evidence may be shared between the three strands;

- Who will be responsible for carrying out social work enquiries and how can the required independent element be ensured. There are a range of options which can be considered, (where the case is open to social care, the child's social worker will have a key role): an independent agency could be commissioned to undertake the investigation, staff from another Local Authority can be invited to undertake the investigation or staff from another area who do not know the staff / volunteer involved could be asked;

- Who will provide support to the staff member, volunteer (refer to **Section 3, General Considerations Relating to Allegations Against Staff**). This includes the need to keep the accused person informed of the process and decisions relating to the allegation. It is good practice for the accused person to be provided with the substance of the allegation within 3 days. Cases to be reviewed every 4 weeks, this may require a future meeting to be convened;

- Who will provide independent support to the foster carer/prospective adopters;

- Any immediate issues of safeguarding children, if not already addressed;

- What will the timescale for enquiries be? It is in everyone's interests to ensure that enquiries are completed as quickly as possible, consistent with a thorough assessment;

- The police and other relevant agencies should agree jointly when to inform the accused person of allegations which are the subject of criminal proceedings. The general principle is that the person must be kept informed in a timely manner;

- What information will be shared with the child's parents/carers (or the parents/carers of other children affected) and when;

- Consider any risks to the alleged individuals own children;

- If the person is subject to registration or regulation by a professional body, the initial evaluation should discuss if informing the professional body is appropriate at this stage of the investigation. This includes the necessity of contacting related advisory bodies / agencies who hold a contact with the organisation concerned as appropriate;

- If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take account of the fact that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour, under s550A of the Education Act 1996. Additional guidance can be found on the **DfE website**.

7.5 Social Work Assessment / S47 Strategy Meeting

Where LADO has identified that there is cause to suspect that a child is suffering or likely to suffer **Significant Harm** then they must ensure that a referral is made to the appropriate Social Care team and ask them to consider an immediate Section 47 strategy discussion/meeting. (See **Strategy Discussions Procedure**.)

If a safeguarding referral is made directly to the **Customer Service Centre** (CSC) or Social Care team where there is an allegation made against any individual who has a role in providing for the care of children or young people either through

employment or volunteering then they need to refer through to LADO. The CSC and/or Social Care team are required to ensure that the following information as a minimum is gathered:

- Adults name who the allegation is made against;
- Adult's address;
- Adults date of birth;
- Employer;
- Employers address;
- Date of incident and date allegation made;
- Nature of allegation;
- If the adult who the allegation is made against has children residing with them.

The LADO will be invited to attend the Section 47 Strategy meeting. (See **Strategy Discussions Procedure, When the Strategy Discussion Should be a Meeting**.)

8. Record Keeping and Monitoring Progress

8.1 Record keeping

Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for ten years if longer.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification where a future DBS request reveals non convicted information, and will help to prevent unnecessary reinvestigation if an allegation re-surfaces after a period of time. In this sense it may serve as a protector to the individual themselves, as well as in cases where substantiated allegations need to be known about to safeguard future children.

Details of allegations that are found to be malicious should be removed from personnel records. For Education services see **Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges, DfE 2016**.

8.2 Monitoring progress

The LADO should monitor and record the progress of each case, every 6 – 8 weeks depending on its complexity. This could be by way of review strategy meetings / discussions / initial evaluations or direct liaison with the police, Children's Social Care, or employer, as appropriate. Where the target timescales cannot be met, the LADO should record the reasons.

The LADO should keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. The records will also assist the LSCP to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the **Department for Education (DfE)** as required.

If a police investigation is to be conducted, the police should set a date for reviewing its progress and consulting the Crown Prosecution Service about continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than four weeks after the strategy meeting / discussion / initial evaluation. Dates for further reviews should also be agreed, either fortnightly or monthly depending on the complexity of the investigation.

9. Post Investigation

At the end of any investigation, the Local Authority Designated Officer (LADO) will ensure that:

- All the original allegations have been addressed;
- The investigation has been clearly recorded;
- All strands of the investigation have been concluded;
- All those involved have been informed of the outcomes appropriately;
- LADO to be informed of the outcome that has been reached, as below:
    - Substantiated: there is sufficient identifiable evidence to prove the allegation;
    - False: there is sufficient evidence to disprove the allegation;
    - Malicious: there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
    - Unfounded: there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances;
    - Unsubstantiated: this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation; the term therefore does not imply guilt or innocence.
- The children have been safeguarded and services have been provided;
- If an organisation removes an individual (paid worker or unpaid volunteer) from work such as looking after children (or would have, had the person not left first) because the person poses a risk of harm to children, the organisation must make a referral to the Disclosure and Barring Service. (The referral should be made as soon as the employer has sufficient evidence/admission at any point in the process and not wait until the end of the proceedings). It is an offence to fail to make a referral without good reason. Guidance on DBS referrals can be found at **Making barring referrals to the DBS (GOV.UK)**;
- If the person being referred to the DBS is a teacher in England they should also be referred to Teaching Regulation Agency;

- Also, if the person is subject to registration or regulation by a professional body or regulator, for example by the **Social Work England**, **General Medical Council**, **Ofsted** etc. the Designated Officer should advise on whether a referral to that body is appropriate. If the professional body has already been notified, they must be informed of the outcome of the investigation;

- 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 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 employer 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 in the workplace;

- What information will be given to the child / parents and persons affected by the investigation and how and by whom this will be done. This action is for the employer to carry out and they may need to consult with their HR department for advice. 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;

- What information will be placed on files relating to children and staff.

9.1 Action in Respect of False or Unfounded Allegations

If an allegation is determined to be unfounded or false/malicious, the employer should consider completing a **Child and Family Early Help Assessment (EHA)** to determine whether the child concerned is in need of services, or may have been abused by someone else. In the rare event that an allegation is shown to have been deliberately invented or malicious, the police should be asked to consider whether any action might be appropriate against the person responsible.

10. Learning Lessons

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.

11. Procedures in Specific Organisations

It is recognised that many organisations will have their own procedures in place, some of which may need to take into account particular regulations and guidance (e.g. schools and registered child care providers). Where organisations do have specific procedures, they should be compatible with these procedures and additionally provide the contact details for:

- The designated senior manager to whom all allegations should be reported;

- The person to whom all allegations should be reported in the absence of the designated senior manager or where that person is the subject of the allegation;

- The LADO.

12. Further Information

Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges, (DfE 2018)

https://www.gov.uk/government/publications/keeping-children-safe-in-education--2

Appendices

Appendix 1: LADO Leaflet:

https://lincolnshirescb.proceduresonline.com/files/app1_lado_leaflet.pdf

Appendix 2: LADO Referral Form

https://lincolnshirescb.proceduresonline.com/files/app2_lado_ref_form.pdf