



Procedures for Managing Allegations against People who work with Children and Young People

Believe * Achieve * Succeed

Adopted from Bolton Safeguarding Children Board

September 2024



	Page
CONTENTS	
1. <u>Introduction</u>	4
1.1 Duty placed upon Local Safeguarding Children Boards	4
1.2 Duty placed upon organisations	4
1.3 What is an allegation?	4
2. <u>Principles</u>	5
2.1 What do we mean by professional?	5
2.1 Who is the procedure for?	5
3. <u>Key roles</u>	5
4. <u>The Process</u>	6
4.1 The criteria for referral to LADO	6
4.2 When to contact the LADO	6
4.3 Initial considerations with the LADO	6
4.4 When immediate action is required	7
4.5 Initial Consideration Meetings	7
4.6 Professional Strategy Meeting	7
4.7 Who attends the meeting?	8
4.8 What happens at the meeting?	8
4.9 Burden of proof required	8
4.10 Finding of fact	9
5. <u>Confidentiality</u>	9
5.1 Data protection	9
5.2 Information Sharing	9
5.3 Confidentiality agreement	9
5.4 Requests for minutes of meetings	10

6.	<u>Record Keeping</u>	10
6.1	Purpose of records	10
6.2	What records should Senior managers make?	10
6.3	What records should the employer keep?	10
6.4	What records does the LADO keep?	10
6.5	What is included in PSM minutes?	11
6.6	How long are records retained?	11
6.7	References	11
7.	<u>Consideration of suspension</u>	11
7.1	Duty of employer	12
7.2	What should be recorded?	12
8.	<u>Actions on conclusion of the case</u>	12
8.1	Categorising the Allegation	12
8.2	Disciplinary proceedings	12
8.3	Referral to professional/regulatory body or DBS	13
8.4	Sharing outcomes	13
8.5	Lessons learned	13
9.	<u>Challenging practice</u>	13
10.	<u>Historical abuse</u>	14
11.	<u>Further Information</u>	15
Appendix A	Links to other documents	16
Appendix B	Key BSCB agencies	17
Appendix C	First Five Minutes	18
Appendix D	Possible Professional Strategy Group	19
Appendix E	Guidance for staff attending a professional abuse strategy meeting	20

Appendix F	Consideration of alternatives to suspension	22
Appendix G	Definitions	24
Appendix H	Clarification of actions regarding references (schools only)	26

1 INTRODUCTION

The vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment that secures the wellbeing and very best outcomes for children and young people in their care; however children can be subjected to abuse by those who work with them in any and every setting.

We also know that some professionals may feel vulnerable to false allegations. The length of time taken to deal with cases, plus the widespread publicity some cases attract can have very damaging effects on children, the adults involved, their families and their carers. It is in everyone's interest to have a rigorous, fair and timely system for dealing with allegations of abuse.

There are now two main guidance documents which relate to Managing Allegations, Keeping Children Safe in Education 2016 (KCSIE 2016) which is for schools only and Working Together 2015 (WT2015), for all other agencies which includes little guidance around managing allegations. This policy document is intended therefore to bring together this existing guidance, together with good practice examples from WT2010.

This document provides practice guidance for employers and Local Authority Designated Officers (LADOs), now referred to in guidance as Designated Officer when allegations are made. It does not replace or take priority over any aspect of employment law and should be used in conjunction with Bolton Safeguarding Children Board procedures.

The overall aim of the Managing Allegations Procedures is to safeguard the children's workforce

1.1 Duty placed upon Local Safeguarding Children Boards

Working Together 2015 (which reinforces Section 11 Children Act 2004) places a duty on the Local Safeguarding Children Board (LSCB) to have a clear policy for managing allegations against those who work with children and young people and for its partner agencies to have clear policies, in line with that of the LSCB, for dealing with allegations against people who work with children. Such policies should make a distinction between an allegation, a concern about the quality of care or practice or a complaint.

1.2 Duty placed upon organisations

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 and should identify a senior manager (or chair of governors if the Head Teacher is subject of the allegation themselves) within the organisation to whom all allegations or concerns are reported.

1.3 What is an allegation?

An allegation may relate to a person who works with children who 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
- Behaved towards a child or children in a way that indicates they **may**¹ pose a risk of harm to children

2 PRINCIPLES

Bolton Safeguarding Children Board believes that the welfare of the child is paramount and that allegations against professionals should be investigated with the same thoroughness as allegations against parents and carers. These procedures need to be applied using common sense and reasoned judgement.

This is intended as a policy document that should complement existing professional procedures, protocols and guidance which relates to specific roles, responsibilities or professional practices. It should be read in conjunction with the documents listed in **Appendix A**.

2.1 What do we mean by professional?

The term professional is used throughout to refer to people acting on behalf of an agency whether in a paid, professional or voluntary capacity, this includes foster carers.

It is not possible in a single document to differentiate between the many different providers of services to children. Individual organisations or professionals may need to adapt the terminology used when applying this guidance to their own circumstances.

2.2 Who is the procedure for?

It is important to remember that statutory guidance and legislation relating to managing allegations is directed at the employer. It is the employer's duty to adhere to the guidance and to seek the advice of the LADO. Where there is no 'obvious' employer the allegations should be brought to the attention of the LADO.

3 KEY ROLES

Case Manager

Each agency should have a senior manager at local level or designated case manager who is acting on behalf of the most senior manager. In the case of a school this should in the first instant be dealt with by the Head Teacher.

Senior nominated officer (SNO)

All LSCB member organisations should have a named senior officer with overall responsibility for ensuring that their organisation operates procedures for dealing with allegations.

¹ KCSIE16 states 'would' here, however BSCB agreed to adopt 'may' as local procedure

Local Authority Designated Officer (LADO)²

The LSCB should have in place a LADO to be involved in the management and oversight of individual cases. The LADO should provide advice and guidance to employers and voluntary organisations, liaising with the police and other agencies and monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process. The LADO role covers any individual working with children in Bolton and from all agencies and sectors.

Child Protection Unit

Officers, who may advise, deputise for LADO in their absence.

Bolton Safeguarding Children Board (BSCB)

A statutory partnership responsible for making sure that children and young people in Bolton are safe. BSCB members include representatives from Bolton Council, Health agencies, Police, Probation, local Schools, Children and Family Court Advisory Support Service (CAFCASS), the faith and voluntary sector. Contacts for BSCP partners can be found at Appendix B.

4 THE PROCESS

4.1 The criteria for referral to LADO

All those involved in the management of allegations should be familiar with the process (***see Appendix C for Process flowchart***).

All staff should be aware of the first five minutes process (Appendix D) and should inform their line manager, at the earliest opportunity (immediately for schools), when a concern arises where an adult working with children may have:

- *Behaved in a way that has harmed, or may have harmed a child*
- *Possibly committed a criminal offence against or related to a child*
- *Behaved towards a child in a way that indicates they may pose a risk of harm to children*

4.2 When to contact the LADO

The LADO should be informed within one working day of all allegations that come to an employer's attention, which appear to meet the criteria.

4.3 Initial considerations with the LADO

In the first instance the LADO should first establish, in discussion with the employer, that the allegation is within the scope of these procedures and may have some foundation. The purpose of this initial discussion would be to consider the nature, content and context of the allegation and agree a course of action and, where necessary, obtain further details of the allegation and the circumstances in which it was made.

² Now referred to in guidance as Designated Officer however BSCB have chosen to continue using the title of LADO.

Any tasks to gather information such as statements etc. are then under advice from the LADO, who is independent of the organisation and objective.

Once all relevant information is gathered the employer and LADO would consider whether the allegation is, on the balance of probability, false, malicious or unfounded and would therefore require only a single agency response i.e. no other agencies need become involved. (**See Appendix D First Five Minutes**). Recommendations may be made to the employer at this stage regarding their next steps.

All information would be recorded and the case would be filed as a 'no further action required by LADO and in most cases a decision agreed as to how this should be categorised (see 8.1).

4.4 When immediate action is required

Some allegations are so serious as to require immediate referral to social care and to police for investigation. Others are 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.

4.5 Initial Consideration Meetings

Occasionally an allegation/concern is referred which is complex in nature and many agencies are involved in providing information, however it has not been established that the criteria for a professional strategy meeting has been met i.e. it is not known if harm was caused by a particular professional. In simpler cases, as above, this could be resolved by LADO and employer, however in complex cases it is beneficial to bring all those who may be able to add information or further investigate the case together. In these cases the LADO may call an 'Initial Consideration Meeting'. This meeting would often be able to establish information, generate discussion and would make recommendation and decisions about who would gather what information. If information is established that the allegation then meets the criteria, a professional strategy meeting would then be called.

4.6 Professional Strategy Meeting (PSM)

A professional strategy meeting will be arranged by the LADO and professionals will be invited who can provide information, in respect of the subject of the allegation or the alleged victim, or may be able to action any recommendations.

The Professional Strategy Group (PSG) chaired by the LADO will discuss the allegation and cover the following areas:-

- Consider whether a Section 47 Enquiry (Children Act 1989) has been carried out or is required and/or police investigation and consider the implications.

- Ensure that arrangements are in place to protect the child/ren involved and any other child/ren affected.
- Review any previous concerns or allegations regarding the conduct of the subject of the allegation.
- Consider what support should be provided to all children who may have been affected directly and indirectly.
- Make arrangements to inform the child's parents/carers or the parents/carers of any other children involved, and consider how to provide them with support and information during enquiries.
- Make arrangements to inform the subject of the allegation of the referral to LADO and that a PSM has been held .
- Consider what support should be provided to the subject of the allegation and others who might have been affected.
- Where the allegation is against a foster carer independent support should be offered.
- Where the allegation is for physical contact the group should take into account legislation relating to reasonable restraints and the use of reasonable force (**see Linked documents Appendix A**).
- Review the case against three criteria: criminal, child protection and disciplinary.
- Consider whether any parallel disciplinary process can take place.
- Determine what information can be shared, with whom and when.
- Make recommendations, where appropriate, regarding suspension, or alternatives to suspension to the employer.
- Agree protocols for reviewing and consider the need to share information with the employer or voluntary organisation.
- Formulate actions in regards to the above.

4.7 Who attends the meeting?

There is no requirement for police and social care to attend PSMs. This process is distinct from a sec47 enquiry and it is at the discretion of the LADO who is invited. Those who hold information, can advise and those who may be able to act on recommendations would be invited. This may include Police, Social Care, employer or senior manager (case manager). In the case of a Head Teacher this would be the Chair of governors. See guidance for staff attending a professional strategy meeting (**see Appendix F**).

4.8 What happens at the meeting?

It is imperative that any child who is the subject of an investigation is interviewed by identified members of the investigation team, in line with BSCB procedures. It is not expected that the Professional who is subject of the allegation nor the child/family making the allegation attend the PSM.

Burden of proof required

4.9

It is important that all agencies understand that action to protect children or disciplinary proceedings is not dependent upon a police prosecution (as

beyond reasonable doubt). The group will consider all information available on **'the balance of probability'**.

4.10 Finding of fact

Where court proceedings have taken place and the court has determined, on the balance of probability, that the allegations are not true or cannot be proven, the LADO is entitled to take the view that it is not necessary to convene a Professional Strategy Meeting, or take any further action. The LADO may convene a Professional Strategy Meeting where, following the said hearing, further evidence has come to light which should properly be considered in this process

5 CONFIDENTIALITY

5.1 Data Protection

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

The Data Protection Act 1988 and the Human Rights Act 1998 are the two main legislative frameworks governing how and what and in what circumstances information may be shared. However disclosure of any confidential information should always be appropriate for the purpose and only to the extent necessary to achieve that purpose.

Information sharing: guidance for practitioners and managers 2008 supports those who have to make decisions about information sharing on a case by case basis.

5.2 Information Sharing

Professional strategy meetings are held under strict confidentiality agreements between the group, and the meeting is held on behalf of Bolton Safeguarding Children's Board. All those invited to PSM will receive minutes, which also carry this confidentiality agreement.

5.3 Confidentiality agreement

The information discussed within a meeting is of a highly confidential nature and reports should not be copied without the prior consent of the author of the report or the chair. Any information discussed verbally within the meeting also should not be passed onto anybody outside the meeting without first obtaining the permission of the person who provided that information, or the chair.

All information relating to the subject of the allegation and the alleged victim should be shared at PSM. Police and Social Care should seek permissions to share statements etc., where relevant.

5.4 Requests for minutes of meetings

The minutes of the professional strategy meeting are extremely confidential. Agencies and regulatory bodies may request a copy of the minutes but these may not be shared without the permission of the chair.

For Disclosure and Barring Services (DBS) purposes this may be requested under section 40 of the Safeguarding Vulnerable Groups Act (SVGA) 2006 and the SVGA regulations 2008 and falls within schedule one. Advice should be first sought from LADO or legal team before sharing.

Where a request is submitted under Subject Access Request under the Data Protection Act 1998 or Freedom of Information request to the Local Authority this would be redirected to BSCB, who would consider the application under this legislation.

*A redacted version, prepared by the employer or relevant member of the professional strategy group, may be shared under certain circumstances, **only** after approval by LADO. This redacted version may require summarising to allow the information to be read in context.*

6. RECORD KEEPING

6.1 Purpose of Records

The purpose of keeping records of allegations managed is to enable accurate information to be given in response to future requests for references. It will provide future clarification where DBS disclosures reveal information from the police about an allegation, that did not result in a criminal conviction and it will help prevent unnecessary reinvestigation if, as sometimes happens, an allegation resurfaces after a period of time.

6.2 What records should Senior Managers make?

The senior manager or employer should ensure that a factual account of the allegation is initially recorded, dated and signed. A chronology of events initiated and key information identified.

6.3 What records should the employer keep?

It is important that employers then keep a clear and comprehensive summary of any allegations made, details of how the allegations were followed up and resolved and of any action taken and decisions reached. These should be kept in the subject's confidential personnel file and a copy given to them.

6.4 What records does the LADO keep?

The LADO should keep an accurate record of all referral discussions, recommendations made and any outcomes which are resolved at Initial consideration stage (i.e. resolved by a single agency without the need for a PSM). The LADO records and retains all relevant information on behalf of BSCB.

6.5 What is included in PSM minutes?

It is important that comprehensive minutes are taken of PSM discussions together with professional opinions, events leading to the allegation, with context of any incidents and a clear rationale for decisions and recommendations made. The LADO case file should record actions taken and final outcomes.

6.6 How long are records retained?

Records should be retained in line with the agreed North West LADO retention Policy 2015 agreed across North West authorities. This policy makes clear that records retained should be reviewed and a rationale provided for any subsequent retention.

The LADO should report managing allegations data to BSCB quarterly and annually. This includes identifying themes and making recommendations to further safeguard children.

6.7 References

KCSIE 2016 gives clear directions with regards to information to be retained and shared in response to references with respect to Teachers and School staff which differs significantly to that of all other professionals. (**See Appendix G** for clarification in relation to Teachers and School staff **only**). All other employers should refer to their own procedures and policies.

7. CONSIDERATION OF SUSPENSION

The possible risk of harm to children posed by the subject of an allegation should be assessed and managed. In some cases where that risk cannot be reduced this will require the employer to consider suspending the subject of the allegation until the case is resolved. However suspension must not be an automatic response. Suspension should be considered only in a case:

- Where there is cause to suspect a child or other children is/are at risk of significant harm or
- The case is so serious that it might be grounds for dismissal.

A person should not be suspended automatically. The employer must consider carefully whether the circumstances warrant suspension from contact with children or until the allegation is resolved, and may wish to seek advice from their personnel adviser and the LADO.

The PSM will seek advice from Police and Social Care colleagues; however, the group can only make recommendations. The decision to suspend lies purely with the employer.

7.1 **Duty of employer**

The employer should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. (**See Appendix G**).

7.2 **What should be recorded?**

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

8 **ACTIONS ON CONCLUSION OF THE CASE**

Whilst guidance urges that cases are resolved as quickly as possible, some cases which require protracted police investigation and court proceedings can become lengthy. The LADO should review the case at regular intervals and update the group on any progress. It is vital that the group has access to all information and are involved/informed of the resolution of the case. The group may make recommendations to support the subject of the allegation should they return to work from any suspension.

8.1 **Categorising the Allegation**

The Professional Strategy Group will be asked to consider and give a rationale to categorise the allegation as:

- Substantiated
- False
- Malicious
- Unfounded
- Unsubstantiated

(**See Appendix H for definitions of categories**)

It is not the role of the LADO to make decisions but is the PSG as a whole who make recommendations relating to the case.

8.2 **Disciplinary proceedings**

Any police investigation would normally take precedent and the LADO should liaise with police to ensure that any disciplinary does not breach rules of sub judice (**see Appendix H**). The LADO would, however, seek police consent to run parallel proceedings were possible.

The PSG should also seek permissions for police to share information with disciplinary hearings, if required.

8.3 Referral to professional/regulatory body or DBS

The duty to refer to the Disclosure and Barring Service (DBS) lies purely with the employer. If an organisation ceases to use the services of an individual (paid worker or unpaid volunteer) from work, or would have done had the person not left first, because the person poses a risk of harm to children, **the organisation must make a referral to DBS**. It is an offence to fail to make a referral without good reason.

Information relating to making a referral to DBS can be found at **Appendix A**.

The DBS however will only consider referrals for those working in 'regulated activity' or in 'regulated environments'. Therefore the employer should consider guidance provided by DBS and their personnel advisor.

If the subject is regulated by a professional body or regulator e.g. GMC, Ofsted, The Teaching Agency, then consideration should be given by the employer of referral to that body within one month.

8.4 Sharing outcomes

The subject of the allegation and parents of the child/children should be informed of the referral to LADO, that a PSM has been held and of the outcome. The PSG would make recommendations that an agency, usually the employer undertakes this.

8.5 Lessons learned

At the conclusion of a case the LADO should review the circumstances with the employer. This is to determine whether there are any improvements to be made to procedures or practice to help prevent similar events or allegations in the future. This should also include consideration of suspension, whether this was justified, and whether any lessons can be learned for future practice by an agency.

9 CHALLENGING PRACTICE

The managing allegations process and the role of the LADO is statutory within WT2015 and sits within the BSCB framework.

Information under these procedures is gathered on behalf of and retained by the BSCB, information is given voluntarily and is retained by the agencies and professionals providing it.

In the event the subject or any Professional wishes to complain in relation to either the process or the outcome of any Professional Strategy Meeting, the complaint should be referred in writing, in the first instance, to Head of Service, Child Protection Unit, Westhoughton Town Hall. The Head of Service of Child Protection Unit will investigate the complaint and if necessary escalate the matter to the Chair of Bolton Safeguarding Children

Board, who will Review the process followed and/or the outcome of any Professional Strategy Meeting. The Chair may take the following action:

- (i) Arrange for any meeting to be re-convened in order that consideration may be given as to whether the process has been followed
- (ii) Arrange for any meeting to be re-convened in order that any decision may be further considered and if appropriate a different outcome substituted.

10

HISTORICAL ABUSE

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. Often Historical allegations are complex and require protracted Police and/or Social care investigations and should be reported to police in the first instance.

This page has been intentionally left blank.

Links to other documents

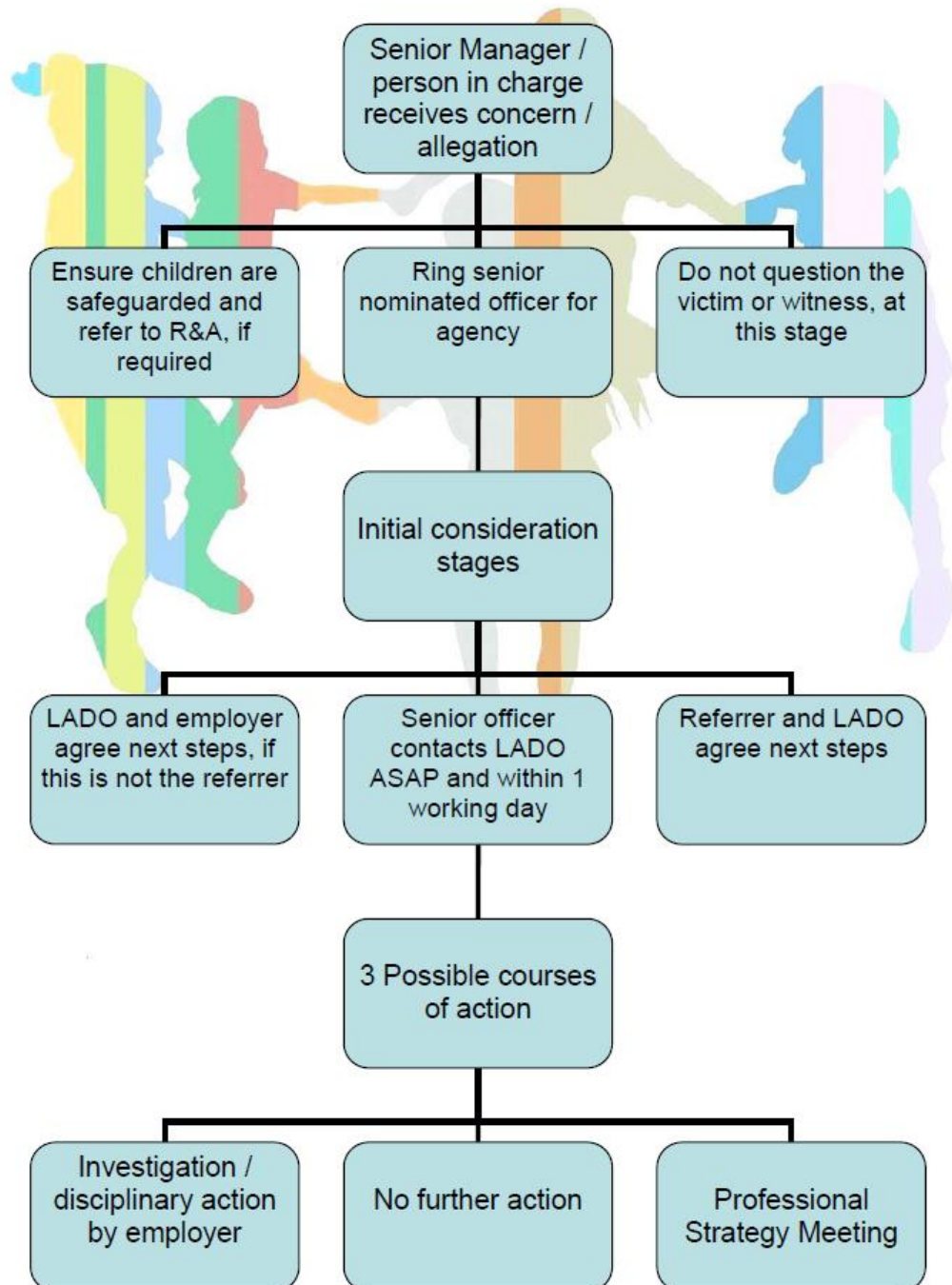
1. [Working Together to Safeguard Children \(2015\)](#)
2. [Keeping Children Safe in Education 2016](#)
3. [Guidance for Safer Working Practices for Adults who work with Children and Young People \(2007\)](#)
4. [Guidance for safer working practice for those working with children and young people in Education settings \(October 2015\)](#)
5. [Bolton Safeguarding Children Board procedures and protocols](#)
6. [The Children Act 2004](#)
7. [Educations Act 2002](#)
8. [Information sharing: guidance for practitioners and managers \(2008\)](#)
9. [Disclosure and Barring Service](#)
10. [Use of reasonable force](#)

BSCB contacts

Appendix B

Key Agency	Role	Contact
Children's services	Head of Service Child Protection Unit	01204 337470
Bolton Council of Mosques	Executive member Vice Chair Asif Patel	07711 735292
Education settings	Safeguarding in Education Officer Child Protection Unit	01204 337472
Clinical commissioning group	Associate director safeguarding Ground floor St Peters House Silverwell St, Bolton	01204
Bolton NHS Foundation trust	Senior nominated officer Helen Clarke Named Nurse Child Protection, Fiona Farnworth Safeguarding children Team Ingrid Derbyshire, HR dept	01204 390390 01204 390263 01204 463388 01204 390390
Probation service	District Manager	01204
Greater Manchester Police	Superintendent Public protection and Investigations unit (PPIU)	0161 856 6583
LADO	Paula Williams LADO Child Protection Unit Paderborn House Bolton	01204 337474

Managing allegations against those who work with children 'The First Five Minutes'





There is no requirement for LADO to invite police and social care to attend PSMs. This process is distinct from a sec47 enquiry and it is at the discretion of the LADO who is invited. Those who hold information, can advise and those who may be able to act on recommendations would be invited. This may include Police, Social Care, employer or senior manager (case manager). In the case of a Head Teacher this would be the Chair of governors. These would agencies make up the Professional Strategy Group.

Checklist for staff attending a professional abuse strategy meeting

A professional invited to provide information, in respect of the subject of the allegation or the alleged victim, will help form part of the Strategy group. This checklist is aimed to assist and offer support when invited to a strategy meeting. It is important that attendees are able to participate fully.

	Ask yourself	X / ✓
	Am I able to bring along relevant information?	
	Am I able to action or feedback tasks?	
	Is this person known to my service?	
	Am I familiar with the case notes?	
	Do I feel there may be a conflict of interest? Do I know the subject personally/work in closely with the subject?	
	Has a section 47 enquiry been carried out? Is one required prior to the professional strategy meeting	
	Please bring along (where app.)	
1	Name, address, DOB of alleged victim(s)	
2	Name, address, DOB of subject(s)	
3	Chronology of recent events	
4	What you know about the incident	
5	What you know about the victim	
6	What you know about the subject(s) of the allegation	
7	Any record/ notes of interviews	
8	Any record/ notes of assessments	
9	Historical information about the alleged victim	
10	Historical information about the subject(s) of the allegation	

Guidance for staff attending a professional abuse strategy meeting

The vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment that secures the wellbeing and very best outcomes for children and young people in their care; however children can be subjected to abuse by those who work with them in any and every setting.

We also know that some professionals may feel vulnerable to false allegations. The length of time taken to deal with cases, plus the widespread publicity some cases attract can have very damaging effects on children, the adults involved, their families and their carers. It is in everyone's interest to have a rigorous, fair and timely system for dealing with allegations of abuse.

Occasionally an allegation may be so serious that child protection concerns will need to be addressed by a section 47 enquiry by police and social services *prior* to the Professional Strategy Meeting.

What happens at a Professional Strategy Meeting?

The Professional Strategy Group will discuss the allegation and cover the following areas:-

- Review the case against three criteria: criminal, child protection and disciplinary.
- Review any previous concerns or allegations regarding the conduct of the accused person.
- Consider whether a Section 47 Enquiry (Children Act 1989) has been carried out or is required 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 child/ren affected.
- Consider what support should be provided to all children who may have been affected directly and indirectly.
- Make arrangements to inform the child's parents/carers or the parents/carers of any other children involved, and consider how to provide them with support and information during enquiries.
- Make arrangements to inform the subject of the allegation of the referral to LADO, that a PSM has been held and of the outcome, if appropriate.
- Make recommendations, where appropriate, regarding suspension, or alternatives to suspension.
- Agree protocols for reviewing and consider the need to share the accounts and evidence with the employer or voluntary organisation.
- Consider what support should be provided to the subject of the allegation and others who might have been affected.
- Formulate actions in regards to the above

Consideration of alternative to suspension

The possible risk of harm to children posed by an the subject of an allegation should be evaluated and managed. In some rare cases that will require the employer to consider suspending the subject of the allegation until the case is resolved. Suspension must not be an automatic response when an allegation is reported; all options to minimise risk and avoid suspension should be considered prior to taking that step.

Suspension should be considered only in a case where there is cause to suspect a child or other children is/are at risk of significant harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the case manager must consider carefully whether the circumstances warrant suspension from contact with children or until the allegation is resolved, and may wish to seek advice from their personnel adviser. At the PSM the chair will seek Police and Social care recommendations regarding possible suspension in order to help advise the employer.

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

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found not to be substantiated.

If immediate suspension is considered necessary, the rationale and justification for this should be agreed and recorded by both the employer and the LADO. This should also include what alternatives to suspension have been considered and why they were rejected.

Consideration of alternative to suspension

Name of subject of the allegation :

Date :

Advice sought from:

Date/Time:

Alternatives considered / discussed –

1. Redeployment within the organisation so that the individual does not have direct contact with the child or children concerned;

2. Providing an assistant to be present when the individual has contact with children;

3. Redeploying to alternative work so the individual does not have unsupervised access to children;

4. Moving the child or children to a place where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted;

5. Temporarily redeploying the member of staff to another role in a different location eg. to an alternative school or college or work for the local authority or academy trust.

Recommendation made:

Definitions

Adult

Refers to anyone who has attained the age of 18 years and who is employed on a paid or unpaid voluntary basis or contracted to work with or on behalf of children and young people.

Allegation

When a person, who works with children, 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.

BCSB - Bolton Safeguarding Children Board.

Case manager – This term is used within KCSIE 2016 guidance to describe the senior manager nominated by the employer to manage an allegation on their behalf.

Children and Young People

These terms refer to children who have not yet reached their 18th birthday.

DBS

Disclosure and Barring Service. Previously ISA and CRB which combined in December 2012. This service has two functions:

- Processes criminal record checks
- Considers application of barring from working with children.

Employer

Refers to the organisation which employs, contracts, uses services of or in the absence of an employer the regulatory body e.g. Ofsted for Child minders.

Finding of fact

A case heard in family court, overseen by a judge, where findings are made on the balance of probability, when a case has not met a criminal threshold or been dealt with in a criminal court

LADO

Local Authority Designated Officer for managing allegations against those who work with children in Bolton. Now referred to in Dfe guidance as Designated Officer (DO)

PPIU - Public Protection and investigations Unit (Police).

Professional

The term professional is used throughout to refer to people acting on behalf of an agency whether in a paid, professional or voluntary capacity, this includes foster carers.

PSG - Professional Strategy Group.

PSM - Professional Strategy Meeting.

Redacted

To edit or revise something in preparation for publication.

Regulatory body

Body who is responsible for the regulation of an organisation or profession such as Teaching agency, Ofsted, Charities Commission.

Safeguarding Children

The action we take to promote the welfare of children and protect them from harm.

Sub judice

Under judicial consideration and therefore prohibited from public discussion elsewhere.

Categories of allegations

Substantiated

There is sufficient identifiable evidence to prove the allegation.

False

There is sufficient evidence to disprove the allegation.

Malicious

There is clear evidence to prove there has been a **deliberate act to deceive** and the allegation is entirely false.

Unfounded

There is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances.

Unsubstantiated

This is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Dealing with allegations against Teachers and school staff

Clarification of actions regarding references
What information can and should be retained and by whom

Category recorded	HR/ Personnel files	References	LADO/CPU files	Sanctions which can be applied to pupil		
Substantiated	A clear & comprehensive summary of the allegation, how this was followed up, what action was taken and how this was resolved	Should appear	All allegations should be recorded as per NW regional retention Policy			
Unsubstantiated		Should NOT appear				
Unfounded		Should NOT appear				
False		Should NOT appear				
Malicious	Should NOT appear	Should NOT appear			May consider whether disciplinary action is appropriate (if this appears in behaviour policy)	Agencies may need to look at underlying reasons for malicious allegations
		Even if repeated allegations				
Record keeping	Records should be kept by the employer as per their own retention policy					