



## **PROCEDURE FOR MANAGING ALLEGATIONS AGAINST ADULTS IN SCHOOLS & EDUCATION SETTINGS**

This procedure replaces Document A7(i) in the Child Protection Information Pack (2004). It will be reviewed annually by the School's Safeguarding Co-ordinator, LADO, School's HR Manager and Head of Governor Services. It has been made available to all schools and education settings via the School's Portal, LCC Intranet / the internet and via DSP and Governor training.

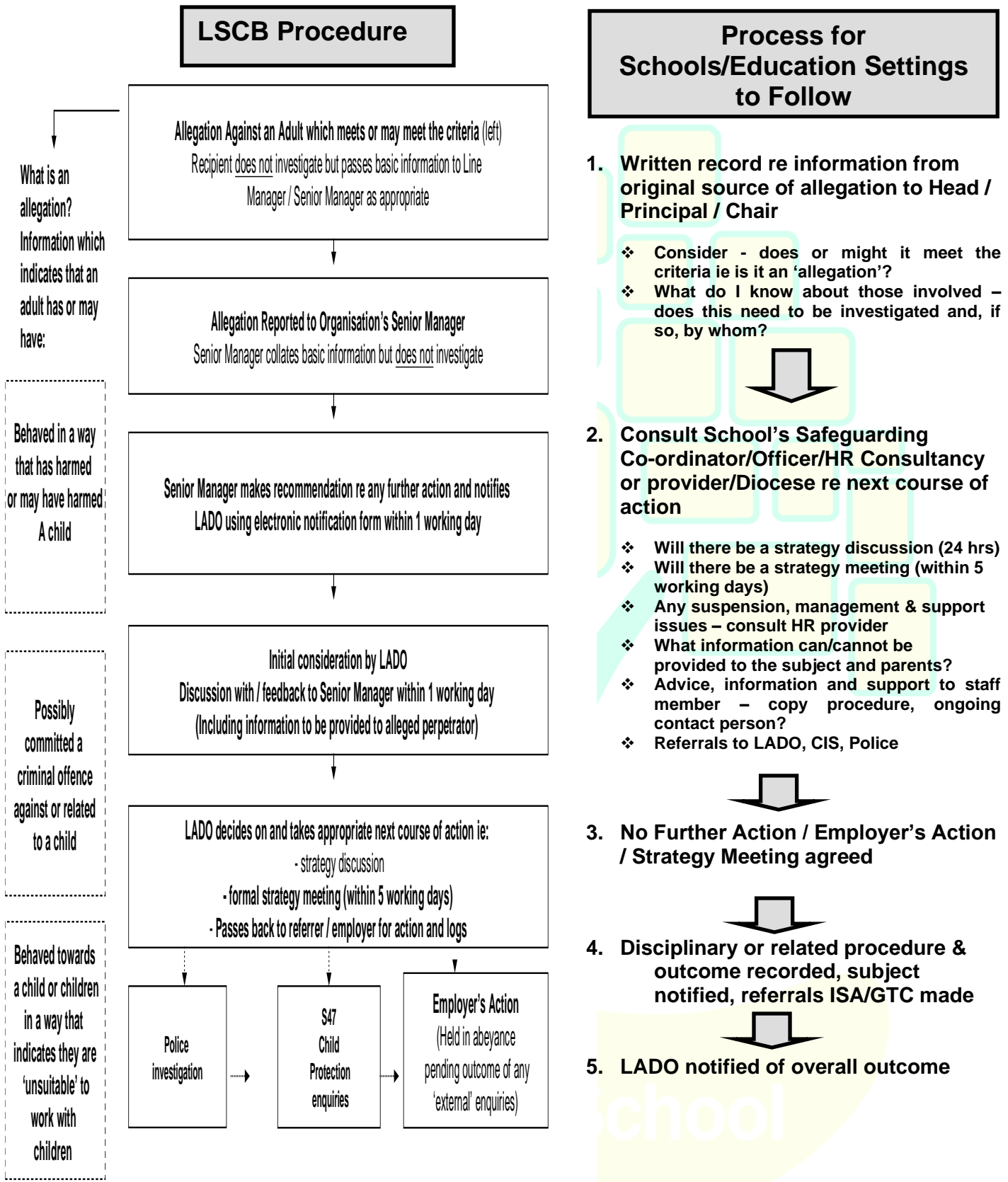


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Astley Park School

**PROCEDURE FOR MANAGING ALLEGATIONS AGAINST ADULTS WHO WORK IN LANCASHIRE'S SCHOOLS AND EDUCATION SETTINGS**



**See Appendix 2 for more detailed, full process flowchart**  
**See Appendix 3 for contact details: LADO, School's HR, Schools Safeguarding, Diocesan Officers, Governor Services, Professional Associations, Legal Services**

## Managing Allegations: Key Questions & a Quick Guide

Circumstances where allegations against staff, paid or unpaid, are made can be more complicated than they may first appear to be and difficult to deal with, potentially, because the consequences are so significant for all concerned. This procedure is intended to provide a detailed guide for all staff and managers who may come into contact with these challenging scenarios. We thought it would be helpful to provide a checklist very early in the document which outlines some of the key questions that you will need to consider if an allegation does arise in your school / setting:

### At the outset, ask yourself ...

- ❖ Is this an allegation as defined within this procedure (**see paragraph 2.1**)
- ❖ What information has been made available to me, what is its status and has the person passing it to me provided an appropriate record?
- ❖ Is there any other contextual information that I might avail myself of which will enable a more informed decision to be made?
- ❖ Can I obtain this without investigating this matter as this may impede a child protection or criminal investigation?
- ❖ Is anyone alleged to have been hurt, harmed or injured here? If so, what records exist in respect of any incidents that may be relevant?

### Next, ask yourself ...

- ❖ In light of this information, *does this matter need to be investigated and, if so, by whom?* Is or might this be a child protection issue? Has or may a crime have been committed? Does this relate to someone possibly being 'unsuitable'?
- ❖ Have I got all of the information I need (e.g. names, dobs, addresses, any historical information) to hand before I contact anyone for advice?

### If you think this is an allegation or are unsure in any way you should then ...

- ❖ Pick up the phone and speak to Schools HR, Schools Safeguarding, LADO, Diocese (See Appendix 3 for contact details). **Do not 'investigate' yourself!**

### What should you be clear about ...

- ❖ That any interim risks are managed?
- ❖ What, if anything, is going to happen next?
- ❖ What can / can't I tell the member of staff involved?
- ❖ Do I need to seek advice regarding interim support / management issues about a particular child or young person i.e. via LEIS, SEN
- ❖ That I have afforded people access to the information and support that they need and to which they are entitled?
- ❖ About the alternatives to suspension? Is suspension appropriate and, if so, am I clear about the process and who is doing what?
- ❖ What can I say to parents / pupils / other staff at this juncture?
- ❖ Who should I contact if any further information comes to light, questions arise that I can't answer or problems emerge
- ❖ Have I read and understood the allegations procedure (this document)?

## What should you record ...

- ❖ Who I have spoken to and what has been said, agreed and provided to them?
- ❖ What action I have / haven't taken and reasons for that?
- ❖ What information I have / haven't shared, with whom, and the reasons for that?

# **PROCEDURE FOR MANAGING ALLEGATIONS AGAINST ADULTS WHO WORK IN LANCASHIRE'S SCHOOLS AND EDUCATION SETTINGS**

## **1. INTRODUCTION**

- 1.1 All adults who come into contact with children and young people have a responsibility to safeguard and promote their welfare. They are also vulnerable to the potential for false, malicious or misplaced allegations being made, either deliberately or innocently, arising from normal and proper association and conduct. However, it is regrettably the case that some adults/professionals have been found to be perpetrators of child abuse and/or for behaving in ways which have harmed children/which indicate that they are unsuited to working with them.
- 1.2 Scenarios within which allegations against adults working with children and young people arise can be complex and allegations may emerge for a number of reasons. Those responding to these scenarios need to be sensitive to the needs of all involved and the potential implications of non-adherence to these procedures, which should be applied with commonsense and in line with the principles of natural justice.
- 1.3 These procedures are commended to all schools and education establishments in Lancashire, including Early Years settings and extended services through schools, and to all staff, paid or unpaid<sup>1</sup>. They are the subject of agreement with the recognised Teacher Associations/ Trade Unions in Lancashire and the Diocesan/Church Authorities and have been produced following consultation with a wide audience including: Governor Services, School's HR Consultancy, Head Teachers, Designated Senior Persons and staff in Schools, Team Teach trainers, School Advisers, Early Years and Child Care Service, Children's Social Care Services. The procedures are based upon and comply with the following, overarching County and national guidance and procedures:
- (i) Chapter 6 and Appendix 5 of 'Working Together to Safeguard Children' (HM Government 2006) [www.everychildmatters.gov.uk/workingtogether/](http://www.everychildmatters.gov.uk/workingtogether/)
  - (ii) 'Safeguarding Children and Safer Recruitment in Education' (DCSF, 2007) [www.teachernet.gov.uk](http://www.teachernet.gov.uk)
  - (iii) Lancashire Safeguarding Children Board's 'Safeguarding Children Procedures' (2006) [www.lancashire.gov.uk/safeguardingchildrenboard](http://www.lancashire.gov.uk/safeguardingchildrenboard)
- 1.4 Notwithstanding the differences between independent, maintained, community and voluntary aided schools, for convenience, the term employer is used throughout this guidance to refer to organisations that have a working relationship with the individual against whom the allegation is made. However, sources of human resources advice and governance arrangements, for example, will vary across settings. While this does not directly affect the overall application of or need for adherence to these procedures, it will need to be taken into account and clarified by employers e.g. where the provision of support for staff, record-keeping, disciplinary and related processes are concerned.

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<sup>1</sup> These procedures also apply to volunteers and Governors against whom an allegation is made or about whom concerns in-line with the criteria at para. 2.1 arise (See footnote 6). This document should replace the former procedure in the Child Protection Information Pack (A7). **Document A7(ii) 'Managing the Aftermath of Unfounded and Unsubstantiated Allegations' remains unchanged and should still be useful :** [www.lancashire.gov.uk/education/child\\_protetction](http://www.lancashire.gov.uk/education/child_protetction)

- 1.5 Within every school/education setting there should be clear lines of accountability and communication, as well as safeguarding policies and procedures that are consistent with the LSCB Procedures.
- 1.6 Employers also have a duty of care towards their employees/volunteers and should take account of this at a number of levels e.g. via the provision of appropriate induction/training, via the provision of clear guidance on codes of conduct and relevant disciplinary procedures, alongside these procedures<sup>2</sup>.
- 1.7 It is imperative that **all** staff who may be the subject of an allegation are afforded the same level of advice and support throughout the application of this and/or any related procedure. Compliance with these procedures should help to ensure that allegations of abuse are dealt with expeditiously, consistent with a thorough and fair process.

## 2. WHAT IS AN ALLEGATION?

- 2.1 For the purpose of these procedures, in line with Chapter 6 and Appendix 5 of Working Together to Safeguard Children 2006, an allegation is information which indicates that a person who works with a child has:

- **Behaved in a way that has harmed a child, or may have harmed a child.**
- **Possibly committed a criminal offence against or related to a child.**
- **Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.**

This may be in connection with his/her employment or voluntary activity, or where:

- Concerns arise about the person's behaviour outside work e.g. with regard to his/her own children.
- Concerns arise about the behaviour in the private or community life of a partner, member of the family or other household member.

- 2.2 Where allegations against adults who work with children and young people are concerned, it is the **Police** and **Children's Integrated Services** who investigate alleged or suspected abuse or possible criminal behaviour.
- 2.3 There may be up to 3 strands in considering a concern or an allegation:
  - A police investigation of a criminal offence.
  - Enquiries and assessment by Children's Integrated Services about whether a child or young person is in need of services.
  - Consideration by an employer about whether a disciplinary investigation or action is required in respect of the individual.
- 2.4 If an allegation relating to a child is made about a person who undertakes paid or unpaid care of **vulnerable adults**, consideration should be given to the possible need to alert those who manage her/him in that role<sup>3</sup>.
- 2.5 If an allegation can be shown to be deliberately invented or malicious, as defined at paragraph 14.3, advice should be sought by the Head Teacher/Principal from the School's Safeguarding Co-ordinator and/or LADO (see paras 3.3 & 4.1) in order that liaison can take place with Legal Services and the Police in respect of any action that might properly be taken against the person responsible. Consultation with Children's Integrated Services may also be necessary in order to

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<sup>2</sup> IRSC Guidance for Safe Working Practice for the Protection of children and Staff in Education Settings, (February 2005), [http://lccweb/education/child\\_protection/reports/pdf/irscsafeppractice.pdf](http://lccweb/education/child_protection/reports/pdf/irscsafeppractice.pdf)

<sup>3</sup> [www.lancashire.gov.uk/vulnerableadults](http://www.lancashire.gov.uk/vulnerableadults) or telephone 0845 053 0028

ensure that any appropriate support services are provided to a child or young person in need.

### 3. ROLES & RESPONSIBILITIES (See also Appendix 1: Glossary of Terms)

3.1 Lancashire Safeguarding Children Board (LSCB) has responsibility for ensuring there are effective inter agency procedures in place for dealing with allegations against people who work with children and for monitoring and evaluating the effectiveness of those procedures.

3.2 In order to discharge the duties of the Board each member organisation should identify a named **Senior Officer** with overall, strategic responsibility for:

- Ensuring that the organisation operates these procedures for dealing with allegations.
- Resolving any inter agency issues that may arise.
- Liaising with the Lancashire Safeguarding Children Board (as appropriate).

3.3 The Senior Officer for allegations in schools and education settings in Lancashire is: **School's Safeguarding Co-ordinator : 01772 532634**

In the Safeguarding Co-ordinator's absence the **School's Safeguarding Officer** will take on this role : **01772 531196**

In the highly unlikely event that neither Officer is available you should contact the LADO directly or **Safeguarding Admin : 01772 532723**

3.4 **Schools and Education settings should:**

- (i) Put in place and operate arrangements for handling allegations in accordance with these procedures.
- (ii) Identify a **Senior Manager** to whom allegations or concerns should be reported, and a deputy in his/her absence or if he/she is the subject of the allegation<sup>4</sup>. (In schools and education settings, the '**Senior Manager**', as defined by Working Together To Safeguard Children' (2006), will be the **Head Teacher/Principal**)

### 4. THE LOCAL AUTHORITY DESIGNATED OFFICER (LADO)

4.1 In line with Working Together to Safeguard Children (2006), the Lancashire Safeguarding Children Board (LSCB) and Local Authority have appointed a Local Authority Designated officer (LADO). The LADO in Lancashire is **Tim Booth** who can be contacted as follows:

**Telephone: 01772 536694**

**Email: [Tim.booth@lancashire.gov.uk](mailto:Tim.booth@lancashire.gov.uk)**

4.2 **The LADO's role** extends across allegations within all agencies and organisations and includes:

- The management and oversight of individual cases.
- Providing advice and guidance to employers and voluntary organisations.
- Liaising with the police and other agencies.
- Monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

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<sup>4</sup> **In the event of an allegation against the Head Teacher/Principal**, the Chair of Governors will undertake the Head Teacher's role for the purpose of this procedure. Any member of staff or volunteer receiving an allegation against the Head Teacher/Principal should therefore pass this to the Deputy Head Teacher/Vice-Principal who will liaise with the Chair of Governors. **In the event of an allegation against a Governor**, the Chair should seek immediate advice and support from School's HR, the Schools Safeguarding Co-ordinator and, in the case of an aided school, the Diocese; this procedure will apply. **Allegations against Chairs of Governors** must be brought to the immediate attention of the Head of Governors Services and, in the case of an aided school, the Diocese.

## 5. WHAT SHOULD THE RECEIPT OF INFORMATION WHICH DOES OR WHICH MAY CONSTITUTE AN ALLEGATION DO?

5.1 There are a number of sources from which an allegation may arise, such as a child, parent, carer, member of the public, work colleague etc.

### 5.2 The person to whom the allegation is reported, initially, should:

- i. Treat the matter seriously.
- ii. Avoid asking leading questions and keep an open mind
- iii. Make a written record (signed and dated) of the information provided to them which:
  - Use's the child/adult's own words (**See also para 7.5**).
  - Makes clear what is being alleged and what is alleged to have happened.
  - Makes clear when and where (time, date and location) the alleged incident(s) took place.
  - Makes clear who was present, including any potential witnesses.
- iv. Sign and date the written record and pass it, **without delay**, to the Head Teacher/Principal (or the Deputy in their absence, or if the Head is implicated)
- v. The person passing this record to the Head Teacher/Principal should not discuss the matter with anyone else, they must be mindful of the danger of impeding a criminal or child protection enquiry and of spreading damaging allegations which may also be defamatory

5.3 **Where there is an immediate risk to a child or young person, an urgent referral to the local Integrated Assessment and Support Team should be made in accordance with Lancashire's Safeguarding Children Procedures.** This will usually be undertaken by the Head Teacher/Principal although, in the unlikely event that the Head Teacher/Principal is unavailable, another senior member of staff ie Designated Senior Person (DSP) should be notified in order to take any necessary action and avoid delay. The allegation issue can be followed up once any immediate risk issues have been addressed.

5.4 If a police officer receives an allegation s/he should report it without delay to the Police Public Protection Unit (PPU) in the area where the establishment in which the allegation emerged or to which it relates is located. If the allegations are so serious and there is an immediate risk to a child or young person then a telephone referral should be made to the Integrated Assessment Team followed up by a Notification Form. PPU should inform the LADO without delay, who will then ensure that the Schools Safeguarding Team are notified in order that contact can be made with the school/setting.

5.5 If the allegation is received by Children's Integrated Services the Team Manager/Assistant Team Manager should ensure that the completed Notification Form is sent to the LADO as well as Children's Integrated Services' Senior Manager. Again, these officers will notify the School's Safeguarding Team who will ensure that contact is made with the school/setting.

## 6. INITIAL ACTION BY THE HEAD TEACHER/PRINCIPAL/CHAIR OF GOVERNORS

6.1 Questions are often asked about 'evidence-gathering' and 'investigation' by the Head Teacher/Principal at the outset in cases where a lack of clarity exists – which is in fact quite common. It is imperative that Head Teachers/Principals and staff are clear that where allegations against adults who work with children and young people



are concerned, it is the **Police** and **Children's Integrated Services** who investigate alleged or suspected abuse or possible criminal behaviour. **Therefore, the Head Teacher/Principal should not investigate the matter by interviewing the accused person, any child(ren) or potential witnesses.** S/he should consider:

- Whether the criteria at paragraph 2.1 are met?
- Whether this matter needs to be investigated and, if so, by whom?

6.2 **Without interviewing anyone**, the Head Teacher/Principal should collate any other information at their disposal ie what else is known about any of the individuals (adult(s) and children/young people involved e.g.

- Names, dates of birth, home addresses.
- Length of service.
- Specific role within the organisation.
- Previous/current level of contact with the child(ren) involved.
- Details of any relevant plans pertaining to the child(ren) implicated (e.g. behaviour management plan, child protection plan, SEN).
- Whether there have been any previous relevant concerns/allegations/disciplinary issues in respect of any of the individuals implicated.
- Whether the adult subject has any children of their own or children who reside at their home address.
- Check to see whether any other [contemporaneous] records exist which might relate to the alleged incident ie incident/accident forms, care and control/behaviour management records.<sup>5</sup>

6.3 The Head Teacher/Principal should then seek advice from one of the Officers at para 7.1 (below) in all cases except those where the allegation is unquestionably false or trivial.

## **7. HEAD TEACHER/PRINCIPAL'S CONSULTATION WITH SAFEGUARDING AND/OR HUMAN RESOURCES OFFICERS (See Appendix 2: Useful Contacts)**

7.1 Once the Head Teacher/Principal has collated the information above s/he should liaise with:

- (i) **School's Safeguarding Co-ordinator 01772 532634**
- (ii) **School's Safeguarding Officer 01772 531196**
- (iii) **HR CYP Schools Consultancy (Maintained schools & LTA),  
Diocesan/Church Authority Officer / Governor Services (Appendix 3)**

7.2 Some allegations will be unquestionably false e.g. the individual was not in school on the day in question. Alternatively, information may actually constitute a complaint or concern about an individual's conduct which can and should be dealt with by the school/setting via internal processes and procedures. However, experience tells us that things can change course and escalate quickly. Consequently, **it is always advisable to seek advice from one of the Officers above in the first instance.**

7.3 There may also be situations whereby Lancashire County Council's Governor Services staff receive contact from individuals who are seeking to raise a concern or complaint. Again, it is advisable and appropriate for advice to be sought from the Officers above under these circumstances.

7.4 Consultation with the aforementioned Officer(s) will focus upon the decision about **whether or not this is a matter which meets the criteria at paragraph 2.1 and what if any further action will be taken, when and by whom** ie

- Does a referral need to be made to LADO?

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<sup>5</sup> These may be forwarded to the LADO upon request to assist decision-making; they may also be helpful to present at a strategy meeting or to append to a report for same

- Do referrals need to be made to Children’s Integrated Services and/or Police and, if so, who will make them?
- Is a strategy discussion to be had and/or does a Strategy Meeting need to be convened (para 10)?
- Suspension/interim management arrangements.
- Any immediate or interim management / support options in respect of the child or young person.
- What information may/may not be provided to staff/subjects/parents at this stage.<sup>6?</sup>

7.5 In some cases, **following consultation with an Officer of the Authority**, it may be agreed that the Head Teacher/Principal should try and obtain more detail in order to inform a decision about a next course of action. That being the case, the following boundaries should be adhered to in respect of speaking to those potentially involved and the securing of potential ‘evidence’:

- Some children and young people may be able to provide their own written account of an alleged incident or interaction. If they are to be asked to produce such an account this needs to be handwritten in ink, in an environment where possible collusion (if there is more than one young person involved) can be avoided, timed, signed and dated by them.
- Where allegations relate to mobile telephones or ICT use for example, any school equipment which may need to be examined by CIS and/or Police should be secured, discreetly (including documents which have allegedly been produced, exchanged, altered etc ie as part of a lesson)<sup>7</sup>.
- In undertaking any of the above the Head Teacher/Principal needs to be clear about the potential for interfering with any future investigation.

7.6 In order to share information and make the most informed decision possible, the Officer who is consulted will check any relevant systems for further information and have discussions with colleagues from HR, the Diocese/Church Authority etc, as appropriate.

7.7 Where there is reasonable cause to suspect that a child has suffered, is suffering or is likely to suffer significant harm, or where a lack of clarity remains, then a **strategy discussion** (usually via telephone) will take place **within 24 hours**. This will involve Children’s Integrated Services, the Police, LADO and the Head Teacher/Principal. In some cases it may be that the strategy discussion will agree upon the need for immediate investigative or protective action ie Section 47 or criminal investigations.

7.8 Alternatively, a strategy discussion may indicate that no further action is required from investigative agencies and that the matter can therefore be dealt with by the employer in accordance with internal procedures. In other cases, a formal strategy meeting may need to be convened. **In all cases, decisions about or enquiries by CIS and/or Police will preclude a disciplinary investigation or ‘internal’ process by the employer**, so as to prevent the potential impediment of criminal and/or child protection enquiries.

## 8. REFERRALS TO LADO

8.1 If it is agreed that the allegation meets *any* of the criteria in paragraph 2.1 the Head

<sup>6</sup> Consideration needs to be given at this stage to that information which must, can and/or cannot be provided to the (adult) subject of the allegation, and by whom; the reason for any decision not to disclose particular information must be recorded by the Senior Officer and Head Teacher/Principal.

<sup>7</sup> Such processes need to be undertaken with extreme care i.e. downloading files may compromise individuals and investigative processes and such tasks are best left to Police. Simply secure any equipment and be very mindful of confidentiality issues if you need assistance to do this.

Teacher/Principal should refer the matter to the **LADO within 1 working day**. This is done by **forwarding the completed allegation Notification Form electronically and this will be emailed to you by the School's Safeguarding Team/person from the Local Authority with whom you have consulted** (a hard copy exemplar can be found at **Appendix 4**). A copy should also be retained for the school/setting's own record.

- 8.2 Where the Head Teacher/Principal disagrees with the advice offered following consultation, s/he should contact the LADO via telephone in order to discuss their concerns.

## 9. SUSPENSION ISSUES & SUPPORT FOR STAFF

- 9.1 Discussions about suspension may take place at an early stage and while other professionals may wish to express a view, the decision to suspend rests ultimately with the employer and should be in accordance with each organisation's own policies.

- 9.2 Suspension is **not** and should never be an inevitable or automatic response to an allegation, neither is it a disciplinary sanction. Recourse to suspension should not occur without good reason and/or without consideration having been given to appropriate alternatives. However, in some cases it might properly be considered in certain circumstances, e.g.

- (i) Where there is or may be ongoing risk to an individual because of someone's continued presence on site.
- (ii) In order to prevent the impediment of a criminal or child protection enquiry.
- (iii) Because the allegation made is so serious that dismissal for gross misconduct is possible.

- 9.3 HR consultants are best placed to advise schools/settings on the procedure for suspending a member of staff. In any event, whether a member of staff is suspended or not, **in any case where a formal notification to LADO is made then, via their employer i.e. the school / setting, the staff member/adult(s) must:**<sup>8</sup>

- (i) Be provided with a copy of this procedure (including appendices).
- (ii) Be advised to seek advice and support from their Association/Trade Union (See Appendix 3: Useful Contacts).

## 10. STRATEGY MEETINGS

- 10.1 If any of the criteria at 2.1 are met the LADO will check whether a referral has been made to Children's Integrated Services. The Police should be notified in any case in which a criminal offence may have been committed and the LADO will ensure that this has occurred. **(This will have been discussed and any action agreed during the aforementioned initial consultation with Schools Safeguarding / HR – para.7.4).**

- 10.2 If a multi-agency strategy meeting needs to be convened in response to an allegation, this should occur **within 5 working days of a referral to CIS**. The meeting will be co-ordinated by Children's Integrated Services and chaired by an Independent Reviewing Officer (IRO). Attendees should provide a written report.

- 10.3 In convening a strategy meeting **consideration** should be given to inviting

<sup>8</sup> **Where suspension occurs** the subject must also be provided with the name and contact details of an individual from within the employing organisation who will act as a point of contact during the course of this procedure, who can provide updated information and act as a conduit.

appropriate representatives from all of the agencies involved with a child/family, alongside representatives from inspectorates where this is in line with notification requirements. While there may be a need to invite certain professionals with particular expertise on a case by case basis, Police, Children's Integrated Services and the employer (except where to do so may impede an investigation or place a child or young person at increased risk) should always be invited. Similarly, School's HR Consultants (where appropriate) and a representative from the School's Safeguarding Team will also be invited and one or the other will usually attend.

**The adult subject(s), any children/young people and parent/carers will not be invited to attend a strategy meeting. The meeting will:**

- Share all relevant information.
- Consider the current allegation or concern and review any previous allegations or concerns made against the member of staff and/or the establishment.
- Decide whether there should be a s.47 enquiry/criminal investigation if not already commenced.
- Scope and plan any s.47 enquiry/criminal investigations.
- Consider, if a s.47 enquiry is appropriate, whether a complex abuse investigation is applicable.
- Identify who may need to be interviewed
- Set time-scales.
- Decide who to inform and when (subject of allegations, child, parents) and agree who is responsible for doing this (It will usually be the employer).
- Make recommendations regarding suspension, disciplinary, competency, regulatory or complaint procedures be undertaken.
- Agree criteria for a re-referral where new evidence comes to light suggesting that a further strategy meeting needs to be convened.
- Agree arrangements for the outcome of any internal process to be reported to the LADO and chair.
- Set a date for a review strategy meeting which should occur, wherever possible, **within 28 days** of an initial strategy meeting<sup>9</sup>.

## 11. REVIEWING THE STRATEGY DISCUSSION OR MEETING

- 11.1 The time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness and complexity of the allegations. However, it is in everyone's interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation and every effort should be made to manage cases in order to avoid unnecessary delay. The LADO will monitor and record timescales in respect of all cases and liaise with Senior Officers/Head Teacher/Principal in the event of delay.
- 11.2 The **Review Strategy Meeting** will draw together all relevant information following the completion of enquiries by Children's Integrated Services, Police and any other agency (as appropriate), and make multi-agency decisions about any further action to be taken in the case, including timescales for completion<sup>10</sup>.
- 11.3 Where difficulties have been encountered by investigative agencies the review will also provide an opportunity to clarify what these are, to identify solutions, make further plans and agree upon timescales.
- 11.4 Should enquiries take longer than the initial four week/28 day period, then the

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<sup>10</sup> It is imperative that written reports are produced by all agencies for Reviews which make clear the findings of any enquiries, including reason(s) for taking no further action. **A final outcome in line with the definitions at para 14.3 will also need to be formally recorded and included in any minute.**

strategy meeting should reconvene every four weeks to ensure that there is ongoing review and to avoid unnecessary delay..

- 11.5 The LADO will monitor the progress of cases either via:
- Review strategy discussions/meetings, **or**
  - By liaising with the Police, Children's Integrated Services, employers and regulatory bodies/inspectorates as appropriate.

## 12. RESIGNATIONS AND COMPROMISE AGREEMENTS

- 12.1 The fact that a person tenders his or her resignation or ceases to provide their services must not prevent an allegation from being followed up in accordance with these procedures and a formal conclusion reached.
- 12.2 A compromise agreement by which a person agrees to resign, the employer agrees not to pursue disciplinary action and both agree a form of words to be used in any future reference must **not** be used in situations to which this procedure applies where there has been an allegation within the definition at 2.1
- 12.3 Wherever possible, the subject should obviously be given an opportunity to answer the allegation and make representations as soon as possible. However, any enquiries and investigations should continue to a conclusion even if the person refuses to co-operate; decisions will be taken on the strength of what is known in the event that an individual chooses not to make representations<sup>11</sup>.

## 13. DISCIPLINARY CONSIDERATIONS

- 13.1 Where the initial consideration decides that the allegation does **not** meet the criteria at para 2.1, it will be dealt with by the employer in accordance with their internal procedures and as quickly as possible.
- 13.2 If disciplinary action is required it should be carried out in accordance with the employers' internal procedures.
- 13.3 If the Police or CPS decide not to charge or to administer a caution, or if the person is acquitted, the Police should ensure that all relevant information is made available to the employer's Senior Manager without delay. Where this does not occur the LADO will liaise with the Police Senior Manager.
- 13.4 If the person is convicted, the Police should inform the employer and LADO immediately to enable the employer to take any appropriate action.

## 14. RECORD KEEPING & DEFINING OUTCOMES

- 14.1 Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual. **(See Appendices 5A & 5B: Exemplar letter to subject & Record Pro-Forma)**
- 14.2 The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for ten years if longer<sup>12</sup>.
- 14.3 The record should also contain details of the category<sup>13</sup> into which the allegation

<sup>11</sup> Where other factors impact (eg illness) decisions will need to be taken about how best to initiate or conclude any enquiries in order to avoid delay. HR providers will be best placed to provide advice in respect of these processes.

<sup>12</sup> See Safeguarding Children and Safer Recruitment in Education, Ch 4, para 4.34: [www.teachernet.gov.uk](http://www.teachernet.gov.uk)

falls<sup>14</sup>:

- **Substantiated** – A substantiated allegation is one which is supported or established by evidence or proof
- **Unsubstantiated** – This means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Unfounded** – This indicates 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. For an allegation to be classified as unfounded, it will be necessary to have evidence to disprove the allegation.
- **Deliberately Invented or Malicious** – This implies a deliberate intention to deceive. A malicious allegation may, for example, be made by a child following an altercation with a member of staff or a parent who is in dispute with the organisation. For an allegation to be classified as malicious, it will be necessary to have evidence which proves this intention.

14.4 Each employer should ensure that they have appropriate policies and procedures in place governing record retention and suitable arrangements for the secure destruction/disposal of records at the end of their lifecycle<sup>15</sup>.

14.5 The record will provide accurate information for any future reference and provide clarification if a future CRB disclosure reveals an allegation that did result in a prosecution or conviction. This record will prevent unnecessary re-investigation if the allegation should resurface; **it is intended to protect children and adults alike.**

14.6 Employers should ensure that they have procedures in place to alert those with a need to know that information in addition to that contained in an employee's personnel record may also be held by the LADO.

14.7 Each employer should implement policies and procedures to govern the disclosure of information relating to allegations in response to requests for employment references.

## 15. MONITORING PROGRESS

15.1 The LADO will keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. The record will assist the LSCB to monitor and evaluate the effectiveness of the procedures and provide statistical information to the DCSF as required.

15.2 The Police can consult the Crown Prosecution Service (CPS) at any stage regarding the evidence needed to charge a person, but they should also set target dates for reviewing the progress of the investigation and consulting the CPS about charging, continuing or closing the investigation.

## 16. REFERRAL TO DCSF/INDEPENDENT SAFEGUARDING AUTHORITY OR REGULATORY BODY ie GTC

16.1 If an allegation is substantiated and the person is dismissed or if the employer ceases to use the person's services, or if the person resigns or otherwise ceases to

<sup>13</sup> 'Definitions and Thresholds for Managing Allegations Against Education Staff', in January 2004 (updated February 2005), The National Network of Investigation & Referral Support Co-ordinators.

<sup>14</sup> See Document A7(ii) Child Protection Information Pack: 'Managing the Aftermath of Unfounded and Unsubstantiated Allegations' [www.lancashire.gov.uk/education/child\\_protection](http://www.lancashire.gov.uk/education/child_protection)

<sup>15</sup> See Document A10 Child Protection Information Pack (updated 2009)

provide his/her services, decisions need to be taken about the need for referrals to be made to DCSF/ISA in order for them to consider whether the individual should be barred from, or have conditions imposed in respect of, working with children.

- 16.2 The LADO can and should offer this advice although recommendations may already have been made at a strategy meeting. If such a referral is required then it should be made **by the employer within one month of the decision to refer**<sup>16</sup>.
- 16.3 In cases where any doubt or a lack of clarity remains regarding a referral to DCSF/ISA and/or GTC, the employer should liaise with the LADO in order to ascertain what if any action still needs to be taken, by whom and within what timescale<sup>17</sup>.
- 16.4 **It is imperative that the final outcome of all cases are relayed to LADO** in order that the appropriate records can be maintained: [Tim.booth@lancashire.gov.uk](mailto:Tim.booth@lancashire.gov.uk). Where this does not happen, the LADO will actively pursue the relevant information which needs to be provided without delay.



Astley Park School

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<sup>16</sup> Who the 'employer' is and who is required to make the referral will depend upon the type of school/setting. The LADO and/or Schools Safeguarding Team / Schools HR will be happy to assist and advise schools/settings who are required to make referrals to ISA and who are uncertain about what this entails. This is important as any information forwarded for consideration will, quite rightly, be made accessible to the adult subject in order that they can make their own representations.

<sup>17</sup> Specific advice on referrals to the GTC can be obtained from the Schools HR Team – see Appendix 3

## Appendix 1: Glossary of Terms, Roles and Responsibilities

<b>Senior Officer</b>	Person with strategic responsibility for the management of allegations within and across a particular agency/organisation. The Senior Officer for allegations in schools/education settings in Lancashire is the School's Safeguarding Co-ordinator
<b>Senior Manager</b>	The person within an organisation who is responsible for co-ordinating action and liaising with the Senior Officer in respect of allegations against an adult who works with children within that organisation. For the purpose of this procedure, each individual school/setting can be considered as an 'organisation' and the Head Teacher/Principal the Senior Manager
<b>Local Authority Designated Officer (LADO)</b>	Located within the Safeguarding Unit at County Hall, Preston, Tim Booth is Lancashire's LADO and he is responsible for the management and oversight of all allegations cases across the County, providing advice and guidance to employers and voluntary organisations, liaison with 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. <a href="mailto:Tim.booth@lancashire.gov.uk">Tim.booth@lancashire.gov.uk</a>
<b>Independent Reviewing Officer (IRO)</b>	While they are employed by Children's Integrated Services, the IRO Team is not attached to another CIS team or service. IROs chair strategy meetings and Child Protection Conferences.
<b>School's Safeguarding Service/Safeguarding Unit, DCYP</b>	School's Safeguarding Co-ordinator and School's Safeguarding Officer act as points of contact and a source of advice for any school or setting where a safeguarding or allegations issue arises
<b>Governor Services</b>	Most Governing Bodies have found it helpful for an individual governor, this will be the Chair in Lancashire schools, to champion child protection issues (but not specific cases). In dealing with allegations of abuse made against the Head Teacher, it should be the Chair of Governors or, in the absence of the Chair, the Vice/Deputy Chair who takes the lead. The Governing Body will decide who is responsible for liaising with the Head Teacher/DSP at the school over matters regarding safeguarding children and child protection.
<b>School's HR Consultancy</b>	The Schools HR Consultancy has responsibility for providing a professional HR support service to schools and centrally managed services. Members of the team will advise and support managers to deal effectively with allegations, from the initial notification of the allegation to the internal school investigation process. The team is organised geographically. Contact details for your representative can be found in Appendix 3.



<b>Diocesan/Church Authority Officers</b>	In the case of Church Aided schools, the appropriate Diocesan/Church Authority Officer will need to be notified in the event of an allegation and may also offer advice and guidance in relation to any allegation against a member of staff. (See Appendix 3 for contact details)
<b>Directorate for Children and Young People (DCYP) Children's Integrated Services (CIS) Centrally Managed Services Safeguarding Unit</b>	Incorporating a broad range of services for children and young people and located within Lancashire County Council's Directorate for Children and Young People, Children's Integrated Services includes, among various other services, Children's Social Care (CSC – formerly Social Services) and the Safeguarding Unit. The Safeguarding Unit is one of a number of non-locality based / Centrally Managed Services and this is where the LADO, Senior IRO and Schools Safeguarding Team are located.
<b>Integrated Assessment &amp; Support (IA&amp;S) Team, Children's Social Care (CSC)</b>	The (former Social Services) Team who will lead Section 47 (child protection) enquiries, often in partnership with Police colleagues. In Lancashire, there are IA&S Teams in Preston, Lancaster, Kirkham, Colne, Burnley, Chorley, Skelmersdale and Accrington and referrals in respect of allegations will be made to the IA&S Team closest to where the establishment is located. (Who conducts any [criminal] investigation will depend though on where an alleged incident has occurred i.e. in-line with the need for Police involvement in a particular location). If a child or young person already has a named Social Worker or is known / an open case to another Team or Service then they will also be consulted in the event of an allegation involving that child or an adult therein i.e. children in foster care, children with disabilities, SEN.
<b>Family/Public Protection Unit (FPU/PPU)</b>	Specialist Police Teams which consist of detectives trained specifically to deal with child protection cases. PPU/FPU officers deal with suspected intra-familial abuse cases and allegations against adults working with children and young people, although they also contain domestic violence and offender-specific officers too.
<b>Independent Safeguarding Authority (ISA)</b>	The body created via the Safeguarding Vulnerable Groups Act (2006) which makes decisions about barring individuals who are referred following a resignation, dismissal or transfer in light of criminal or child protection concerns. <b>Independent Safeguarding Authority</b>
<b>Lancashire Safeguarding Children Board (LSCB)</b>	The LSCB has responsibility for ensuring there are effective inter agency procedures in place for dealing with allegations against people who work with children and for monitoring and evaluating these.

**Appendix 2: Full Process Flowchart**

**What is an Allegation?**

When a person who works with children has

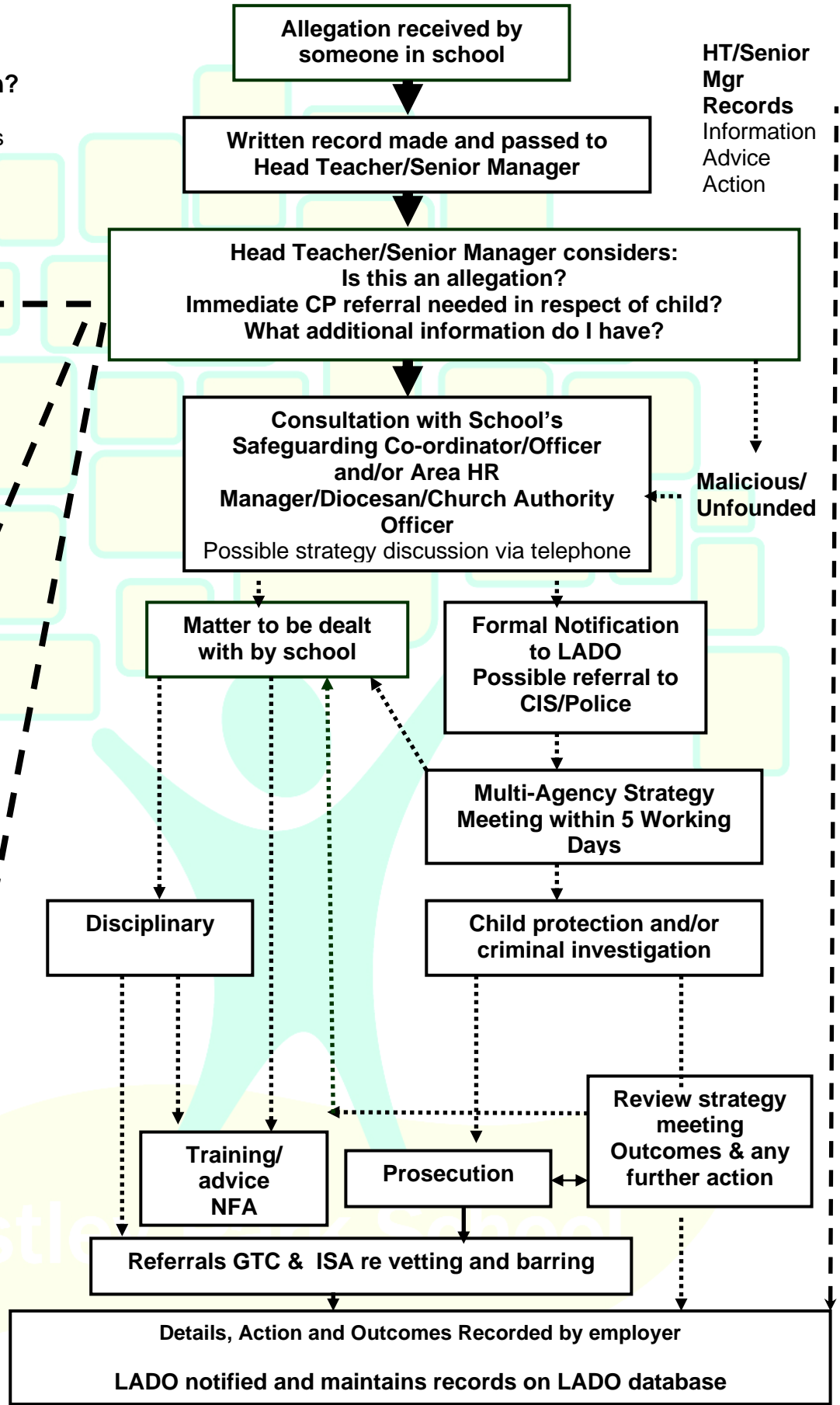
Behaved in a way that has harmed or may have harmed a child

or

Possibly committed a criminal offence against or related to a child

or

Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children



### Appendix 3: Useful Contacts - Local Authority Officers<sup>18</sup>

<b>Local Authority Designated Officer (LADO)</b>			
Tim Booth	LADO	Tim.booth@lancashire.gov.uk	01772 536694
<b>Safeguarding Unit / Schools Safeguarding</b>			
Phil Threlfall	School's Safeguarding Co-ordinator	Phil.threlfall@lancashire.gov.uk	01772 532634
Mary Aurens	Schools Safeguarding Officer	Mary.aurens@lancashire.gov.uk	01772 531196 07810 267503
<b>Legal Services</b>			
David Croall	Senior Solicitor	David.Croall@lancashire.gov.uk	01772 530849
Lynn Brewer	Solicitor	Lynn.brewer@lancashire.gov.uk	01772 530 569
<b>HR CYP School's Consultancy</b>			
Dave Hewitt	Service Manager	David.hewitt@lancashire.gov.uk	01772 531758
Steve Lewis	Districts 1, 2, 4	Steve.lewis@lancashire.gov.uk	01772 531776 07887 831691
Jeanette Whitham	Districts 6, 11	Jeanette.whitham@lancashire.gov.uk	01772 530436 07917 521916
Vic Welch	Districts 7, 8, 9	Vic.welch@lancashire.gov.uk	01772 531814 07778 769075
Anne Sutton	Districts 12, 13, 14	Anne.sutton@lancashire.gov.uk	01772 534928 07766 785355
Claire Neville	Districts 7, 8, 9	Claire.neville@lancashire.gov.uk	01772 530435 07917 521915
Wendy Hindle	Districts 11, 12, 13, 14	Wendy.hindle@lancashire.gov.uk	01254 220770 07917 627392
<b>Independent Reviewing Officers</b>			
Sarah Quick	Senior IRO (Safeguarding)	Sarah.quick@lancashire.gov.uk	01772 536796

### Trades Unions & Professional Associations: Teachers

<b>Organisation</b>	<b>Email</b>	<b>Telephone</b>
ASCL	ed.collins@ascl.org.uk	01422 845066
ATL	jhowarth@lancs.atl.org.uk alanscarrott1@btinternet.com	0116 299 1122
NAHT	leslieturner@btinternet.com	07904 318585
NASUWT	Rc-northwest@mail.nasuwt.org.uk	01257 256800
NUT	secretary@lancashire.nut.org.uk (Lancs) northwest@nut.org.uk (Regional)	01772 257040

### Professional Associations: Support Staff

<b>Organisation</b>	<b>Email</b>	<b>Telephone</b>
GMB	preston@gmbunionlancs.co.uk	01772 555879
UNISON	Unison.dutyofficer@lancashire.gov.uk	01772 533072 0845 355 9845
UNITE	terry.mattinson@ycs-in-preston.co.uk	01772 729243
ATL	rcole@atl.org.uk	01257 266675

### LCC Employee Welfare & Counselling Service

**01772 533331**

<sup>18</sup> The Officers named are in post at the time of writing. Any changes will be added as and when the document is reviewed annually.

## Diocesan/Church Authorities: Directors of Education/Education Offices

<b>Church of England Diocesan Officers</b>		
<b>Blackburn</b>	Cannon Peter Ballard Director of Education Blackburn Board of Education Diocesan Church House Cathedral Close Blackburn BB1 5AA	Tel: 01254 503070/07970 923 141 Fax:01254 699 963 Email: <a href="mailto:peter.ballard@blackburn.anglican.org">peter.ballard@blackburn.anglican.org</a>
<b>Bradford, Ripon, Leeds</b>	Rev Clive Sedgwick Diocesan Director of Education Diocesan Board of Education Windsor House Cornwall Road Harrogate HG1 2PW	Tel: 01423 817 553 Fax:01423 817 051 Email: <a href="mailto:clives@brleducationteam.org.uk">clives@brleducationteam.org.uk</a>
<b>Liverpool</b>	Dr Jon Richardson Diocesan Director of Education St James' House 20 St James Road Liverpool L1 7BY	Tel: 0151 705 2190 Fax:0151 705 2211 Email: <a href="mailto:Jon.richardson@liverpool.anglican.org">Jon.richardson@liverpool.anglican.org</a>
<b>Manchester</b>	Mr Maurice Smith CB Diocesan Director of Education Church House 4 <sup>th</sup> Floor 90 Deansgate Manchester M3 2JG	Tel: 0161 828 1406 Fax: 0161 828 1484 Email: <a href="mailto:jphillips@manchester.anglican.org">jphillips@manchester.anglican.org</a>
<b>Catholic Diocesan Officers</b>		
<b>Lancaster</b>	Mr Alex Scott Principal Officer Education Centre Cathedral Building Balmoral Road Lancaster LA1 3BT	Tel: 01524 841 190 Fax: 01524 846 258 Email: <a href="mailto:Alex.scott@lancasterrcdiocese.org.uk">Alex.scott@lancasterrcdiocese.org.uk</a>
<b>Leeds</b>	Mr Anthony Carroll Education Support Officer Diocesan Schools Commission Hinsley Hall 62 Headingley Lane Leeds LS6 2BX	Tel: 0113 261 8034 Fax: 0113 261 8035 Email: <a href="mailto:Anthony.carroll@dioceseofleeds.org.uk">Anthony.carroll@dioceseofleeds.org.uk</a>
<b>Liverpool</b>	Mr Frank Cogley Diocesan Director of Schools Archdiocesan Schools Dept. Liverpool Archdiocesan Centre for Evangelisation Croxteth Drive Sefton Park Liverpool L17 1AA	Tel: 0151 522 1071 Fax: 0151 522 1082 Email: <a href="mailto:f.coldicutt@rcaol.co.uk">f.coldicutt@rcaol.co.uk</a>
<b>Salford</b>	Mr Martin Lockery Diocesan Director for Schools	Tel: 0161 736 1421 Fax: 0161 745 9708

	Schools Commission 5 Gerald Road Salford M6 6DL	Email: <a href="mailto:schools@salforddiocese.org">schools@salforddiocese.org</a>
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**Methodist District Officer (inc. United Reform Church)**

North Lancs, Liverpool, Bolton & Rochdale Methodist Districts plus URC	Mrs Jean Dowson Methodist District Officer 25 Vicarsfields Road Leyland Preston PR25 3BH	Tel/Fax: 01772 454 906 Email: <a href="mailto:Jean.Dowson@lancashire.gov.uk">Jean.Dowson@lancashire.gov.uk</a>
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**Lancashire County Council: Governor Services Contacts**

<b>Area Team North</b>	<b>Area Team South</b>
Lancaster Area Office PO Box 606 White Cross Education Centre Quarry Road Lancaster LA2 3SQ  Team Leader: 01524 581186 Free phone: 0800 616 662	Preston JDO East Cliff County Offices Preston PR1 3JT  Team Leader: 01772 532162 Free phone: 0800 616 665

<b>Area Team East</b>	<b>Central Team</b>
Globe Centre St James Square Accrington BB5 0RE  Team Leader: 01254 220503 Free phone: 0800 616 667	PO Box 61 County Hall Preston PR1 8RJ  Governor Services Manager: 01772 531 637 Free phone: 0800 181 832



**Appendix 4: LADO Notification Form**

# LADO Allegations Notification Form

To be completed electronically and emailed

**Please Note:** a separate form must be completed for each incident. If an incident concerns more than one young person each young person must be named on the form.

**A Information about any child identified**

Name:

Date of Birth:  Sex (M/F):

Is the child Looked After (yes/no):  Legal Status of Young Person e.g. Looked After Child :

Is the child subject to a CP Plan (yes/no):  Category:

Other relevant information about the child:

Is more than one young person involved (yes/no):  How many:

List Name(s) and DoB(s):

**Ethnicity:**

1. White/British	<input type="checkbox"/>	7. Mixed White/Black Caribbean	<input type="checkbox"/>	13. Asian or Asian/British Indian	<input type="checkbox"/>
2. White/Irish	<input type="checkbox"/>	8. Mixed White/Asian	<input type="checkbox"/>	14. Asian or Asian/British Pakistani	<input type="checkbox"/>
3. White Traveller Irish Heritage	<input type="checkbox"/>	9. Black/Black British African	<input type="checkbox"/>	15. Asian British any other Asian background	<input type="checkbox"/>
4. White Gypsy Roma	<input type="checkbox"/>	10. Black/Black British Caribbean	<input type="checkbox"/>	16. Chinese	<input type="checkbox"/>
5. White any other background	<input type="checkbox"/>	11. Black British any other Black background	<input type="checkbox"/>	17. Mixed any other mixed background	<input type="checkbox"/>
6. Mixed White/Black African	<input type="checkbox"/>	12. Asian or Asian/British Bangladeshi	<input type="checkbox"/>	18. Any other ethnic group	<input type="checkbox"/>

**B Information about the person against whom the allegation has been made**

Name of person who is the subject of the allegation (include any known aliases, maiden name if known):

Date of Birth:  Sex M/F:  Job Title:

Last Date of Criminal Records Bureau (CRB) check:

Name of person's employer:

Name of Senior Manager/Person dealing with the allegation.

Contact details for Senior Manager/Person dealing with the allegation.

Home address of person who is subject of the allegation.

Are there any children resident at the person's home address? If yes please give name/s and date of birth.

Does the person have any other contact with vulnerable individuals (child/adult)? If yes, please give details.

**C Information about the person against whom the allegation has been made – cont.**

Employment Sector:

Foster Care Lancashire County Council	<input type="checkbox"/>	Foster Care Agency	<input type="checkbox"/>	Adopters	<input type="checkbox"/>
Social Care	<input type="checkbox"/>	Residential Lancashire County Council	<input type="checkbox"/>	Residential Agency	<input type="checkbox"/>
Health	<input type="checkbox"/>	Education	<input type="checkbox"/>	Nursery/childminder	<input type="checkbox"/>
Police	<input type="checkbox"/>	Connexions	<input type="checkbox"/>	Voluntary Organisation	<input type="checkbox"/>
NSPCC	<input type="checkbox"/>	Probation	<input type="checkbox"/>	Immigration/Asylum Support Services	<input type="checkbox"/>
CAFCASS	<input type="checkbox"/>	Other (please state)	<input type="text"/>		

Have any allegations or concerns been made against this person previously: Yes  No

Details of previous allegations or concerns:

Ethnicity:

1. White/British	<input type="checkbox"/>	7. Mixed White/Black Caribbean	<input type="checkbox"/>	13. Asian or Asian/British Indian	<input type="checkbox"/>
2. White/Irish	<input type="checkbox"/>	8. Mixed White/Asian	<input type="checkbox"/>	14. Asian or Asian/British Pakistani	<input type="checkbox"/>
3. White Traveller Irish Heritage	<input type="checkbox"/>	9. Black/Black British African	<input type="checkbox"/>	15. Asian British any other Asian background	<input type="checkbox"/>
4. White Gypsy Roma	<input type="checkbox"/>	10. Black/Black British Caribbean	<input type="checkbox"/>	16. Chinese	<input type="checkbox"/>
5. White any other background	<input type="checkbox"/>	11. Black British any other Black background	<input type="checkbox"/>	17. Mixed any other mixed background	<input type="checkbox"/>
6. Mixed White/Black African	<input type="checkbox"/>	12. Asian or Asian/British Bangladeshi	<input type="checkbox"/>	18. Any other ethnic group	<input type="checkbox"/>

**D Information about the allegation or concern**

Primary Category of Abuse: Physical  Emotional  Sexual  Neglect

Nature of Allegation or Concern: Occurred during or following authorised intervention or physical restraint   
Grooming/Sexual Exploitation  Mobile phone/ Internet/Online

Date of alleged incident:

Where did alleged incident take place:

Brief description of allegation or concern:

Recommended Action Plan (For example - No further action, disciplinary investigation, suspension of staff, child no longer present, referred to Children's Services)

**Reason for Action Plan/Recommendation** – (For example – no previous concerns, contact with the children).

Name and job title of person who raised allegation or concern with Agency:

Date concern raised with Agency making referral:

**E Agency reporting allegation or concern to LADO:**

Health	<input type="checkbox"/>	Social Care	<input type="checkbox"/>	Faith Group	<input type="checkbox"/>	Adoption/Foster Care Agency	<input type="checkbox"/>
Police	<input type="checkbox"/>	Connexions	<input type="checkbox"/>	Education	<input type="checkbox"/>	Voluntary Organisation	<input type="checkbox"/>
Probation	<input type="checkbox"/>	CAFCASS	<input type="checkbox"/>	Secure Estate	<input type="checkbox"/>	Immigration/Asylum Support Services	<input type="checkbox"/>
Armed Forces	<input type="checkbox"/>	NSPCC	<input type="checkbox"/>	YOT	<input type="checkbox"/>	Other (please state)	<input type="text"/>

**F Details of person completing this form**

Name:  Job Title:   
Direct Telephone:  Date:

## Appendix 5A: Exemplar letter to subject

Dear

### Re: CHILD PROTECTION ALLEGATION

I am writing in relation to the child protection allegation that was made against you on DATE.

The DCSF have issued statutory guidance in relation to dealing with allegations against staff. Chapter 5 of the DCSF guidance document “*Safeguarding children and Safer Recruitment in education*” entitled “*Dealing with allegations of abuse against teachers and other staff*” states at paragraph 5.10:-

*“It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person’s confidential personnel file, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification in cases where a future CRB Disclosure reveals information from the police about an allegation that did not result in a criminal conviction. And it will help to prevent unnecessary reinvestigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of allegation if that is longer”.*

As required under this guidance document, I enclose a copy of the record that will be retained on your personal file within School and within Lancashire County Council. This record will be retained alongside the following documents:-

- *(insert list of docs ie adverse report, statements etc)*
- *or delete this bit if there was no investigation at school level, or there were no additional documents*

Yours sincerely

Astley Park School



## Appendix 5B: Allegation Record Pro-Forma

### RECORD OF CHILD PROTECTION ALLEGATION (for retention on the employee's personal file)

This form to be used for **all** child protection allegations made against professionals working in schools/educational establishments.

#### Employee details

Employee Name:			
Employee No:		Date of birth:	
School/ establishment			
Previous schools/ establishments			

#### Details of allegation

Date of incident:		Date of allegation:	
Brief details of allegation: <i>*No third-party details to be included</i>			
Children's Integrated Services involvement & outcome:			
Police involvement & outcome:			
School/ establishment action (if no action, explain why):			
Outcome of school action/decision:			

A copy of this record to be provided to the employee once the matter has been concluded and **retained on their personal file until the employee reaches normal retirement age or a period of 10 years from the date of allegation if that is longer**. The purpose of the record is to assist in response to future reference requests, to provide clarification in cases where a future CRB disclosure reveals information from the Police about an allegation that did not result in a criminal conviction and to help prevent unnecessary re-investigation if an allegation resurfaces after a period time.

## Appendix 6: Information for Staff and Volunteers Faced with an Allegation<sup>19</sup>

### A QUICK GUIDE FOR STAFF AND VOLUNTEERS WHO WORK IN SCHOOLS/EDUCATION SETTINGS WHO ARE FACED WITH AN ALLEGATION

#### Introduction

Any allegation of abuse is obviously likely to cause a great deal of anxiety and concern. This quick guide is appended to the Procedure for Managing Allegations Against Adults Who Work in Lancashire Schools and Education Settings. It is intended to provide you with a broad overview of some of the key issues and to signpost you to appropriate information, advice and support.

#### Professional Associations & Trade Unions

You should already have been advised to contact any professional association that you are a member of. If you haven't already done that you should do it now as they are well placed to offer advice and support in these difficult circumstances. The contact details of the recognised trade unions are as follows:-

##### **Teacher professional associations**

ASCL	Tel: 01422 845066	email: <a href="mailto:ed.collins@ascl.org.uk">ed.collins@ascl.org.uk</a>
ATL	Tel: 0116 299 1122	email: <a href="mailto:jhowarth@lancs.atl.org.uk">jhowarth@lancs.atl.org.uk</a> <a href="mailto:alan.scarrott1@btinternet.com">alan.scarrott1@btinternet.com</a>
NAHT	Tel: 07904 318585	email: <a href="mailto:leslieturner@btinternet.com">leslieturner@btinternet.com</a>
NASUWT	Tel: 01257 256800	email: <a href="mailto:rc-northwest@mail.nasuwt.org.uk">rc-northwest@mail.nasuwt.org.uk</a>
NUT	Tel: 01204 521434	email: <a href="mailto:secretary@lancashire.nut.org.uk">secretary@lancashire.nut.org.uk</a> (Lancs) <a href="mailto:northwest@nut.org.uk">northwest@nut.org.uk</a> (Regional)

##### **Support staff professional associations**

GMB	Tel: 01772 555879	email: <a href="mailto:preston@gmbunionlancs.co.uk">preston@gmbunionlancs.co.uk</a>
UNISON	Tel: 01772 533072	email: <a href="mailto:unison.dutyofficer@lancashire.gov.uk">unison.dutyofficer@lancashire.gov.uk</a>
UNISON out of hours	0845 355 0845	
UNITE	Tel: 01772 729243	email: <a href="mailto:terry.mattinson@ycs-in-preston.co.uk">terry.mattinson@ycs-in-preston.co.uk</a>
ATL	Tel: 01257 266675	email: <a href="mailto:rcole@atl.org.uk">rcole@atl.org.uk</a>

#### LCC Employee Welfare & Counselling Service

If you feel that you need additional emotional support, you may contact the Lancashire County Council Employee Welfare & Counselling Service on **01772 533331**. Their service is free and confidential to all LCC staff. You are also advised to contact your GP if you feel that your health is being adversely affected.

#### Contact Officer

If you have been suspended from work as a result of the allegation, you should have been allocated a Contact Officer, who may be a representative of the School or the Local Authority. Their role is to maintain contact with you, deal with any queries you may have and keep you updated in relation to any investigative processes.

#### Suspension

Suspension is not a sanction or an automatic response to an allegation; alternatives to it will have been discussed and carefully considered prior to a decision to suspend being taken. In taking a decision to suspend, your employer will have taken into account the views of the Authority's Safeguarding Co-ordinator and LADO, Human Resources professionals, the Police and Children's Social Care - if they are involved. Suspension is not, in any way, an indication that a conclusion has already been made.

Suspension is considered in all cases where:

- Someone's continued presence on site may pose a risk to someone
- To enable a child protection or criminal enquiry to proceed un-impeded
- It is serious enough to have the potential for there to be grounds for dismissal

Following a suspension, you should be invited to a meeting with your employer to discuss your return to work

#### Investigative Processes

As the procedure states, the allegation may be the subject of an investigation by Children's Integrated Services or the Police. At the conclusion of any investigation by CIS or the Police, or if these agencies decide that they do not need to conduct an investigation, the matter will be handed back to the school/your employer to deal with. **If** this involves an internal disciplinary investigation, you will be provided with advanced notice of any meetings, together with the right to be represented by a representative of a professional association, as required under the appropriate Disciplinary Procedure (which you should ask for a copy of). It may also be the case that you will be provided with advice, guidance, training and/or support in respect of any issues that have

<sup>19</sup> *This Guide should be provided to the subject of an allegation by the employer's Senior Manager at the outset, along with the Managing Allegations Procedure to which it is appended.*

emerged following this allegation. You should think about what would be of particular use to you and be prepared to make this clear to your employer.

### **Confidentiality**

Clearly, allegations of abuse are extremely sensitive matters and all reasonable steps will be taken in order to ensure that any information pertaining to them will be dealt with in strictest confidence and on a 'need to know' basis. In the unlikely event that the matter becomes subject to speculation outside of the workplace/in the public domain, advice will be sought regarding any action that may be required to address and manage this. Again, this will be done with the utmost sensitivity and in consultation with you and any other individuals who may be affected

### **Five Frequently Asked Questions**

❖ **When will I be given an opportunity to respond to the allegation?**

The principles of natural justice dictate that any person accused of something should be afforded an opportunity to know what is being alleged and to respond. How and when that occurs will depend upon the nature of the allegation and any enquiries that are being made in respect of it. Rest assured, you will certainly be provided with information and an opportunity to respond **as soon as possible**.

❖ **If I am to be spoken to or interviewed by Police and/or Children's Integrated Services (ie a social worker) when and where will this happen?**

Again, the need for sensitivity and discretion is at the forefront of everyone's mind in dealing with matters of this sort. In the event that you do need to be spoken to or interviewed then this will be arranged and handled with the utmost discretion. Again, you should seek advice from your Contact Officer/Union/Association regarding any additional advice or support that you may need in the event that you are to be interviewed formally.

❖ **What Information about this process, including any meetings and/or investigative processes, will I have access to?**

If you are faced with an allegation you should be provided with a copy of the Procedure for Managing Allegations by your employer. This will inform you of the process(es) that need to be followed by your employer and the relevant authorities/agencies in dealing with the allegation. Minutes of strategy meetings (see Managing Allegations Procedure, sections 10 & 11) are confidential documents and are not disclosed to third parties (ie those not in attendance) as a matter of course. Once any enquiries have been concluded a request for a summary of any such meeting can be made to the Chair of the meetings and you should seek advice from your Contact Officer/Union/Association in the event that you wish to access this. For obvious reasons, the disclosure of any records/potential evidence held by investigative agencies is subject to the usual rules of confidentiality and Data Protection/Freedom of Information Act legislation.

❖ **What Records will be kept, by whom and for how long?**

In line with the relevant national guidance, the employer and Local Authority Designated Officer (Managing Allegations Procedure, section 4) are required to keep a record of all allegations for ten years or until you reach retirement age, whichever is longer. Such records are maintained for the protection of adults and children alike and you should be provided with a copy of the record that is kept by your employer. (See below)

❖ **Will this impact upon any future CRB disclosure or references if I apply for another job?**

CRB information is disclosed at the discretion of the Chief Constable although discussions about CRB disclosures may occur during the course of multi-agency strategy meetings (Managing Allegations Procedure sections 10 & 11). Employers will provide details of any allegations that have been made against individuals in the event that they are asked for a reference by a prospective employer; this is in line with best [safe recruitment and selection] practice and is intended to ensure that clarity is achieved which protects adults and children alike ie it will prevent unnecessary re-investigation in future and leave no doubt that appropriate and robust procedures were followed and the matter dealt with appropriately at the time.

***Do take time to read the managing allegations procedure and appendices carefully and liaise with your Union / Association representative and Contact Officer, where applicable, in the event that you need to clarify anything.***

Date Policy was approved by Governing Body Informal Committee: 04/07/2023

Signed by Chair of Governing Body: Mrs W Blundell

Policy Review Date: Summer Term Informal Governing Body meeting - 2024

