Pendle Education Trust

COLNE PRIMET ACADEMY

Policy / Procedure / Guideline Review

Policy / Procedure / Guideline:	Procedures for dealing with allegations of abuse against staff
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Section 1 - Introduction

1. These procedures have been drawn up in line with https://panlancashirescp.trixonline.co.uk/ and should be used by all parts of the organisation 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 anyone who has not yet reached their 18th birthday;

2. For convenience the term employer is used throughout this guidance to refer to all our academies 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;

3. The term employer includes academies that use the services of volunteers and supply staff, or people who are self-employed as well as service providers, voluntary organisations, employment agencies or business, contractors, and others that may not have a direct employment relationship with the individual but will need to consider whether to continue use the person's 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 academy 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;

4. 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;

5. These procedures also include taxi drivers who are employed to transport children and young people to and from schools;

6. 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 that they 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 – this includes behaviour taking place both inside and outside of school

See also DfE statutory guidance **Keeping Children Safe in Education 2026**.

The parameters of the above criteria are notably wider that 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**.

7. These procedures may also be used where concerns arise about:

- The person's behaviour with regard to their 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.

8. 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

them 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;

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

Section 2 - Roles and Responsibilities

Working Together to Safeguard Children states:

261. 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 co-ordinated manner.

262. Local authorities should put in place arrangements to provide advice and guidance to employers, voluntary organisations and agencies on how to deal with allegations against people who work with children. They should designate a particular officer, or team of officers (either as part of multi-agency arrangements or otherwise), to be responsible for the management and oversight of allegations against adults working with children in a paid or voluntary capacity; this role is commonly referred to as the Local Authority Designated Officer (LADO). The LADO should be sufficiently qualified and experienced to fulfil the role effectively. 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 in place to ensure that the designated officer, or team of officers, is alerted without delay to all allegations concerning individuals who work with children.

263. Local authorities should also ensure that there are appropriate arrangements in place to liaise effectively with the police and other organisations and 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.

10. Each member organisation of the Blackburn with Darwen, Blackpool and Lancashire Children's Safeguarding Assurance Partnership (CSAP) should identify a Named Senior Officer (NSO) who has responsibility for:

- Ensuring that the organisation operates these procedures for dealing with allegations;
- Resolving any inter agency issues that may arise
- Liaising with the Children's Safeguarding Assurance Partnership (CSAP).

11. In order to discharge the duties 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 their absence or if they are the subject of the allegation. **N.B.** The SM's do not need to have direct line management of staff.

Senior Manager: Julia Pilkington, Principal
Deputy: Carl Thomas, DSL

12. The Police 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 the CSAP while others, possibly unit managers, will be responsible for liaising with specific **Local Authority**

Designated Officers (LADO's/Designated Officer, taking part in **Strategy Discussions**, reviewing cases where there is a Police investigation and sharing information on the completion of an investigation or prosecution;

13. The CSAP and Local Authority will ensure a LADO or team of Designated Officers 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.

Section 3 - Recognising and Responding to an Allegation

14. 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.

15. Agencies covered by https://panlancashirescp.trixonline.co.uk/ 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;

16. 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.

Section 4 - What to do if an Allegation is Made by a Child or Young Person

17. 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 child's/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 SM, or deputy in their absence;
- Confidentiality must be maintained;
- Where the SM is subject to an allegation the report should be made to the Designated Officer.
  Designated Officer: Lynne Blomley, Director of Education
  Alternative Designated Officer: Anita Ghidotti-Gibson, CEO
  If there is a concern of reporting to the Designated Officer(s), it should be reported directly to LADO.

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

Section 5 - Initial Action by the Senior Manager

19. 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.

20. 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;

21. Consequently, the Local Authority Designated Officer (LADO/Designated Officer) 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/Designated Officer 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;

22. The LADO/Designated Officer 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/Designated Officer 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/Designated Officer 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;

23. 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/Designated Officer 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. they are unsure whether or not the issue meets the criteria, then the LADO/Designated Officer is available for support and advice;

24. If emergency action is required to safeguard or protect the child concerned, the usual child protection procedures will take precedence. Contact with the LADO/Designated Officer should not be delayed in order to gather information;

25. 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/Designated Officer the next working day, where possible.

Section 6 - Responding to an Allegation Made to the Police or Children's Social Care

26. 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/Designated Officer immediately or in the case of out of hours, the next working day;

27. 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/Designated Officer within 1 working day;

28. Where the LADO/Designated Officer 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.

Section 7 - Initial Consideration by the Senior Manager and the Local Authority Designated Officer (LADO)/Designated Officer

29. The LADO/Designated Officer 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/Designated Officer 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 **Click here to view more information about regulated activity**;

30. The LADO/Designated Officer 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/Designated Officer. Where an employer declines to follow the course of action recommended by the LADO/Designated Officer this matter should be referred to the CSAP. 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;

31. 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).

32. Agreement will be reached between the LADO/Designated Officer 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/Designated Officer and Senior Manager will keep each other informed of developments.

33. 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/Designated Officer 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.

34. Either an allegation meeting would be convened by the LADO/Designated Officer to consider the outcome of children's social care referral and employer actions, or the LADO/Designated Officer

would be advised off the outcome of the children's social care referral and advise the employer accordingly.

35. Where there is disagreement about the course of action to be followed, the LADO/Designated Officer 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/Designated Officer but the organisation has the final decision;

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

Section 8 - Action Following the Initial Consideration between LADO/Designated Officer and Senior Manager

37. If the Significant Harm threshold is not reached, but a Police investigation might be needed, the LADO/Designated Officer 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;

38. 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;

39. 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 the Strategy Discussion or Initial Evaluation Meeting decides this is the case, the LADO/Designated Officer 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;

40. 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/Designated Officer 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;

41. When an Allegation Meeting or an Initial Consideration Meeting 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/Designated Officer;
- Employer and/or Senior Manager;
- Child care social worker and their manager where relevant;
- Supervising social worker and their 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.

42. 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
- 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.

Section 9 - Recording of Allegation Meeting or Initial Consideration Discussions

43. 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;

44. 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.

45. The recipient agencies and professionals should retain copies of these notes in accordance with their own record retention policies;

46. 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 their 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.

Section 10 - Confidentiality

47. Attendees of the Allegations Meeting being convened under this procedure 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 these 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

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

    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.

Section 11- Monitoring Progress

48. LADO/Designated Officer 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;

49. 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;

50. 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.

Section 12 - Resignations and Settlement Agreements

51. 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;

52. 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.

Section 13 - References

53. Keeping Children Safe in Education 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.

54. 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.

Section 14 - Suspension and Disciplinary Proceedings

55. 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 of 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/Designated Officer 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;

56. The LADO/Designated Officer 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 a Strategy Discussion that the investigations by the Police or enquires by Children's Social Care are not necessary;

57. While the final decision lies with the organisation/employer, if the LADO/Designated Officer disagrees with the decision or considers that the employer's decision may leave a child at risk then the Blackburn with Darwen, Blackpool and Lancashire Children's Safeguarding Assurance Partnership (CSAP) should be advised;

58. Where the employer and LADO/Designated Officer 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/Designated Officer 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';

59. 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;

60. The discussion between the LADO/Designated Officer and the employer should consider any potential misconduct or gross misconduct on the part of the staff member and take into account:

- Information provided by the Police and/ or Children's Social Care;
- The result of any investigation or trial and the different standard of proof in disciplinary and criminal proceedings.

61. 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;

62. 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;

63. 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;

64. Where it is agreed that further investigations are required, to determine if disciplinary action should be taken, the LADO/Designated Officer 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;

65. 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.

Section 15 - Sharing Information for Disciplinary Purposes

66. 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.

67. 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;

68. 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 orregulatory body without delay;

69. 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;

70. If the person is convicted, the Police should inform the employer immediately to enable the employer to take the appropriate action.

Section 16 - Record Keeping

71. 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

72. The LADO/Designated Officer will keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays;

73. This record will assist the CSAP to monitor and evaluate the effectiveness of the procedures;

74. 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.

Section 17 - Action in Respect of Unsubstantiated Allegations

75. 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.

Section 18 - Action in Respect of Unfounded or Malicious Allegations

76. 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/Designated Officer 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;

77. 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;

78. 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.

Section 19 - Referral to Disclosure and Barring Service (DBS) or Regulatory Body

79. 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 their services, the LADO/Designated Officer 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 Social Work England (for social workers), the **Health and Care Professions Council**, General Medical Council, **Ofsted** etc, the **LADO**/Designated Officer should advise on whether a referral to that body is appropriate;

80. 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/Designated Officer will provide support to do so where necessary and will track the progress of the referral;

Section 20 - Support for the Child and Family

81. 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;

82. 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 cannot normally be disclosed;

83. 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.

Section 21 - Support for an Individual

84. 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;

85. 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;

86. 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;

87. 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.

Section 22 - Learning the Lessons

88. 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.

Section 23 - Historical Abuse

89. 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/Designated Officer will consider the need for an allegations meeting.