

Tri-X procedures

Introduction and Criteria

1. Despite all efforts to recruit safely there will be occasions when allegations are made of abuse by those who work with children – paid staff or volunteers.
2. Allegations of abusive behaviour towards children must be taken seriously.
3. All organisations should therefore have clear and accessible policies and procedures, consistent with these South West Child Protection Procedures, which explain what should happen when allegations about the behaviour of a member of staff or volunteer are raised.
4. Allegations against any person who works with children, whether in a paid or unpaid capacity, cover a wide range of circumstances.
5. All references in this document to 'members of staff' and 'employment' should be interpreted as meaning all paid or unpaid staff and volunteers, including foster carers and prospective adopters. All references to 'employers' should be taken to include any agency or organisation with responsibility for paid or unpaid staff and volunteers, including foster carers, prospective and approved adopters. This chapter also applies to any person, who manages or facilitates access to an establishment where children are present.
6. This document uses the abbreviation LADO (local authority designated officer) throughout, to refer to the specific role of the designated officer employed by the local authority to manage and have oversight of allegations across the children's workforce. This term is used to distinguish between safeguarding leads in health and education who can also be referred to as 'designated' leads.
7. This procedure should be applied when there is such an allegation or concern that a person who works with children, has:

- Behaved in a way that has harmed a child, or may have harmed a child;
 - Possibly committed a criminal offence against or related to a child;
 - Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children.
8. These behaviours should be considered within the context of the four categories of abuse (i.e. physical, sexual and emotional abuse and neglect).
9. Allegations can be made in relation to physical chastisement and restraint but can also relate to inappropriate relationships between members of staff and children or young people, for example:
- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003);
 - 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003);
 - Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text / e-mail messages or images, gifts, socialising etc;
 - Possession of indecent photographs / pseudo-photographs of children.
10. In addition, these procedures should be applied when there is an allegation that any person who works with children:
- Has behaved in a way in their personal life that raises safeguarding concerns and these concerns are deemed a transferable risk to the organisation the individual is employed by or volunteers for. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon;

- As a parent or carer, has become subject to child protection procedures;
- Is closely associated with someone in their personal lives (e.g. partner, member of the family or other household member) who may present a risk of harm to child/ren for whom the member of staff is responsible in their employment/volunteering.

11. Finally, these procedures should be followed where a person's employment is covered by the Childcare Act 2006 (Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 ("the 2018 regulations") and is:

'...living in the same household where another person who is disqualified lives or is employed (disqualification 'by association') as specified in regulation 9 of the 2018 regulations (note that regulation 9 only applies where childcare is provided in domestic settings, defined as 'premises which are used wholly or mainly as a private dwelling' in section 98 of the act, or under a domestic premises registration, including non-domestic premises up to 50% of the time)'

12. This statutory guidance covers the following staff:

- Early years provision
Staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during the normal school day and outside of school hours for children in the early years age range.
- Later years provision (for children under 8)
Staff who are employed to work in childcare provided by the school outside of the normal school day for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school

hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before-school settings, such as breakfast clubs, and after school provision.

13. It is also important to note that, whilst not specifically covered by statutory guidance, the risks associated with the wider family and close associates of the member of staff may also need to be considered even if their work with children does not fall within the remit of the statutory guidance.
14. These procedures should be followed where allegations are made against a 16 and 17 year old who has been put in a position of trust by an organisation in relation to anyone under the age of 18. For example, where they might be involved in coaching a sport or in other school or out of school activities.
15. The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, employers should follow their safeguarding and other relevant procedures to resolve cases without delay.

The difference between an allegation and a concern

- 7.2.8 It might not be clear whether an incident constitutes an 'allegation'. It is important to remember that in order to be an allegation the alleged incident has to be sufficiently serious as to suggest that harm has or may have been caused harm to a child/ren or that the alleged behaviour indicates the individual may pose a risk of harm to children (or otherwise meet the criteria above). Issues that do not meet this threshold may constitute conduct or disciplinary issues and should be addressed by employers using the appropriate organisational procedures.

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

- Was the incident a disproportionate or inappropriate response in the context of a challenging situation?
- Where the incident involved an inappropriate response to challenging behaviour, had the member of staff had training in managing this?
- Does the member of staff understand that their behaviour was inappropriate and express a wish to behave differently in the future? For example, are they willing to undergo training?
- Does the child or family want to report the incident to the police or would they prefer the matter to be dealt with by the employer?
- Have similar allegations been made against the employee – is there a pattern developing?

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

17. Whether an incident constitutes an allegation and hence needs to be dealt with through these procedures, may need to be discussed by the LADO and the employer's safeguarding lead. If it falls short of this threshold there may still be a role for the LADO to provide advice and support to the employer. Where the matter constitutes a conduct or performance issue, the employer should follow the appropriate disciplinary procedures and let the LADO know of the outcome.

Organised abuse

18. Investigators should be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with complex abuse procedures which, if applicable, will take priority. See Organised and Complex Abuse Procedure.

19. **Non-recent abuse (historical abuse)**

Relevant statutory guidance

Allegations of non-recent abuse should be responded to in the same way as contemporary concerns. In such cases, it is important to find out whether the person against whom the allegation is made is still working with children and if so, to inform the person's current employer or voluntary organisation or refer their family for assessment.

Working Together to Safeguard Children: Statutory guidance on inter-agency working to safeguard and promote the welfare of children.

Available at: **GOV.UK - Working together to safeguard children**

Detailed guidance can be found for schools and all educational establishments in **Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (September 2016)**.

Guidance about the use of physical restraint in schools for governing bodies, headteachers and school staff. Available at: **GOV.UK - Use of reasonable force in schools**

Additionally new statutory guidance has been issued 'Disqualification under the Childcare Act 2006' (February 2015) which replaces the supplementary advice that was issued by the Department for Education on 10 October 2014. Available at: **GOV.UK - Disqualification under the Childcare Act 2006**

Guidance regarding making a referral to the Disclosure and Barring Service (**DBS**) website is available at: **GOV.UK - Making barring**

referrals to the DBS

Guidance regarding the legal duty to refer and power to refer to the DBS

is available at: **GOV.UK - DBS barring referral guidance**

Roles and Responsibilities

20. Working Together states:

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

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

21. Each organisation providing a service to children and families must have its own policy on how it manages child safeguarding concerns so that staff (including volunteers), children and families know how to identify and report abuse and neglect. The policies should be consistent with and refer to these regional child protection procedures. Safeguarding training for staff (including volunteers) should be provided and refreshed

regularly, and children should be regularly reminded of how they can report concerns.

22. Each LSCB member organisation should identify a named senior manager with overall responsibility for:
 - Ensuring that the organisation deals with allegations in accordance with this LSCB procedure;
 - Resolving any inter-agency issues;
 - Making statutory notifications to professional bodies and the Disclosure & Barring Service (DBS)
 - Liaising with the LSCB on the subject.
23. The local authority has assigned a Local Authority Designated Officer (LADO) or team of Designated Officers to:
 - Receive reports about allegations and to be involved in the management and oversight of individual cases;
 - Provide advice and guidance to employers and voluntary organisations;
 - Liaise with the police and other agencies;
 - Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process;
24. Provide advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS) and regulatory bodies such as Ofsted, the GMC etc.
25. It is very important that those giving advice have expertise in this area, as any errors in advice could have serious ramifications, both for those individuals who have had allegations made against them and for those making the allegation.
26. It is important to be aware that LADOs do not carry out investigations into allegations – responsibility for the investigation remains with the employer (or whoever is commissioned by the employer to investigate the process) and/or the Police. The LADO can provide advice and, where necessary, co-ordinate the process. The LADO is also responsible for ensuring an appropriate outcome is reached. Where it is not straightforward to establish which organisation should lead an investigation, for example, where responsibility may be shared between

an employment agency and the organisation where the person was working, the LADO will also provide advice regarding which organisation is best placed to lead the investigation.

Cases which cross authority boundaries

27. In general, cases that cross authority boundaries should be led and managed by the authority where there is the greatest employment risk.
28. However, cases may be relevant to more than one local authority area. For example, an allegation could be made against an agency worker who works across multiple authority areas and whose agency is based in a further authority area. Decisions about which LADO should take the lead are complex and should consider the following:
- Which agency holds the greatest employment risk? For example, if an agency worker has only worked one day in the school where the allegation has taken place and won't be returning, it might be that the employment agency holds the most risk;
 - Where is the organisational learning required? For example, an agency worker may have only worked in a school for a day but if the school did not follow good practice with the worker and this contributed to the incident, the greatest learning might be with the school.
29. Employers should appoint:
- A designated senior lead (DSL) to whom allegations or concerns should be reported. This person should be a senior manager and they should::
 - Seek advice from the LADO regarding incidents where it is unclear whether it is an allegation or a concern;
 - Report all allegations of harm to the LADO.
 - A deputy designated senior lead to whom reports should be made in the absence of the designated senior lead or where that person is the subject of the allegation or concern.
30. The police detective inspector on the child abuse investigation team will:
- Have strategic oversight of the local police arrangements for managing allegations against staff and volunteers. This will include, for example, responsibility for informing partners of changes to Police practice (such as changes to bail conditions) and keeping

partners aware of the number of cases they are dealing with and any themes which emerge from them ;

- Liaise with the LSCB on the issue and, in particular, which section of the Police will lead the investigation;
- Ensure compliance with these procedures.

31. The police should designate a detective sergeant/s to:

- Liaise with the local authority designated officer (LADO) or their team;
- Take part in strategy meetings/discussions;
- Review the progress of cases in which there is a police investigation;
- Share information as appropriate, on completion of an investigation or related prosecution.

32. If a Police Officer receives an allegation, they should, without delay, report it to the designated detective sergeant on the local safeguarding team (LST). The detective sergeant should then immediately inform the LADO.

General Considerations Relating to Allegations Against Staff

Persons to be notified

33. The employer must inform the local authority designated officer (LADO) within **one working day** when an allegation is made and prior to any further investigation taking place. If it is outside of office hours and there is an immediate risk to a child, the police or local authority out of hours duty team should be informed.

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

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

36. The employer should seek advice from the LADO, the police and/or Children's social care about how much information should be disclosed to the accused person.
37. Subject to restrictions on the information that can be shared, the employer should, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g. disciplinary action, and dismissal or referral to the DBS or regulatory body). Consideration should be given to withholding information in the following circumstances:
- Whether it is safe to disclose – this applies both to any child/ren and any witnesses particularly where there is domestic abuse
 - If the matter is subject to police involvement, the police should always be consulted so criminal investigations are not compromised.
38. The accused member of staff should:
- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved;
 - Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;
 - If suspended, be kept up to date about events in the workplace.
39. Ofsted should be informed of any allegation or concern made against a member of staff in any day care establishment for children under 8 or against a registered child minder. They should also be invited to take part in any subsequent strategy meeting/discussion.
40. Children's social care should inform Ofsted of all allegations made against a foster carer, prospective adopter, or member of staff in a residential child care facility.

Support

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

42. As soon as possible after an allegation has been received, the accused member of staff should be advised to contact their union or professional association. Human resources should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's occupational health or employee welfare arrangements.

Confidentiality

43. Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.
44. Parents, carers, children and professionals should be mindful of the requirement for confidentiality and that information should not be shared with others outside of the process, including the use of social media.
45. The police should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances (e.g. an appeal to trace a suspect). In such cases, the reasons should be documented and partner agencies consulted beforehand.
46. Section 13 of the Education Act 2011 introduced restrictions implemented in 2012 on the publication of any information that would identify a teacher who is the subject of an allegation of misconduct that would constitute a criminal offence, where the alleged victim of the offence is a registered pupil at the school.
47. Such restrictions remain in place unless or until the teacher is charged with a criminal offence, though they may be dispensed with on the application to the Magistrates' Court by any person, if the court is satisfied that it is in the interests of justice to do so, having regard to the welfare of:
 - a. The person who is the subject of the allegation; and
 - b. The victim of the offence to which the allegation relates.

48. There is a right of appeal to the Crown Court.
49. This restriction will apply to allegations made against any teacher who works at a school, including supply and peripatetic teachers. 'School' includes academies, Free Schools, independent schools and all types of maintained schools.
50. There is a new offence of publishing any information (which act is this from?) in breach of these restrictions. Publication includes any communication, in whatever form, which is addressed to the public at large or any section of the public.
51. It is a defence to show that the person publishing was not aware of the allegation having been made as set out in section 141H 'Defences' of the Act.

Suspension or alternative protective measures

52. **The case manager should consider, in conjunction with advice from their HR provider whether the result that would be achieved by suspension could be obtained by alternative arrangements. The view of police and social care should be taken into account to inform the assessment of risk during the investigation process. The following alternatives could be considered:-**
- **Redeployment so that the individual does not have direct contact with the child or children concerned.**
 - **Providing an additional member of staff to be present when the individual has contact with children.**
 - **Redeploying to alternative work so the individual does not have unsupervised access to children**
53. Suspension is a neutral act and it should not be automatic. It should be considered by the case manager following advice from HR in any case where:
- There is cause to suspect a child is at risk of harm; or
 - The allegation warrants investigation by the police; or
 - The allegation is so serious that it might be grounds for dismissal.
54. The possible risk of harm to children should be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staff's home, work or community life.

55. If a strategy meeting / discussion is to be held or if Children's social care or the police are to make enquiries, the LADO should canvass their views on suspension and inform the employer. Only the employer, however, has the power to suspend an accused employee and they cannot be required to do so by a local authority or police, however they should give appropriate weight to their advice
56. If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by the case manager who should inform the LADO. This should include what alternatives to suspension have been considered.
57. Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons of the suspension. The person who has been suspended should be provided with support and be informed at the point of suspension who their named contact is within the organisation and be provided with their contact details.
58. If a suspended person is to return to work, the employer should consider what help and support might be appropriate (e.g a phased return to work and/or provision of a mentor). Consideration must be given to the child/ren who may have been involved in the allegation.
59. If a suspended person is to return to work, the employer should consider what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor), and also how best to manage the member of staff's contact with the child concerned, if still in the workplace.

Resignations and 'compromise agreements'

60. Every effort should be made to reach a conclusion in all cases even if:
- The individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations;
 - It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete.
61. 'Compromise agreements' must **not** be used (i.e. where a member of staff agrees to resign provided that disciplinary action is not taken and

that a future reference is agreed). A settlement/compromise agreement which prevents the employer from making a DBS referral when the criteria are met for so doing would likely result in a criminal offence being committed for failure to comply with the duty to refer.

Organised abuse

62. Investigators should be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with complex abuse procedures which, if applicable, will take priority. See [Organised and Complex Abuse Procedure](#).

Non Recent Abuse

63. Allegations of non-recent abuse should be responded to and reported in the same way as contemporary allegations. In cases of non-recent abuse, the person against whom the allegation is made may still be working with children and it will be important to investigate whether this is the case.

Whistle-blowing

64. All staff should be made aware of the organisation's whistle-blowing policy and feel confident to voice concerns about the attitude or actions of colleagues.
65. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the LADO.

Timescales

66. It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided. Part of the LADO role is to oversee cases to ensure they are managed in a timely way.

Initial Response to an Allegation or Concern

67. An allegation against a member of staff may arise from a number of sources (e.g. a report from a child, a concern raised by another adult in

the organisation, or a complaint by a parent). It may also arise in the context of the member of staff and their life outside work or at home.

Initial action by person receiving or identifying an allegation or concern

68. The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

69. They should not:

- Investigate or ask leading questions if seeking clarification;
- Make assumptions or offer alternative explanations;
- Promise confidentiality, but give assurance that the information will only be shared on a 'need to know' basis.

70. They should:

- Make a written record of the information (where possible in the child / adult's own words), including the time, date and place of incident/s, persons present and what was said;
- Sign and date the written record;
- Immediately report the matter to the designated safeguarding lead, or the deputy in their absence or; where the designated safeguarding lead is the subject of the allegation report to the deputy or other appropriate senior manager.
- Some, very serious allegations, should be immediately reported to the police – this will also enable prompt action to be taken to gather evidence from mobile phones etc.

Initial action by the designated safeguarding lead

71. When informed of a concern or allegation, the designated safeguarding lead should not investigate the matter or interview the member of staff, child concerned or potential witnesses.

72. They should:

- Obtain written details of the concern / allegation, signed and dated by the person receiving (not the child / adult making the allegation);
- Approve and date the written details;
- Record any information about times, dates and location of incident/s and names of any potential witnesses.

- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

73. The designated safeguarding lead should review the information available and consideration should be given as to whether the case meets the threshold of harm/risk of harm.

- If it is decided it meets the threshold of harm / risk of harm and therefore is an allegation they should follow the procedures below and notify the LADO within one working day. If appropriate, the police should also be notified by the LADO within one working day – or immediately by the designated safeguarding lead if necessary;
- If it is decided that the incident does not meet the threshold of harm / risk of harm and is a concern only, then they should take steps to ensure any conduct or behaviour issues are addressed with the member of staff through normal employment practices;
- If the designated safeguarding lead is unclear whether the incident meets the threshold of harm/risk of harm they may wish to seek advice from the LADO.

74. If an allegation requires immediate attention, but is received outside normal office hours, the designated safeguarding lead should consult the Children's Services Emergency Duty Team or local police and inform the LADO as soon as possible.

75. If a police officer receives an allegation, they should, without delay, report it to the designated detective sergeant on the child abuse investigation team (CAIT). The detective sergeant should then immediately inform the LADO.

76. Similarly an allegation made to Children's Services should be immediately reported to the LADO.

Suspension – when it should be considered

77. Suspension should be considered only in cases where there is cause to suspect a child or other children at the place of employment is/are at risk of harm or the case is so serious that it might be grounds for dismissal. The designated safeguarding lead must consider carefully whether the circumstances warrant suspension from contact with

children until the allegation is investigated/resolved, and may wish to seek advice from their HR department and the LADO.

78. There should be consideration as to 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. Based on assessment of risk, the following alternatives should be considered by designated safeguarding lead before suspending a member of staff:

- Re-deployment so that the individual does not have direct contact with the child or children concerned;
- Providing an assistant to be present when the individual has contact with children
- Redeploying to alternative work so the individual does not have unsupervised access to children;
- Temporarily redeploying the member of staff to another role in a different location.

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

Initial consideration by the designated safeguarding lead and the LADO

80. There are up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Children's social care enquiries and/or assessment about whether a child is in need of protection or services;
- Consideration by an employer of disciplinary action.

81. The LADO and the designated safeguarding lead should consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is false. Care should be taken to ensure that the child is not confused as to dates, times, locations or identity of the member of staff.

82. If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO

should refer to Children's social care and ask them to convene an immediate strategy meeting / discussion:

- If a child is not believed to have suffered, or to be likely to suffer Significant Harm but a police investigation will continue, the Local Authority Designated Officer (LADO) should conduct this discussion with the police, the designated safeguarding lead and any other agencies involved to evaluate the allegation and decide how it should be dealt with;
- This Evaluation discussion should take place within one working day and must consider how to take matters forward in a criminal process parallel with a disciplinary process or whether any disciplinary action will need to await the completion of the police enquiries and/or prosecution. The progress should be reviewed by the police no later than four weeks after the initial evaluation meeting and thereafter at fortnightly or monthly intervals.

Strategy meeting / discussion

83. Wherever possible, a strategy meeting / discussion should take the form of a meeting. However, on occasions a telephone discussion may be justified. The following is a list of possible participants:

- LADO;
- Social care manager to chair (if a strategy meeting);
- Relevant social worker and their manager;
- Detective sergeant;
- The Designated and/or named Safeguarding Children Health Professional (CCG); and always when an allegation concerns a health agency worker /professional;
- Consultant pediatrician;
- Designated senior lead for the employer concerned;
- Human resources representative;
- Legal adviser where appropriate;
- Senior representative of the employment agency or voluntary organisation if applicable;
- Manager from the fostering service provider when an allegation is made against a foster carer;
- Supervising social worker when an allegation is made against a foster carer;
- Those responsible for regulation and inspection where applicable (e.g. CQC, GMC or Ofsted);

- Where a child is placed or resident in the area of another authority, representative/s of relevant agencies in that area;
- Complaints officer if the concern has arisen from a complaint.

84. The strategy meeting / discussion should:

- Decide whether there should be a Section 47 Enquiry and / or police investigation and consider the implications;
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information;
- Consider the current allegation in the context of any previous allegations or concerns;
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children (e.g. [section 93, Education and Inspections Act 2006](#) in respect of teachers and authorised staff);
- Consider whether a complex abuse investigation is applicable; see [Organised and Complex Abuse Procedure](#);
- Plan enquiries if needed, allocate tasks and set timescales;
- Decide what information can be shared, with whom and when.

85. The strategy meeting / discussion should also:

- Ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed;
- Consider what support should be provided to all children who may be affected;
- Consider what support should be provided to the member of staff and others who may be affected and how they will be kept up to date with the progress of the investigation;
- Ensure that investigations are sufficiently independent;
- Make recommendations where appropriate regarding suspension, or alternatives to suspension;
- Identify a lead contact manager within each agency;
- Agree protocols for reviewing investigations and monitoring progress by the LADO, having regard to the target timescales;
- Consider issues for the attention of senior management (e.g. media interest, resource implications);
- Consider reports for consideration of barring;

- Consider risk assessments to inform the employer's safeguarding arrangements;
- Agree dates for future strategy meetings / discussions.

86. A final strategy meeting / discussion should be held to ensure that all tasks have been completed, including any referrals to the DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learnt.

87. The strategy meeting / discussion should take in to account the following definitions when determining the outcome of allegation investigations:

Substantiated: there is sufficient identifiable evidence to prove the allegation;

False: there is sufficient evidence to disprove the allegation;

Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;

Unsubstantiated: this is not the same as a false allegation. It means that there is insufficient evidence to either prove or disprove the allegation; the term therefore does not imply guilt or innocence.

Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

Allegations against staff in their personal lives

88. If an allegation or concern arises about a member of staff, outside of their work with children, and this may present a risk of harm to child/ren for whom the member of staff is responsible, the general principles outlined in these procedures will still apply.

89. The strategy meeting / discussion should decide whether the concern justifies:

- Approaching the member of staff's employer for further information, in order to assess the level of risk of harm; and / or
- Inviting the employer to a further strategy meeting / discussion about dealing with the possible risk of harm.

90. If the member of staff lives in a different authority area to that which covers their workplace, liaison should take place between the relevant agencies in both areas and a joint strategy meeting / discussion convened.
91. In some cases, an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family or other household member) may present a risk of harm to child/ren for whom the member of staff is responsible. In these circumstances, a strategy meeting / discussion should be convened to consider:
- The ability and/or willingness of the member of staff to adequately protect the child/ren;
 - Whether measures need to be put in place to ensure their protection;
 - Whether the role of the member of staff is compromised.

Disciplinary Process

Disciplinary or suitability process and investigations

92. The designated senior lead determines under the employer's usual procedures whether disciplinary action is required. The LADO can provide advice and support where:
- It is clear at the outset or decided by a strategy meeting / discussion that a police investigation or LA children's social care enquiry is not necessary; or
 - The employer or LADO is informed by the police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.
93. The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:
- Information provided by the police and / or Children's social care;
 - The result of any investigation or trial;
 - The different standard of proof in disciplinary and criminal proceedings.
94. In the case of supply, contract and volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the LADO and

employer should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services, or provide future work with children, and if not, whether to make a report for consideration of barring or other action. See [Section 8, Substantiated Allegations and Referral to the DBS](#).

95. If formal disciplinary action is not required, the employer should institute appropriate action within three working days. If a disciplinary hearing is required, and further investigation is not required, it should be held within 15 working days.
96. If further investigation is needed to decide upon disciplinary action, the employer should discuss with the LADO whether the employer has appropriate resources or whether the employer should commission an independent investigation because of the nature and/or complexity of the case and in order to ensure objectivity. The investigation should not be conducted by a relative or friend of the member of staff.
97. The aim of an investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and / or the individual's suitability to work with children. Its purpose is not to prove or disprove the allegation.
98. If, at any stage, new information emerges that requires a child protection referral, the investigation should be held in abeyance and only resumed if agreed with LA children's social care and the police. Consideration should again be given as to whether suspension is appropriate in light of the new information.
99. The investigating officer should aim to provide a report within ten working days.

Sharing information for disciplinary purposes

100. Wherever possible, police and Children's social care should, during the course of their investigations and enquiries, obtain consent to provide the employer and/or regulatory body with statements and evidence for disciplinary purposes.

- 101.If the police or CPS decide not to charge, or decide to administer a caution, or the person is acquitted, the police should pass all relevant information to the employer without delay.
- 102.If the person is convicted, the police should inform the employer and the LADO straight away so that appropriate action can be taken.

Record Keeping and Monitoring Progress

Record keeping

- 103.Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for ten years if longer.
- 104.The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification where a future DBS request reveals non convicted information, and will help to prevent unnecessary reinvestigation if an allegation re-surfaces after a period of time. In this sense it may serve as a protector to the individual themselves, as well as in cases where substantiated allegations need to be known about to safeguard future children.
- 105.Details of allegations that are found to be malicious should be removed from personnel records. For Education services see [Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges](#).

Monitoring progress

- 106.The LADO should monitor and record the progress of each case, either fortnightly or monthly depending on its complexity. This could be by way of review strategy meetings / discussions / initial evaluations or direct liaison with the police, Children's social care, or employer, as appropriate. Where the target timescales cannot be met, the LADO should record the reasons.

107. The LADO should keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. The records will also assist the LSCPLSCP to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the [Department for Education \(DfE\)](#) as required.
108. If a police investigation is to be conducted, the police should set a date for reviewing its progress and consulting the CPS about continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than four weeks after the strategy meeting / discussion / initial evaluation. Dates for further reviews should also be agreed, either fortnightly or monthly depending on the complexity of the investigation.

Outcomes following an investigation of the allegation

109. The LADO/ Chair of the meeting or discussion should make a record of the agreed outcome and forward this to the employer
- **Substantiated**
There is sufficient evidence to prove the allegation that a child has been harmed or there is a risk of harm.
If the facts of the incident are found to be true but it is not found that a child has been harmed or there is a risk of harm, then consideration should be given to deciding that the outcome is 'unsubstantiated' or 'unfounded.'
 - **Unsubstantiated**
There is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
 - **Unfounded**
The additional definition of 'unfounded' can be used to reflect cases where 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 made aware of all the circumstances.
 - **False**
There is sufficient evidence to disprove the allegation, however, there is no evidence to suggest that there was an deliberate intention to deceive.

False allegations may be an indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO, should refer the matter to LA children's social care to determine whether the child is in need of services, or might have been abused by someone else.

- **Malicious**

There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive. The police should be asked to consider what action may be appropriate in these circumstances.

References in cases where the allegation is false, unsubstantiated or malicious

110. Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.

Substantiated Allegations and Referral to the DBS

Substantiated allegations

111. The [Disclosure and Barring Service \(DBS\)](#) was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). The relevant legislation is set out in the [Protection of Freedoms Act 2012](#).

112. There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child; or if there is an investigation and the outcome is substantiated either by criminal investigation or on the balance of probabilities.

113. If an allegation is substantiated and the person is dismissed or the employer ceases to use the person's service or the person resigns or otherwise ceases to provide his/her services, the guidance regarding making a referral is available on the Disclosure and Barring Service (DBS) website

114.If a referral is to be made; it should be submitted within one month of the allegation being substantiated.

Bodies with a legal duty to refer

115.The following groups have a **legal duty to refer** information to the DBS:

- Regulated Activity suppliers (employers and volunteer managers);
- Personnel suppliers that may be an employment agency, employment business or an educational institution;

Bodies with the power to refer

116.The following groups have a **power to refer** information to the DBS:

- Local authorities (safeguarding role);
- Health and Social care (HSC) trusts (NI);
- Academies and educational establishments;
- Keepers of registers e.g. General Medical Council, Nursing and Midwifery Council, HCPC
- Supervisory authorities e.g. Care Quality Commission, Ofsted.

117.If the person being referred to the DBS is a teacher in England they should also be referred to Teaching Regulation Agency. the Teaching Regulation Agency.

Learning Lessons

118.The employer and the LADO should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice.

Procedures in Specific Organisations

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

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

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

Further Information

[Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges](#)

Local Information

[Managing allegations of abuse made against somebody who works with children](#)

[Managing allegations/concerns about individuals who work with children flowchart](#)

[Worried about an adult working with you or other children – young people leaflet](#)

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