



**The Collective Community Trust**

***Managing Allegations of Abuse made  
against Staff (including Low Level Concerns)  
Policy***

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## **Trust Values**

### ***Innovative Collaborative Inclusive***

The Collective Community Trust provides safe, happy and stimulating environments. We are an innovative and forward-looking Trust, who very much believes in celebrating uniqueness and individuality. We are proud of the fact that our schools are all different and are able to flourish within their own unique context. Our Trust is committed to providing life-long learning opportunities for our school communities within an inclusive, nurturing environment.

### **Equality Policy Statement**

Under the Equality Act 2010, we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation. We have carefully considered and analysed the impact of this policy on equality and the possible implications for pupils with protected characteristics, as part of our commitment to meet the Public Sector Equality Duty (PSED) requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. We believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality across the Trust.

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### **About this Policy**

The Collective Community Trust is part of the Greater Manchester network where many policies and procedures are now within the Greater Manchester Tri-X Safeguarding Procedures. This policy is within the link below.

<https://greatermanchesterscb.proceduresonline.com/search/search.html>

[https://greatermanchesterscb.proceduresonline.com/chapters/p\\_man\\_allegations.html?zoom\\_highlight=allegations](https://greatermanchesterscb.proceduresonline.com/chapters/p_man_allegations.html?zoom_highlight=allegations)

### **Scope of this Policy**

This is intended to be a policy that should complement existing professional procedures, protocols and guidance which relate to specific roles, responsibilities or professional practices. It should be read in conjunction with:

[Working Together to Safeguard Children;](#)

[Keeping Children Safe in Education;](#)

[The Trust's Safeguarding Policy;](#)

### **Contents**

1. Introduction
2. Overview
3. The Difference Between an Allegation of Harm and a Concern

4. Statutory Framework
5. Using the Guidance
6. Practice Issues
7. The Process
8. Referral to the Disclosure and Barring Service (DBS)
9. Links with other policies
10. Appendices:
  - Appendix 1: Definitions
  - Appendix 2: Managing Allegations Flowchart
  - Appendix 3: Initial Consideration Meeting Minutes Pro forma
  - Appendix 4: Suspension
  - Appendix 5: Stages to Managing Allegations Parents Flow Chart Guidance

## 1. Introduction

Local Safeguarding Children Partnership (LSCP) have an explicit duty to ensure that there are effective inter agency procedures in place for dealing with allegations in respect of people who work with children. This procedure should be used by all organisations where people work with children and young people, including organisations that provide staff or volunteers that work with or care for children.

It is essential that any allegation of abuse made against a professional who works with children and young people or other member of staff or volunteer in any setting is dealt with fairly, quickly and consistently, in a way that provides effective protection for the child or children and at the same time supports the person who is the subject of the allegation.

This policy should also be used when allegations are made against a person who works with children and they or their children have been subject to a child protection investigation.

Professionals who work with children as part of their employment or voluntary duties need to be aware that inappropriate behaviour in their private life may affect their suitability to work with children. This is incorporated into the Trust Code of Conduct.

The term employer is used throughout this procedure to refer to organisations that have a working relationship with the individual against whom the allegation is made. This includes organisations that use the services of volunteers, or people who are self-employed; as well as service providers; voluntary organisations; employment agencies or businesses; contractors; fostering services and regulatory bodies such as Ofsted in the case of childminders.

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, or where a foster carer is also employed in regulated activity.

In those circumstances both the contractor or agency, and the organisation(s) in which the accused individual works will need to be involved in dealing with the allegation.

## 2. Overview

When allegations arise against a person working with children (including volunteers) the employer should follow the procedures outlined in Working Together to Safeguard Children. The procedures should be used when an allegation is made that an adult has:

**Behaved in a way that has harmed, or may have harmed a child;**

**Possibly committed a criminal offence against, or related to a child; or**

**Behaved towards a child or children in a way that indicates 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.**

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.

Or when there are patterns of behaviour that could be considered as conduct and practice issues in isolation, however when this happens consecutively could question a person's suitability.

An allegation can relate to an adult's behaviour outside work, and their relationships with others, if they:

- Have behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include an arrest for the possession of a weapon;
- Have, as a parent or carer, become subject to child protection procedures;
- Are closely associated with someone in their personal lives (e.g. partner, member of the family or other household member) who may present a risk of harm to child/ren for whom the adult is responsible in their employment/volunteering.

This document provides additional practice guidance to employers and **Local Authority Designated Officers** (LADOs) when allegations are made and/or management concerns arise. It does not replace or take priority over any aspect of employment law and should be used in conjunction with Greater Manchester Safeguarding procedures.

Note that having a sexual relationship with a child under 18, if in a position of trust in respect of that child, even if consensual, is a criminal offence. The Police, Crime, Sentencing and Courts Act 2022 has extended the definition within the **Sexual Offences Act 2003 section 22A** to include anyone who coaches, teaches, trains, supervises or instructs a child under 18, on a regular basis, in a sport or a religion.

### **3. The Difference Between an Allegation of Harm and a 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 been 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).

Keeping Children Safe in Education provides this definition of a low-level concern:

*The term 'low-level' concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:*

- *Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and*
- *Does not meet the harm threshold or is otherwise not serious enough to consider a referral to the LADO.*

*Examples of such behaviour could include, but are not limited to:*

- *Being over-friendly with children;*
- *Having favourites;*
- *Taking photographs of children on their mobile phone, contrary to school policy;*
- *Engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or*

- *Humiliating pupils.*

Incidents 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.

If 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 of 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?
- Does the child or family want to report the incident to the police or would they prefer the matter to be dealt with by the employer?
- Have similar allegations been made against the employee – is there a pattern developing?

Incidents 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.

Keeping Children Safe in Education, Part 4, Section 2 provides that if there is any doubt as to whether the information which has been shared about a member of staff as a low-level concern in fact meets the harm threshold and thus should be treated as an allegation, the LADO should be consulted.

As good practice, agencies may wish to include the LADO in discussions as to whether the issue should be dealt with as an allegation of harm or a concern. If the decision is reached that the concern falls short of the harm threshold, there may still be a role for the LADO to provide advice and support to the employer. Such a consultation process may allow for concerns to be evaluated objectively and to ascertain whether or not similar concerns may have been raised by a previous employer but not met the threshold for investigation. Whilst the LADO will only record the details of those allegations which appear to meet the threshold for consideration set out above, the employer should record the details of any low-level concern that arises in respect of a member of their staff. The LADO should keep a record of the number of consultations that are determined to be low-level by employers and include that information in their annual report to the LSCP.

Where 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 employment practices.

The Trust has policies and processes to deal with low-level concerns which do not meet the harm threshold and should ensure that they promote an open and transparent culture in which **all** concerns about all adults working in or on behalf of the school or college (including supply teachers, volunteers and contractors) are dealt with promptly and appropriately.

Keeping Children Safe in Education sets out the following in relation to concerns that do not meet the harm threshold/low-level concerns. Whilst this guidance is directed at schools and colleges, it may be of interest to other agencies:

### **Sharing Low-level Concerns**

All low-level concerns are shared initially with the Designated Safeguarding Lead (DSL) (or a nominated person (such as a values guardian/safeguarding champion)), or with the headteacher/executive headteacher. If the former, then

the DSL should inform the headteacher/executive headteacher of all the low-level concerns and in a timely fashion according to the nature of each particular low-level concern. The headteacher/executive headteacher should be the ultimate decision-maker in respect of all low-level concerns, although it is recognised that depending on the nature of some low-level concerns and/or the role of the DSL the headteacher/executive headteacher may wish to consult with the DSL and take a more collaborative decision-making approach.

Low-level concerns which are shared about supply staff and contractors should be notified to their employers so that any potential patterns of inappropriate behaviour can be identified.

### **Recording Low-level Concerns**

All low-level concerns should be recorded on CPOMS, using staff safe. The record should include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

Records must be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).

Records should be reviewed so that potential patterns of concerning, inappropriate, problematic or concerning behaviour can be identified. Where a pattern of such behaviour is identified, the school should decide on a course of action, either through its disciplinary procedures or where a pattern of behaviour moves from a low-level concern to meeting the harm threshold, in which case it should be referred to the LADO. Consideration should also be given to whether there are wider cultural issues within the school that enabled the behaviour to occur and where appropriate policies could be revised, or extra training delivered to minimise the risk of it happening again.

### **Responding to Low-level Concerns**

The Trust's low-level concerns policy is included within this policy and sets out the procedure for responding to reports of low-level concerns. If the concern has been raised via a third party, the headteacher/executive headteacher (or a nominated deputy) should collect as much evidence as possible by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously; and
- To the individual involved and any witnesses.

The information collected will help them to categorise the type of behaviour and determine what further action may need to be taken. This information needs to be recorded in writing along with the rationale for their decisions and action taken.

## **4. Statutory Framework**

Working Together to Safeguard Children covers cases of allegations that might indicate that a person may pose a risk of harm to children in his or her present position, or in any capacity.

All organisations that provide services for children or provide staff or volunteers to work with or care for children should operate a procedure for handling such allegations that is consistent with guidance and should identify a senior manager within each school to whom all allegations or concerns are reported. [See Appendix 2: Managing Allegations Flowchart.](#)

Working Together to Safeguard Children states that 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, in addition, have designated a particular officer, or team of officers, to be involved in the management and oversight of allegations against people that work with children. Any such officer should be

sufficiently qualified and experienced to be able to fulfil this 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 put in place to ensure that any allegations about those who work with children are passed to the designated officer without delay. Local authorities should put in place arrangements to provide advice and guidance on how to deal with allegations against people who work with children 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.

### **Underlying Principles**

- The welfare of the child is paramount;
- Adults about whom there are concerns should be treated fairly and honestly and should be provided with support;
- It is the responsibility of all adults to safeguard and promote the welfare of children and young people. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children and young people.

## **5. Using the Guidance**

### **5.1 Target Audience**

This guidance is intended for all employers providing services to children and young people; it relates to all adults working with children and young people, whether in a paid or voluntary position. It is intended to assist organisations with the management of allegations against staff.

It is not possible within a single document to differentiate between the many different providers of services to children and their related professional languages. Individual organisations or professions, therefore, may need to adapt the terminology used when applying this guidance to their own circumstances. A list of definitions used in this guidance is contained in Appendix 1: Definitions.

### **5.2 Key Roles**

Working Together to Safeguard Children identified three key roles essential to an effective process for managing allegations: the Named Senior Officer (NSO), the Local Authority Designated Officer (LADO) and the Senior Manager (SM).

#### **Named Senior Officer (NSO)**

Each school has a named senior officer with overall responsibility for:

- Ensuring that their organisation operates procedures for dealing with allegations;
- Resolving any inter-agency issues; and
- Liaising with the LADO on the subject.

This role relates to the management and oversight of individual cases.

#### **The NSO at ????** is:

The LADO will:

- Provide advice and guidance to employers and voluntary organisations;
- Liaise with the police; and
- Monitor the progress of all cases to ensure that they are dealt with as quickly and consistently as possible through the use of a fair and thorough process.

- Senior Manager within the Organisation (SM)

The Senior Manager within each school is the senior person to whom all allegations or concerns are reported and has overall responsibility for:

- Ensuring procedures are properly applied and implemented; and
- Providing advice, information and guidance for staff within the organisation.
- It is critical that the relationship between the LADO and the Senior Manager is clear. The LADO should act independently of any organisation involved in the allegation concerned.

## 6. Practice Issues

### 6.1 Confidentiality and Information-sharing

Information sharing is vital to safeguarding and promoting the welfare of children and young people.

The Data Protection Act 2018 and the Human Rights Act 1998 are the two main legislative frameworks governing how, what and in what circumstances information may be shared.

### 6.2 Record-keeping

Record keeping is an integral part of the management of allegations. Complete and accurate records will need to contain information which provides comprehensive details of:

Events leading to the allegation or concern about an adult's behaviour;

- The circumstances and context of the allegation;
- Professional opinions;
- Decisions made and the reasons for them;
- Action that is taken;
- Final outcome.

Employers, managers and officers who are involved in the process of managing allegations should follow the principles of record-keeping contained within the Data Protection Act 2018, the Human Rights Act 1998 and the Freedom of Information Act 2002.

It is a Greater Manchester Safeguarding decision that records will be retained until a person reaches 100 years old. (The North West LADO group have reviewed this and are looking at records for different outcomes to be retained for different periods, 100 years from the date of closure for cases found to be substantiated or unsubstantiated, the rationale behind this is that there are more historic allegations coming to light. Often victims will only make allegations years after a person is deceased therefore LADO information may be required, this is currently with IGU for review).

## 7. The Process

Using the Procedures

All those involved in the management of allegations should be familiar with the process which must be followed for considering information arising from an allegations or concern about the behaviour of an adult working with children.

The process of managing allegations starts where information comes to the attention of a manager which suggests that an adult working with children may have:

**Behaved in a way that has harmed a child, or may have harmed a child;**

**Possibly committed a criminal offence against or related to a child; or**

**Behaved towards a child or children in a way that indicates he/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.**

Concerns or allegations about the behaviour of an adult may be brought to the attention of a manager in a variety of ways. For example:

- An allegation made directly by a child or parent;
- An allegation made by a colleague or member of staff;
- Information from police or local authority social care team;
- Information from a third party or the general public;
- Information disclosed anonymously or online; or
- Concerns generated through an employment relationship.

The procedures allow for consideration of the adult's behaviour at the earliest opportunity when a concern or allegation arises and is brought to the manager/employer's attention. Where there is no employer, the allegation should nevertheless be brought to the attention of the LADO and the process described below be followed.

### **7.1 Stage 1: The Manager's Initial Response**

Managers need to understand which behaviours to address directly through their Complaints or Disciplinary procedures and under what circumstances they should contact the Local Authority Designated Officer (LADO) and the Trusts HR provider.

What constitutes appropriate or inappropriate behaviour will vary depending upon the context and nature of the work undertaken. All employers have a responsibility to set personal and professional boundaries for their staff and to be explicit about what behaviours are illegal, inappropriate or unacceptable.

#### **7.1.1 When to contact the Local Authority Designated Officer (LADO)**

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.

Discussion should always take place between the employer and the LADO when the concern or allegation meets the criteria.

#### **7.1.2 When to contact the Trust's HR Provider and CEO**

It is important to ensure that HR support is sought at the earliest opportunity, even when the allegations are apparently less serious. This will ensure that the correct procedures are followed from the outset. In addition, the CEO should be informed at the earliest opportunity in the event of any potentially serious allegations.

#### **7.1.3 What to Record**

At this stage the manager should ensure that a factual account of the allegation is recorded, dated and signed, a chronology of events initiated and any other key information identified. No attempts should be made to investigate further *before* discussion with the LADO.

Information the LADO will require - WHO, WHAT, WHEN, WHERE.

Employers may also seek the advice of the LADO where an employee's behaviour is a matter for concern to his/her manager because it compromises or may be seen to compromise the reputation and ability of the organisation to safeguard children and young people. Some examples of this may be where an individual has:

- Contravened or has continued to contravene any safe practice guidance given by his/her organisation or regulatory body;
- Exploited or abused a position of power;

- Acted in an irresponsible manner which any reasonable person would find alarming or questionable given the nature of work undertaken;
- Demonstrated a failure to understand or appreciate how his or her own actions or those of others could adversely impact upon the safety and wellbeing of a child;
- Demonstrated an inability to make sound professional judgements which safeguard the welfare of children;
- Failed to follow adequately policy or procedures relating to safeguarding and promoting the welfare of children;
- Failed to understand or recognise the need for clear personal and professional boundaries in his or her work;
- Behaved in a way in her or her personal life which could put children at risk of harm;
- Become the subject of criminal proceedings not relating to a child;
- Become subject to enquiries under local child protection procedures and/or child subject to Child Protection Plan
- Behaved in a way which seriously undermines the trust and confidence placed in him or her by the employer.
- 

## **7.2 Stage 2: Discussion with LADO**

### **7.2.1 Initial Discussion**

The purpose of an initial discussion is for the LADO and the Senior Manager to consider the nature, content and context of the allegation and agree a course of action.

The LADO may ask the senior manager to provide or obtain any additional information which may be relevant, such as previous history, whether the child/family have made similar allegations and current contact with children.

This initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, and the manager will then decide how best to proceed within their organisation.

For all other cases, the discussion will then focus on agreeing a course of action including deciding whether the information meets agreed thresholds to hold a Strategy Meeting under child protection procedures, and whether suspension of the adult is appropriate. The LADO should ascertain the views of police and/or children's social care as to whether the member of staff should be suspended from contact with children. The decision to suspend rests with the employer alone and it cannot be requested by another agency, although the employer should have regard to the views of investigative agencies if involved. Suspension should be seen in this context as a neutral act.

### **7.2.2 Use of Suspension**

Suspension should be considered in every case where:

- There is cause to suspect a child is at risk of Significant Harm;
- The allegation warrants investigation by the police; or
- The allegation is so serious that it might be grounds for dismissal.

Suspension should not be seen as an automatic response to an allegation or imposed as a 'knee jerk action'. A decision to suspend without careful thought could impede a police investigation. In some cases it will not be immediately obvious that suspension is appropriate and the need for this course of action may only become clear after information has been shared with, and discussion had, with other agencies, the Trust's Human Resources provider and CEO.

### **7.2.3 Alternatives to Suspension**

While weighing the factors as to whether suspension is necessary, alternatives to suspension should be considered if available and deemed suitable. This may be achieved by:

- The individual undertaking duties which do not involve direct contact with the child concerned or other children e.g. office work;
- Providing an assistant/colleague to be present when the worker has contact with children.
- It may be appropriate to use an alternative to suspension when an allegation is first made. This would allow time for an informed decision regarding suspension to be made and possibly reduce the initial impact of the allegation. This will however depend upon the nature of the allegation.

#### **7.2.4 Agreeing Next Actions**

In some cases further consultation by the LADO will take place. The LADO may decide to consult with police and social care colleagues to determine the next course of action.

If the information given about an adult's behaviour does not require a Strategy Meeting under Section 47, a similar meeting should be called to evaluate jointly the level of concern and to determine whether the person's suitability to continue working with children in his or her current position has been called into question.

If, following consultation, it is decided that the allegation does not meet any of the criteria above, then it may be dealt with by the employer at organisational level.

The LADO will retain overall management of the process (including the monitoring of cases which have been referred back to the employer for internal resolution) until the case reaches its conclusion and will ensure that accurate records are kept.

#### **7.2.5 Confidentiality during Investigations**

During an investigation, the employer and LADO have a responsibility to safeguard confidentiality as far as is possible. Sensitive information must only be disclosed on a need to know basis to other professionals involved in the investigative process. Confidentiality should be maintained by those professionals dealing with the allegation, but if other people become aware of the allegation they may not feel bound to maintain confidentiality. Therefore, consideration should be given as to how best to manage this, particularly in relation to who should be told, what information can be disclosed, when and how.

#### **7.2.6 Section 47 Strategy Meetings**

If from the information received the LADO considers that the threshold for harm has been met, then the LADO will liaise with the Children's Social Care team manager to organise a Section 47 Strategy Meeting. The team manager will chair the Section 47 Strategy Meeting and the LADO will attend where possible. If the arranged Strategy Meeting has all the relevant agencies round the table, then once the child's needs have been discussed the second consecutive meeting/allowing people to leave or arrive, should be used to discuss what should happen to the alleged member of staff rather than setting up a separate meeting for this at a later date, this is to minimise delays.

The employer should consider carefully and, together with the LADO, should keep under review decisions as to who else should be informed of any suspension and/or investigation, e.g. senior members of staff, and to what extent confidentiality can or should be maintained according to the circumstances of a particular case. The LADO should seek advice from the police and children's social care as appropriate.

#### **What to Record**

In reaching a judgement on an allegation, the Senior Manager and LADO, in consultation with other professionals as appropriate, should specify and record their concerns clearly indicating why the behaviour may be inappropriate and identifying any potential risk to a child. A written record of this discussion and the agreed outcomes should be made by the LADO and shared with the senior manager. The employee should be informed of the outcome in writing subject to any multi-agency recommendations to the contrary.

In reaching a judgement on an allegation the Senior Manager and LADO, in consultation with other professionals as appropriate, should specify and record their concerns clearly indicating why the behaviour may be inappropriate and identifying any potential risk to a child. A written record of this discussion and the agreed outcomes should be made

by the LADO and shared with the senior manager. The employee should be informed of the outcome in writing subject to any multi-agency recommendations to the contrary.

### **Strategy Meeting-minimising delays**

If the arranged Strategy Meeting has all the relevant agencies round the table, then once the child's needs have been discussed, the second part of the meeting (or a second consecutive meeting, allowing people to leave) should be used to discuss what should happen to the alleged member of staff, rather than setting up a separate meeting for this at a later date.

## **7.3 Stage 3: Role and Function of Multi-Agency Meetings**

### **7.3.1 Initial Consideration Meeting**

If the information about an adult's behaviour does not require a Strategy Meeting under Section 47 to be held, then a similar meeting should nonetheless be called to evaluate jointly the level of concern and to determine whether, and if so how, the behaviour has called into question the person's suitability to continue working with children in her or her current position.

If from the information received the LADO decides that the threshold for harm has been met, or that a criminal act has taken place, or that the person's behaviour may indicate that he/she is unsuitable to work with children or young people, the LADO will liaise with key agencies to organise an Initial Consideration Meeting.

If an Initial Consideration Meeting is to be held, then it should take the form of a face-to-face meeting wherever possible. It is important that the employer is represented. Other than in exceptional cases, this would normally be the Senior Manager and the meeting should include a representative from the employer's HR service (where applicable). It is also recommended that police, social care and any other agencies or organisations involved should be present.

The discussion should:

- Share all relevant information about the allegation in question;
- Discuss any previous allegations or other concerns;
- Review the need for involvement of children's social care or the police;
- Consider whether the person's suitability to continue working with children in his or her current position has been called into question;
- Plan any enquiries needed, allocate tasks and set timescales;
- Identify a lead contact manager within each agency;
- Decide what information can be shared with whom and when;
- Agree timescales for actions and/or dates for further meetings;
- Consider what advice and support should be made available to the member of staff and child/family;
- Consider any other factors that may affect the management of the case e.g. media interest, managing confidentiality;
- Where the allegation relates to an individual who is not an employee, the meeting should determine who will take the lead in any subsequent action;
- Date to reconvene if necessary.

Those invited to participate in the strategy meeting are advised to bring all relevant information including:

- Relevant details of the employee and the child and their family;
- Information and contact details of any possible witnesses;
- Any other relevant concerns or employment issues regarding the employee.

### **What to Record**

It is important that comprehensive minutes are taken of all the discussions and agreed outcomes.

The meeting should ensure that, where there is a decision not to pursue any police or social care enquiries, specific consideration is given as to why the alleged behaviour is of concern to those present. This discussion should be clearly recorded.

The chair should decide to whom the minutes should be distributed. This should include participants in the Strategy Meeting and those invited but not attending. All parties should be reminded of the need to maintain confidentiality in accordance with local and national procedures and guidance.

In consultation with the LADO the employer will decide whether further disciplinary investigation is necessary and whether there is a need to suspend the adult, or whether suitable alternatives to suspension should be used.

Where the allegation relates to an individual who is not an employee, the meeting should determine who will take the lead in any subsequent action.

### **Agreeing on Confidentiality at Meetings**

In allegation management it is vital to maintain confidentiality for the family and the staff member. Some local authorities have an agreed “need to know” approach to information-sharing that is set out in a protocol. Alternatively, using a set agenda for strategy meetings which includes consideration of confidentiality and support services for family and members of staff can be a good way of ensuring the need for confidentiality is discussed for every case. Professionals will be asked to sign up to the confidentiality clause at the start of the meeting.

## **7.4 Stage 4: Employer’s Actions**

### **7.4.1 When is Employer’s Action Necessary?**

Further action by the employer will always be required in circumstances where:

- A LADO meeting has concluded that disciplinary action should be considered by the employer;
- The matter has been referred to the employer after the police or Crown Prosecution Service (CPS) has determined that a charge or prosecution may not be appropriate; or
- Following the conclusion of legal proceedings.

### **7.4.2 The Decision to Undertake a Disciplinary Investigation**

The decision to instigate disciplinary procedures will be based upon the nature and seriousness of the behaviour which has been brought to the multi-agency discussion for consideration and, additionally, in those circumstances where a child has made a direct allegation, upon the child’s account of the adult’s behaviour. In such cases, it may be necessary to gather further information from the child or other child witnesses to establish the need for an investigation and this should be arranged to be undertaken by a social worker or other professional experienced in conducting interviews with child witnesses. This would be a social care social worker in a new case or child’s social worker if the case is already allocated.

### **7.4.3 The Disciplinary Investigation**

The disciplinary investigation is the responsibility of the employer or local governing committee and they have a duty to keep the LADO informed of progress and agreed timescales.

### **7.4.4 Support for Child/Family**

Children and families involved in the allegation should be made aware of services that exist locally and nationally which can offer support and guidance by the local social care team. They should be provided with any necessary information regarding independent and confidential support, advice or representation.

Parents/carers of the child should always be kept informed of the process of an investigation. This will be by social care team social worker or by allocated social worker or a nominated professional.

Parents or carers, and the child where appropriate, should be told the outcome as soon as possible after the decision of the panel has been reached.

#### **7.4.5 Support for the Individual**

Employers/local governing committees 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.

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 social care or 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.

Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be discouraged except where it is likely to be prejudicial to the gathering and presentation of evidence.

Throughout the process the individual should be aware of the concerns and why his or her suitability to work with children is being questioned and given the opportunity to state his or her case.

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

Employers notified in writing at the end of the process of outcomes.

#### **What to record**

Records should be kept of the investigation, including all discussions, meetings, panel hearings and decisions relating to the case. A record should also be made of any disciplinary sanction which has been imposed. This will be crucial information for any subsequent referral. It is a Greater Manchester Safeguarding recommendation that records will be retained until a person reaches 100 years old.

#### **Support and Aftercare**

It is important for employers to take into account the emotional effects that allegation investigations can sometimes bring to a workplace (regardless of the outcome or whether staff are involved or not) and for those organisations that do not have good HR/aftercare to consider that staff may have unresolved feelings and will need support.

This may mean a referral to Occupational Health.

### **8. Referral to the Disclosure and Barring Service (DBS)**

#### **8.1 The Duty to Refer**

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. It is an offence to fail to make a referral without good reason.

#### **8.2 The Disclosure and Barring Service (DBS)**

The primary role of the Disclosure and Barring Service (DBS) is to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups including children.

Their statutory responsibilities are:

- Processing requests for criminal records checks for applications made in England and Wales;

- Deciding whether it is appropriate for a person to be placed or removed from a barred list;
- Maintaining the DBS children's barred list and the DBS adults barred list for England, Wales and Northern Ireland.

If you are an employer or represent an organisation and you have concerns that an individual has caused harm or poses future risk or harm to vulnerable groups including children you need to complete a DBS referral form.

The DBS referral form can be downloaded from the [DBS website](#). On the website you can also view the additional information form and find further guidance.

Under the provisions of the Safeguarding Vulnerable Groups Act 2006, as agreed by the Protection of Freedoms Act 2012, the following groups have the power to make a referral to DBS:

#### **Duty to refer:**

- Regulated Activity suppliers;
- Personnel suppliers;
- Employers and voluntary managers.

#### **Power to Refer:**

- Local authorities (safeguarding role);
- Education and library boards;
- Health and social care;
- Keepers of registers (GMC etc.);
- Supervisory authorities (e.g. CQC, Ofsted).

#### **Penalties**

An employer or volunteer manager is breaking the law if they knowingly employ someone in Regulated Activity with a group from which they are barred from working.

A barred person is breaking the law if they seek, offer or engage in Regulated Activity with a group from which they are barred from working, be it paid or voluntary.

#### **Referring a Teacher in England to the Teaching Regulation Agency (TRA)**

If a person you are referring to the DBS is a teacher in England you should also refer the case to the [Teaching Regulation Agency \(TRA\)](#).

#### **Who should make the Referral?**

The Trust has a statutory duty to make a report to the Teaching Regulation Agency and Disclosure and Barring Service if they cease to use a person's services, in other words dismiss them from work as a teacher or in a role involving regular contact with children, on grounds that the person has committed misconduct which harmed a child or placed at risk of harm a child, on grounds relating to their misconduct (for example if they falsely claim qualifications they do not possess), or on grounds relating to the person's health, where this raises an issue relating to the safety and welfare of children.

All registered childcare organisations have a statutory duty to refer the names of those individuals who occupied a child care position that they consider to be guilty of misconduct which harmed or placed at risk of harm a child.

The referral should be made by the Headteacher/Executive Headteacher/CEO who should seek support from the Trust HR provider.

#### **How to make a Referral**

It is important that full information about the behaviour of the person and how the judgement of the panel was informed is given to the Department. The referral form contained on the [website](#), together with attached notes of

meetings and details gained from the disciplinary investigation, should be completed and sent to the DBS. Reports should be made promptly, preferably within a month of the person's dismissal or resignation.

To contact the DBS:

Email: [customerservices@dbs.gov.uk](mailto:customerservices@dbs.gov.uk)

By telephone: 0870 90 90 811

By Post:

P.O. Box 110  
Liverpool  
L69 3ET

## **9. Links with other policies & documents**

Safeguarding Policy  
Whistleblowing Policy  
Staff Code of Conduct  
Disciplinary Policy  
Positive Handling  
Social Media  
Cameras/Mobile Phones

## **Appendix 1: Definitions**

### **Allegation**

Information which comes to light which suggests an employee, volunteer or contractor may have hurt or harmed a child, committed a criminal offence against a child or has behaved in such a way towards a child or young person that they may be considered as unsuitable to continue in their current employment or in any capacity which involves working with children.

### **Concern**

Behaviour which is of concern to a manager or employer, identified through the normal employer/employee relationship.

### **Children and Young People**

Throughout this document references are made to "children and young people". These terms are interchangeable and refer to children who have not yet reached their 18th birthday.

### **Adults**

References to 'adults' or 'volunteers' refer to any adult who is employed, commissioned or contracted to work with or on behalf of, children and young people, in either a paid or unpaid capacity.

### **Manager**

The term 'manager' refers to those adults who have responsibility for managing services including the supervision of employees and/or volunteers at any level.

### **Employer**

The term 'employer' refers to the organisation which employs, or contracts to use the services of individuals in pursuit of the goals of that organisation. In the context of this document, the term 'employer' is also taken to include 'employing' the unpaid services of volunteers.

### **Safeguarding**

Process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully.

### **Duty of Care**

The duty which rests upon an individual or organisation to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity or interaction for which that individual or organisation is responsible. Any person in charge of, or working with children and young people in any capacity is considered, both legally and morally, to owe them a duty of care.

### **Substantiated**

A substantiated allegation is where there is sufficient evidence to prove an allegation.

### **Unsubstantiated**

An unsubstantiated allegation means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

### **Unfounded**

The term 'unfounded' means that there is no evidence or proper basis which supports the allegation being made, or there is evidence to prove that the allegation is untrue. There is the possibility that the allegation may be malicious (see below), but it might also indicate that the person making the allegation had misinterpreted the incident or was mistaken about what he/she saw, or was not aware of all the circumstances.

### **Malicious**

The term 'malicious' implies that an allegation, either wholly or in part, has been made with a deliberate intent to deceive or cause harm to the person subject to the allegation. For an allegation to be classified as malicious, it will be necessary to have evidence to prove the intention to cause harm. Care should be taken in dealing with such allegations as some facts may not be wholly untrue. Some parts of an allegation may have been fabricated or exaggerated but elements may be based on truth.

Great care should be taken in dealing with allegations that might appear to be unfounded or malicious. For example, with allegations considered unfounded:

A child or young person may make an allegation in an attempt to draw attention to abuse emanating from another source within his/her family or community;

A parent may make an allegation against a nursery worker in an attempt to evade responsibility for an injury to his/her child;

A pupil may make an allegation against a teacher in order to deflect attention away from an incident of behaviour management;

A parent, in dispute with a school, may make an allegation against a member of staff in order to strengthen their case.

### **Malicious allegation:**

A colleague may make a malicious allegation in an attempt to discredit a member of staff.

Complaints and allegations against members of staff should always be viewed objectively. The circumstances leading up to the complaint can often be complicated and the outcome far from certain. Completely malicious allegations are rare, but such descriptions, along with terms such as unfounded, unsubstantiated and malicious are often used in the same context. The meanings, however, are very different and it is important for staff to understand the distinction between them and avoid using generalisations that might be incorrect or misleading.

### **False:**

There is sufficient evidence to disprove the allegation.

## Appendix 2: Managing Allegations Flowchart

<https://trixcms.trixonline.co.uk/api/assets/greatermanchesterscp/c27e0651-8f6a-4359-a93e-44a6ecc6a939/man-alleg-flowchart.pdf>

## Appendix 3: Initial Consideration Meeting Minutes Proforma

### Initial Consideration Meeting Minutes Proforma

**STRICTLY CONFIDENTIAL**

#### MINUTE OF STRATEGY / INITIAL CONSIDERATION MEETING

**In respect of:**

**Date of meeting:**

**Time of meeting:**

**Venue:**

**Present:**

*Attendees are reminded of the confidential nature of the meeting and that the issues discussed are confidential to the members of the meeting and the agencies they represent. In appropriate circumstances and with the permission of the Chair, any information gathered, stated or recorded, as part of the meeting may be shared in the interests of the child **in confidence** with other agencies having a specific interest in the case.*

*Minutes of the meeting are circulated on the strict understanding that they will be confidential and stored securely.*

*Please note that the information contained in the minutes and appendices is subject to the provisions of the Data Protection Act 1998 and Freedom of Information Act 2000; and may be disclosed in accordance with the relevant legislative provisions. Any person seeking disclosure should submit their request in writing to the local authority's Data Protection Officer*

1. **Apologies**

2. **Concern leading to the meeting**

3. **Discussion**

*Individual/s about whom there are concerns*

*Risk of Harm to children concerns*

*Employment Information (including previous allegations or concerns)*

*Police Information*

*Other relevant information*

4. **Conclusions and Action Plan**

**Review strategy meeting will be held on:**

**Venue:**

## **Appendix 4: Suspension**

Always seek advice from The Trust's HR employment provider and CEO before making any decisions.

### **Alternatives to Suspension**

While weighing the factors as to whether suspension is necessary, alternatives to suspension should be considered if available and deemed suitable. This may be achieved by:

The individual undertaking duties which do not involve direct contact with the child concerned or other children e.g. back office work;

Providing an assistant/colleague to be present when the worker has contact with children.

It may be appropriate to use an alternative to suspension when an allegation is first made. This would allow time for an informed decision regarding suspension to be made and possibly reduce the initial impact of the allegation. This will however depend upon the nature of the allegation.

### **Suitability**

You may wish to make recommendations to the employer or registered provider or agency and you may wish to comment on the suitability of the person to continue to work with children. In some cases it will be apparent that someone is unsuitable i.e. wanted for sex offence against children in their care. In some more subtle cases this may require elaboration or you may come to the view that an individual has harmed a child through their actions but this is unintended or as a result of inexperience. You must also make recommendation about training or change in policy/ procedure. Always be mindful that the employer makes the ultimate decision to take the person through their own disciplinary process or not.

**Appendix 5:**

Bury Local Authority LADO Referral Form

**BURY INITIAL CONSIDERATION/ENQUIRY FORM**

Once completed send to:- [LADO@bury.gov.uk](mailto:LADO@bury.gov.uk)

<b>Office Use Only</b>  Is this at LADO/Managing Allegations Full Threshold:
--

<b>Date LADO notified:</b>	
<b>Name of person completing the form:</b>	
<b>Full Name of person of potential concern</b>	
<b>Date of birth</b>	
<b>Address of Person</b>	
<b>Details of Establishment where person of potential concern works</b>	
<b>If agency worker, details of agency, telephone number and contact name</b>	
<b>Job role</b>	
<b>Contact number of referrer:</b>	
<b>Email Address of referrer:</b>	
<b>Name/Position of person referring information:</b>	

<b>Category</b> Choose an item.	<b>Area of complaint</b> Choose an item.
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**PLEASE KEEP INFORMATION CLEAR & CONCISE**

<b>DETAIL OF: ALLEGATION/INCIDENT/ENQUIRY</b> (date and time of allegation)
<p><b>CHILD'S Details, to include full name, date of birth and address/INITIAL ACCOUNT OBTAINED</b>          (Preferably with parent or carer present unless they are the person of potential concern)</p> <p>(Note: no leading questions should be asked, questions should be kept open and to a minimum, i.e., what was the incident, and how did they feel, did anyone witness this?)</p>
<p><b>PARENTS/CARERS details of child if known and contact numbers - CARERS VIEW</b> (what was their response and what action would parents/carers like to see taken)</p>
<p><b>ANY WITNESSES? – Full details of contact details</b></p> <p>(Note: if so do not discuss what the child has said, ask only if they are aware on any incident that has occurred involving the child and ask that they make a note of their account, print name, sign and date)</p>

--

**IS THERE ANY CCTV FOOTAGE TO PROVE OR DISPROVE THE ALLEGATION? If there is, what does it show?**  
(Please check this first and ensure a copy is kept)

--

**HAVE THERE BEEN ANY HISTORIC ALLEGATIONS MADE BY THE CHILD?**  
(dates and outcomes)

--

**HAVE THERE BEEN ANY HISTORIC ALLEGATIONS OR CONCERNS IN RELATIONS TO THE MEMBER OF STAFF?**  
(dates, what the allegation was and outcome)

--

**Office Use Only:**

**POLICE ADVICE OR RESPONSE**

--

**HR/Employer ADVICE OR RESPONSE**

**CHILDREN'S SOCIAL CARE ADVICE OR RESPONSE**

**LADO ADVICE OR RESPONSE – Final Outcome**

**Office use only:**

Date of Closure: \_\_\_\_\_

Signed by: \_\_\_\_\_

Position: \_\_\_\_\_

**Emails received to show confirmation of above if needed.**

## Appendix 6: Stages to Managing Allegations Parents Flow Chart Guidance

### Stages to Managing Allegations Parents Flow Chart Guidance

