

The Ellesmere Port C of E College



Managing Allegations

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Introduction to the Purpose of this Policy document

The purpose of this policy is to provide absolute clarity for all staff at EPC on our shared responsibilities in safeguarding our pupils and what action to take should an allegation be made against a member of staff, or volunteer, who works with children. This Policy aims to help professionals understand what they need to do, and what they can expect of one another, when safeguarding children.

This policy is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. This policy outlines procedures for managing allegations against people who work with children who are paid, unpaid, volunteers, casual, agency or anyone self-employed.

The procedures within this policy are based on the framework for dealing with allegations made against an adult who works with children, detailed in DfE statutory guidance including Working Together (2018) and should be followed by all organisations providing services for children and young people.

This policy reflects the current Government guidance in Keeping Children Safe in Education (2022) and Working Together to Safeguard Children (2018). This Policy is also compliant with Local Children's Safeguarding Boards multi agency safeguarding procedures for the local authority.

Links with other Policies

This Managing Allegations Policy has obvious links with the wider safeguarding agenda and specifically all policies that make up the safeguarding suite of documents. It should be read in conjunction with the Safeguarding Policy. When ratifying or reviewing the policy, links should be made with the other relevant policies.

Key principles

There may be up to 3 strands in the consideration of an allegation:

- a police investigation of a criminal offence;
- assessment by Children's Social Care about whether a child is in need of protection or services; or
- consideration by the Trust of disciplinary action in respect of the individual.

Some cases will also need to be referred to the Disclosure and Barring Service for consideration of inclusion of the individual on the DBS barred lists.

An investigation must:

- take all allegations against a professional, staff member, foster carer or volunteer seriously;
- be conducted in a way that is consistent with statute and guidance, and the LA Agency Safeguarding Procedures applicable to that academy;
- be concerned with all affected children regardless of their living environment;
- be independent of the immediate line management of those against whom allegations have been made; and
- be completed in a timely manner consistent with a thorough and fair investigation

Roles and Responsibilities

The Role of the Designated Safeguarding Lead (DSL)

The Designated Safeguarding Lead (DSL) is the named senior manager that has overall responsibility for the management of safeguarding. All staff are expected to share any concerns about the welfare of a child with the DSL. In situations where the allegation is against the DSL, staff must inform the Principal (without first notifying the DSL) and where the allegation is against the Principal the Chief Operating Officer (COO) must be notified (without the knowledge of the Principal). The DSL, Principal or Chair of Governors will then liaise with the Local Authority Designated Officer (LADO) and HR as appropriate.

The Role of the LADO

The role of the Local Authority Designated Officer (LADO) is set out in Working Together to Safeguard Children (2018) and is governed by the Authorities duties under section 11 of the Children Act (1989) and LSCB multi agency procedures.

The LADO must be contacted within one working day in respect of all cases in which it is alleged that a person who works with children has:

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

The LADO must be informed of ALL allegations that come to the Academy's attention and appear to meet the criteria set out above.

The LADO is responsible for:

- providing advice, information and guidance to educational establishments and voluntary organisations around allegations and concerns regarding paid and unpaid workers;
- managing and overseeing individual cases from all partner agencies;
- ensuring the child's voice is heard and that they are safeguarded;
- ensuring there is a consistent, fair and thorough process for all adults working with children and young people against whom an allegation is made;
- monitoring the progress of cases to ensure they are dealt with as quickly as possible; and
- recommending a referral and chairing the strategy meeting in cases where the allegation requires investigation by police and/or social care.

The LADO is involved from the initial phase of the allegation through to the conclusion of the case. The LADO is available to discuss any concerns and to assist senior staff in deciding whether they need to make a referral and/or take any immediate management action to protect a child.

The Local Authority Designated Officer (LADO) for each academy is shown in Appendix 4, together with contact details.

The Role of the Police

The relevant Constabulary Area Public Protection Unit Manager will:

- liaise with the Local Authority Designated Officer
- take part in the strategy discussions/meetings
- review the progress of cases where there is a Police investigation
- share information as appropriate, on completion of an investigation or related prosecution

The Role of Children's Social Care

Children's Social Care will designate an operational senior manager to:

- liaise with the LADO
- take part in strategy discussions/meetings
- review the progress of cases where there is an investigation
- share information as appropriate on completion of an investigation or related prosecution

The Role of HR

Human Resources personnel should be a core part of the process and:

- liaise with the LADO
- take part in strategy discussions/meetings
- review the progress of cases where there is an investigation
- share information as appropriate on completion of an investigation or related prosecution.

Ofsted should be informed of any allegations or concerns made against:

- a member of staff in any early year's establishment for children under 8
- a registered child-minder
- a foster carer
- a member of staff in a residential child care facility

The Role of the Board

The Board has overall responsibility for safeguarding and the Director with responsibility for safeguarding will be informed of relevant information by the COO, in line with the safeguarding policy.

The Procedures

Managing Allegations of Abuse against Adults who work with Children

Children have a right to be safe at all times. There are occasions when there may be risks presented by those working, or associated, with them. This policy sets out the process if there are concerns about the actions of a professional working with children and young people.

Children can become victims of abuse and exploitation by those who work with them in any setting. They have been found to be vulnerable in all organisational settings including social care, education, health care, the leisure industry and in faith communities.

Compliance with this policy will help to ensure that allegations are dealt with consistently and in a timely manner; that a thorough, proportionate and fair process is followed and that processes are open to challenge.

Arrangements for managing concerns or allegations of this nature should be robust and effective in keeping children safe. All allegations should be taken seriously, approached with an open mind, and not be driven by preconceived opinions about whether a child has or has not been harmed.

This policy applies to any adult who works with children, whether a professional, staff member, foster carer or volunteer, where there is concern or an allegation that a person who works with children and young people, in connection with his/her employment or voluntary activity, 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; or
- behaved towards a child or children in a way that indicates she/he is unsuitable to work with children.

The procedures will also apply where:

There are inappropriate relationships between members of staff/volunteers and children or young people, for example:

- an adult is having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual;
- an adult is 'grooming' i.e. meeting a child under 16 with intent to commit a relevant offence;
- there is 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;
- an adult is in possession of indecent photographs/pseudo-photographs of children
- it is discovered that a person who is or has been working with children or young people has been previously involved in child abuse;
- an allegation has been made against a person working with children in a paid or voluntary capacity but the allegation does not relate to the working environment e.g. allegations by their own children;
- an allegation is made against a partner, member of the family or other household member, which gives rise to concerns about the safety of children or young people with whom the person has contact within his/her work or voluntary activity

Practice Reminder: If an employee has concerns about the behaviour of an adult that works with children or is aware of information that would lead them to question the suitability of that individual working with children, he/she has a duty to share this with the Designated Safeguarding Lead (DSL) in line with this Policy and the Whistle Blowing Policy.

How to raise concerns

The Initial Response to Allegations or Concerns

An allegation against a member of staff may arise from a number of sources e.g. a report from a child victim, a concern raised by another child or an adult in the organisation, or a complaint by a parent or carer or something that you personally witness.

Staff should be aware that children and young people may feel unable to express concerns. All staff must, therefore, be aware that they have a legal duty to take action if they have concerns about the safety of children and report their concerns about the attitude or actions of colleagues, foster carers or volunteers to each academy's Designated Safeguarding Lead in accordance with these procedures or to another person following the Whistleblowing policy.

A copy of the Whistleblowing Policy must be given to all new employees and made easily available to all staff. This policy is part of the safeguarding suite of documents.

Any concerns not raised directly with the academy's Designated Safeguarding Lead (see Appendix 4) must be reported to him/her by the person to whom the concern is voiced.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately, she/he should report the matter to:

- the Principal or Chief Operating Officer (if the allegation is made against the Principal) ;
- the named manager/ HR Officer;
- or the Local Authority Designated Officer (LADO)

See Appendix 3 for flow chart of managing allegations.

If an employee has concerns about the actions of another professional in relation to their work with children and young people, he/she has a legal duty to report these.

The first response from staff is to immediately inform the DSL and complete an Initial Concern Form (Appendix 1) in line with the Safeguarding Policy.

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

He/she should:

- communicate as appropriate to the child's age, understanding and preferred language
- Instigate immediate medical care where appropriate and take any immediate action necessary to protect the child;
- offer reassurance that the information will only be shared on a 'need to know' basis;

- make a written record of the information (where possible using the child/adult's actual words), including time, date and place of incident(s), persons present and what was said (Using Initial Concern Form: Appendix 1);
- sign and date the written record;
- immediately report the matter to the Designated Safeguarding Lead or Principal where the Designated Safeguarding Lead (DSL) is the subject of the allegation or the Trust Chief Operations Officer if the Principal is the subject of the allegation.

He/she should not:

- investigate or ask leading questions;
- interrupt a child when recalling significant events;
- make assumptions or offer alternative explanations;
- promise complete confidentiality

Practice Reminder: The action that ALL staff and volunteers should take, if there are concerns about a child is to follow the procedure written in this Policy, which is to pass the concerns to the DSL and complete an Initial Concern Form with a written record of the concern. (Appendix 1)

What Initial Action will be taken by the Designated Safeguarding Lead (DSL)?

The DSL should report the allegation or concern to the Principal, and LADO immediately day of the allegation being made or the concern being raised. The Principal will inform HR and COO.

When informed of a concern, the DSL WILL NOT investigate the matter or interview the member of staff concerned, the child or potential witnesses;

The DSL should:

- obtain written details of the concern/allegation, signed and dated by the person who received them (not the child/adult making the allegation);
- countersign and date the written details;
- record any information about times, dates and location of alleged incident(s) and names of any potential witnesses;
- record discussion about the child and/or member of staff, any decisions made and the reasons for those decisions.

The DSL can discuss the concerns with the LADO and gain advice and support on what action to take.

If the allegation meets the criteria set out in this Policy, the DSL should report it to the LADO immediately and, as a minimum, within one working day. Referral should not be delayed in order to gather further information. The referral may be made verbally but must be followed up in writing within 1 working day by completing a LADO Referral Form (Appendix 2).

As soon as possible after an allegation is made, the parents or carers should be informed. Where possible, advice should be sought from the LADO in advance on how this should be managed.

The LADO and HR should also be consulted about how and when the accused member of staff/volunteer is to be informed of the allegation. If sharing the information with the member of staff will not impede or

undermine any subsequent investigation, there should be no delay in doing so.

At this early stage, it is advisable to only explain that an allegation of a child protection nature has been made. The detail of the allegation can be explained by the investigative agencies.

If an allegation requires immediate attention but is received outside of normal office hours, the DSL should consult the 'Out of Hours' Service/Emergency Duty Team or the Public Protection Unit (PPU) via the local Police. In these circumstances, the DSL should inform the LADO the next working day and this should be followed up in writing within 3 working days.

If a Police Officer receives an allegation, she/he should, without delay, report it to the relevant Area Public Protection Unit Manager. The relevant Area Public Protection Unit Manager should immediately inform the LADO.

Similarly, an allegation made directly to Children's Social Care should be immediately reported to the LADO.

These procedures do not apply to matters that amount to bad or poor practice, which remain within normal line management arrangements.

Historical allegations should be responded to in the same way as contemporary concerns. It is important to establish if the person is still working with children and, if so, to inform the current employer or voluntary organisation.

Investigators should be alert to the signs of organised or multiple abuse and/or the involvement of other perpetrators or institutions.

A failure to report an allegation or concern in accordance with the following procedures is a potential disciplinary matter.

How are those involved supported?

When an allegation is made there is a need for those directly involved to be kept up to date with any developments.

Children, Young People, Parents or Carers

Parents/carers and involved children should be told about an allegation as soon as possible if they do not already know of it. The parent(s) carers 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 its outcome. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used, in a hearing.

If the child may have suffered significant harm, or there may be a criminal prosecution, the agencies involved should consider what support the child may need.

Staff and Volunteers subject to Allegations or Concerns

The member of staff/volunteer should be:

- treated fairly and honestly and be helped to understand the concerns expressed and the

- processes involved;
- advised to contact a union or professional association if a member;
- kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;
- provided with any support needed while the case is ongoing e.g. occupational health/employee welfare;
- kept up to date about events in the workplace, if suspended.

HR should be made aware of any duty of care implications for the wellbeing of the employee and ensure they are treated fairly and reasonably in all circumstances.

What Happens about Unfounded and Malicious Allegations?

Where it is concluded that there is insufficient evidence to substantiate an allegation, the LADO will advise the DSL/Principal/COO to enable her/him to consider what further action, if any, should be taken. Advice will be taken from HR before any decisions are made.

False allegations may be a strong indicator of abuse taking place elsewhere in a child/young person's life, which require further exploration. If an allegation is demonstrably false, the academy, in consultation with the LADO, should refer the matter to Children's Social Care to determine whether the child is in need of services or may have been abused by someone else. If it is established that an allegation has been deliberately invented, the Police should be asked to consider what action may be appropriate.

Confidentiality

When an allegation is made against a member of staff it can very quickly escalate into everyone wanting to know what is going on. The person against whom the allegation is made is entitled to confidentiality and breaching this can have serious consequences for any investigation.

Every effort should be made to maintain confidentiality and to guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and the person against whom an allegation has been made up to date with the progress of the case, information should be restricted to those who have a need to know in order to protect the child, progress enquiries, and manage related disciplinary/suitability processes.

The Police will not normally provide identifying information to the press or media, unless and until a person is charged, unless there are exceptional circumstances, e.g. an appeal to trace a suspect. The reasons should be documented and partner agencies and the Trust central team be consulted before any press statements are released.

What Action will the Local Authority Designated Officer (LADO) Take?

The Local Authority Designated Officer (LADO) must be informed of all allegations that come to Trust's attention and appear to meet the criteria set out in these procedures. This section sets out what the LADO will do when notified.

The Local Authority Designated Officer (LADO) must be informed of all allegations that come to the DSL's attention and appear to meet the criteria set out in this Policy. The Local Authority Designated Officer (LADO) should also be informed by the DSL of any allegations that are made directly to the Police.

The LADO should first establish that the allegation is within the scope of these procedures and may have some foundation. The LADO and the DSL should, therefore, consider together whether the allegation is verifiable and whether any further details may be needed to establish the facts of the allegation.

This is usually done in a telephone consultation with the LADO and then followed up by completion of the LADO Referral Form (Appendix 2)

If the allegation is not demonstrably false at the outset and there is cause to suspect that a child is suffering or likely to suffer significant harm, the LADO will immediately make a referral to the Children's Social Care Duty Team (if the case is not known to Children's Social Care and initial enquiries have not already commenced) and request the initiation of child protection enquiries following the relevant LSCB's Basic Safeguarding Children Procedures.

If the referral is established as meeting the criteria, a LADO Strategy Meeting will be convened within 72 hours. If action is required under the Basic Safeguarding Procedures to safeguard any children involved, this action must not be delayed pending the LADO Strategy Meeting but must take account of other ongoing investigations e.g. criminal investigations by the Police.

The Police must be consulted about any case in which a criminal offence may have been committed. Where the threshold for significant harm is not reached but a police investigation may be needed, the LADO should discuss with the police the timing and conduct of any criminal investigation and whether any disciplinary process can run in parallel or may need to await the outcome of police enquiries.

In advance of the LADO Strategy Meeting, if the parents/carers of the child concerned are not already aware of the allegation, the LADO will discuss how and by whom they would best be informed. In cases where the Police and Children's Social Care are involved, the LADO should consult these colleagues about how to best inform parents. The parents/carers should be told of the allegation as soon as possible.

There are some circumstances where academy staff may need to directly advise parents of an incident involving their child e.g. if the child was injured while in the organisation's care and requires medical treatment. In these circumstances the academy staff should take care not to say anything that could jeopardise the ability to conduct a proper investigation.

The Principal should inform the person against whom the allegation is made as soon as possible. The LADO will advise the Principal about the point at which a person against whom the allegation has been made can be informed as it is important that the timing of this does not impede any investigations. The Principal (in liaison with HR) will then decide what action to take in relation to suspension of the employee. If the referral does not meet the criteria, the LADO will advise the Principal on the next steps that may be taken which include:

- taking no further action;
- more supervision for the employee;
- training; or
- disciplinary action/not using person's services in the future

The LADO Strategy Meeting

Where an allegation has been made against a professional it is likely that a strategy meeting will need to be held. As an allegation is against a professional these strategy meetings are slightly different to general strategy meetings in make-up and content.

The participants must also be able to make decisions on behalf of their agencies. The meeting will be chaired by the LADO and participants could include:

- relevant social worker and their manager;
- supervising social worker/adoption social worker if allegation is made against a foster carer/prospective adopter;
- manager from the foster/adoption service provider when an allegation is made against a foster carer/prospective adopter;
- investigating police officer;
- legal advisor if appropriate;
- paediatrician if appropriate;
- DSL for the academy;
- senior Representative of the employment agency or voluntary organisation if the member of staff or volunteer has been placed by them, unless it is alleged that they have colluded or failed to respond to previous complaints;
- those responsible for regulation and inspection where applicable e.g. OFSTED;
- Human Resources representative as appropriate; and/or
- where a child is placed by or resident in another authority area, relevant representatives from that area.

The LADO Strategy Meeting should:

- ensure that, where appropriate, immediate arrangements have been or are made to protect the child/children involved and any other child/children possibly affected ;
- if not already instigated, decide whether there should be a Section 47 enquiry and/or police investigation and consider the implications of such enquiries;
- consider whether an organised or multiple abuse investigation is applicable;
- consider the future needs of the establishment and strategies where abuse is considered to be widespread;
- consider whether any parallel disciplinary process can take place and agree protocols for sharing information;
- agree the sharing of information for disciplinary or suitability processes, including the use of any record of video interviews;
- 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, for example, Section 550a of the Education Act 1996;
- plan enquiries if needed, allocate tasks and set time-scales;
- decide what information can be shared, with whom and when;
- consider what support should be provided to all children who may be affected directly or indirectly;
- decide how the child(ren), if sufficiently mature, should be helped to understand the processes involved and be kept informed about the progress of the case;
- ensure that investigations are sufficiently independent;
- make recommendations where appropriate regarding suspension or alternatives to suspension;
- consider what support should be provided to the accused person and any other colleagues who may have been affected;
- should the allegation breach the accused person's Professional Code of Conduct, consider when the allegation will be referred to the accused person's regulatory body;
- agree protocols for reviewing investigations and monitoring progress by the LADO having regard to timescales;
- consider issues for the attention of senior management, for example, media interest, resource implications, possible claims for compensation and alerting insurers; and
- agree dates for future strategy discussions/meetings if required.

The meeting will conclude with agreed actions, specification of persons responsible for such actions and specified timescales for completion. The minutes of the meeting will be distributed within a maximum of 15 working days to all parties that attended the LADO Strategy Meeting.

Possible outcomes of a LADO investigation

Substantiated:

A substantiated allegation is one which is supported or established by evidence or proof.

Unsubstantiated:

An unsubstantiated allegation is not the same as a false allegation. It simply means that there is insufficient identifiable evidence to prove or disprove the allegation. This 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 this allegation.

Malicious:

This implies a deliberate intention to deceive. A malicious allegation may be made by a child following an altercation with a member of staff or a parent who is in dispute with the necessary organisation. For an allegation to be classified as malicious it will be necessary to have evidence which proves this intention.

The resulting decisions are made based on the outcomes and the professional analysis of the adult's suitability to work with children and whether they are considered, on the balance of probability, to present a continuing risk of harm to children.

Resulting Actions

Following a LADO investigation, the recommendation may be that:

- there is No further Action (NFA);
- training needs identified for the member of staff;
- disciplinary Investigation (which could lead to Dismissal);
- referral to the appropriate Regulatory Body; or
- referral to Disclosure & Barring Service to be considered for inclusion on the barred list.

What Happens After the LADO Strategy Meeting?

The Chair of the Strategy Meeting (LADO) will monitor and record the progress of each case, either fortnightly or monthly depending on its complexity. This could be by way of formally reviewing the strategy meeting or by direct liaison with the Police, Children's Social Care or the accused person's employer as appropriate. Where the target timescales cannot be met the Chair of the Strategy Meeting (LADO) must record the reasons.

If a Police investigation is to be conducted, the Police should set a date for reviewing its progress and consulting the Crown Prosecution Service (CPS) about continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than 4 weeks after the strategy meeting. Dates for further reviews should also be agreed either fortnightly or monthly depending on the complexity of the investigation.

The LADO will maintain 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 LSCB to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the DfE as required.

The aim is to resolve most cases within 3 months and all, but the most exceptional cases, within 12 months as it is recognised that cases requiring a criminal prosecution or complex police investigation may not be

completed in less than 3 months.

Disciplinary and related Processes

This section considers the various outcomes following an allegation being found to have substance

The LADO, Principal and DSL, with support from HR, should discuss whether internal disciplinary investigation is appropriate in cases where:

- it is clear at the outset, or when decided by initial considerations, that a Police investigation or Social Care enquiry is not necessary;
- Trust or the LADO is informed by Police or the CPS that a criminal investigation and any subsequent trial is complete or that an investigation is to be closed without charge or a prosecution discontinued; or
- the Police and CPS formally agree to a disciplinary investigation running concurrently with their own investigations.

The discussion should consider any potential misconduct and/or suitability issues on the part of the member of staff and take account of:

- information provided by the Police and/or Social Care;
- the result of any investigation or trial; and/or
- the different standard of proof in disciplinary and criminal proceedings.
- The options for action will range from 'no further action' to 'summary dismissal' or not using the person's services in the future.

If formal disciplinary action is not required, the Trust should institute appropriate action within 3 working days. If a disciplinary hearing is required and further investigation is not required, the hearing should be held within the time frame set out in the Disciplinary Policy.

If further investigation is needed to decide upon disciplinary action, the Trust and the LADO should discuss whether the Trust has appropriate resources or whether the Trust should commission an independent investigation because of the nature and/or complexity of the case and in order to ensure objectivity.

The aim of the investigation is not to prove or disprove the allegation but 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. All possible steps must be taken to avoid repeated interviewing of children.

The investigating officer should aim to provide a report within 10 working days. On receipt of the report the Trust should decide within 2 working days whether a disciplinary hearing is needed. If a hearing is required it should be held within the time frame set out in the Disciplinary Policy.

If, at any stage, new evidence emerges which makes a referral to Children's Social Care and/or the Police necessary, under the safeguarding procedures, the investigation should be adjourned and only resumed if the Police and/or Children's Social Care indicate that it will not interfere with any child protection enquiries or criminal investigation. Consideration should again be given as to whether suspension is appropriate in light of the new information.

Sharing information for Disciplinary Purposes

If a LADO Strategy Meeting is to be held or if Children's Social Care or the Police are to make enquiries, the LADO should canvass views on suspension and inform the Trust. Only the Trust, however, has the power to suspend an accused employee and they cannot be required to do so by the Local Authority or Police.

The Police and Children's Social Care should, during the course of their investigations and enquiries, obtain consent to provide the Trust with statements and evidence for disciplinary purposes.

If the Police or Crown Prosecution Service decides not to charge, or decide to administer a caution, or the adult is acquitted, the Police should pass all relevant information to the Trust without delay.

If the adult is convicted, the Police should inform the Trust straight away so that appropriate action can be taken.

Suspension

Suspension is a neutral act and should not be automatic. However, it should be considered in any case where:

- there is a cause to suspect a child is at risk of significant harm;
- the allegations warrant investigation by the police;
- the allegations are so serious that it might be grounds for dismissal; or
- there is evidence/information to indicate that the adult might/has interfered with the investigation or intimidated witnesses.

The possible risks should be evaluated and managed in respect of the child/young person involved and any other child in the accused member of staff/volunteer's home, work or community life. In some cases this will require the Trust suspending the person.

The decision to suspend rests with the Trust. The employer should, however, make an informed decision by seeking advice from the LADO and from investigative agencies where they are involved.

Record Keeping

The DSL/ HR should keep a clear and comprehensive record of the allegation, investigation and decisions reached on a person's confidential personnel file and give a copy to the individual. It should be kept at least until the person reaches normal retirement age or for 10 years if this is longer.

Resignations and 'Settlement Agreements'

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.

'Settlement Agreements' must not be used. A 'Settlement Agreement' is where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed.

Supply, Contract and Volunteer Workers

In the case of Supply, Contract and Volunteer workers, normal disciplinary procedures may not apply. Where an allegation has been made against a person delivering service (supply, contract, volunteer), a LADO referral would be made and considerations given to next steps. HR will determine whether there is a

requirement to investigate an allegation made on the premises by a supply, volunteer or contract worker in order to safeguard children by discussing with the relevant Supply Agency.

Disagreements

If at any stage there is a disagreement between the LADO and the referring agency every attempt should be made to reach a resolution but, where this is not achieved, the LADO and the referring agency should refer the matter to their respective named senior officer for further joint consideration. This should be completed in a timely manner to ensure compliance with the overall timescale for these procedures. Thereafter if resolution is still not achieved the matter should be referred to the Director of Children's Social Care.

When is a referral to the Disclosure and Barring Service made?

The Disclosure and Barring Service (DBS) maintains records of those who are unsuitable to work with children and vulnerable adults. There are certain circumstances when a referral to the DBS must be considered. Disqualification, including disqualification by association may also need to be taken into account (Disqualification under the Childcare Act (2006): statutory guidance for local authorities, maintained schools, independent schools, academies and free schools. (Department for Education, February 2015)).

The Vetting and Barring Scheme replaced List 99, the POCA list and the POVA list in October 2009. It is operated by the Disclosure and Barring Service and aims to ensure that unsuitable people do not work with children, whether in paid employment or on a voluntary basis.

Two barred lists are maintained:

- persons barred from working with children;
- persons barred from working with adults.

It is a criminal offence for a barred person to engage in work with children or adults if barred and for an employer to knowingly engage a barred person to carry out such work.

If an allegation is substantiated and:

- the person is dismissed;
- the employer ceases to use the person's services; or
- the person resigns or otherwise ceases to provide their service the LADO should discuss with the Trust whether a referral should be made to the Disclosure and Barring Service and/or a professional regulatory body.

A referral must be made if a person is or would have been removed from working with children or adults and the employer thinks 'relevant conduct' has occurred or the individual poses a risk of harm. Relevant conduct is defined as:

- endangers a child or is likely to endanger a child;
- involving sexual material relating to children;
- involving sexually explicit images depicting violence against human beings; and/or
- sexual behaviour involving a child.

In compiling a report for a barring or regulatory body, the employer will be assisted by the LADO in:

- ensuring, wherever possible, the employer receives sufficient evidence from Children's Social Care enquiries and Police investigations;
- the interpretation of outcomes and professional opinion;
- the identification of risks to children.

If a referral is to be made it should be submitted within 1 month of the allegation being substantiated.

Consideration will then be given to whether the individual should be barred from, or have conditions imposed in respect of working with children.

A referral must always be made if the Trust thinks that the individual has harmed a child or poses a risk of harm to children.

Appendix 1: Initial Concern Form

Name of Child:		Year/Form group:	
DOB:		Age of child:	
Name of staff member completing the form		Date and time of form completion	
Nature of Concern		Date and time form given to the DSL	

To be completed by all staff and handed to the Designated Safeguarding Lead for Safeguarding Children

<p>Detail of a disclosure from a child</p> <p><i>Guidance Note: Do not investigate this disclosure and DO NOT contact parents if there is a disclosure of a physical or sexual nature that implicates a family member. Pass this form to the DSL without delay.</i></p>
<ul style="list-style-type: none"> Record date, time and place of disclosure and exactly what has been said in the child's own words. Do not ask leading questions but clarify the facts. Reassure the child that they have done the right thing and that you will share this information with the DSL.
<ul style="list-style-type: none"> Does the child require medical attention? Ensure all immediate actions to safeguard the child have been taken. Ensure the DSL is aware of the whereabouts of the child.
<ul style="list-style-type: none"> Include who else was present when the disclosure was made.
<ul style="list-style-type: none"> NB: Do not investigate this disclosure and DO NOT contact parents if there is a disclosure of a physical or sexual nature that implicates a family member. Pass this form to the DSL without delay.
<ul style="list-style-type: none"> What does the child want to happen? (Record wishes and feelings)

For completion by Designated Safeguarding Lead

Actions taken with basis of decision:	
<ul style="list-style-type: none">• What you did once the concern was raised. Include the names and roles of people you spoke to	
<ul style="list-style-type: none">• Include basis for decisions e.g. didn't phone mum to report incident because suspected sexual abuse.	
Details added to pupil file and chronology	Date:
Signature of Designated Safeguarding Lead:	Date:

Appendix 2: LADO Referral Form



ALLEGATIONS AGAINST AN ADULT WHO WORKS WITH CHILDREN STRICTLY CONFIDENTIAL

THE CONTENTS OF THIS REPORT ARE NOT TO BE REPRODUCED, COPIED OR DIVULGED IN ANY WAY. INFORMATION IS NOT TO BE DISCUSSED WITH, OR REVEALED TO, PERSONS WHO ARE NOT REQUIRED IN THE INTERESTS OF A CHILD TO HAVE SUCH INFORMATION. ALL ENQUIRIES FOR THE USE OF ANY SUCH INFORMATION SHOULD BE MADE TO THE LOCAL AUTHORITY DESIGNATED OFFICER

REFERRAL FORM

Once completed please email directly to the Children's Safeguarding Unit within 24 hrs of the allegation being made.

E-mail: Internal: Safeguarding LADO (West)

Internal or External: safeguardinglado@cheshirewestandchester.gcsx.gov.uk

1. ADULT AGAINST WHOM THE ALLEGATION HAS BEEN MADE

NAME			
D.O.B			
ADDRESS			
JOB TITLE			
EMPLOYER			
EMPLOYER ADDRESS & CONTACT			
DETAILS	TEL:		EMAIL:

2. REFERRER

NAME	
JOB TITLE	
ORGANISATION	
CONTACT DETAILS (Telephone and E- Mail Address)	

3. CHILD'S DETAILS

NAME		
D.O.B		
ADDRESS		
IS THE CHILD KNOWN TO CHILDREN'S SOCIAL CARE?	Yes/No	Liquid Logic Number if known
IS THE CHILD IN THE CARE OF THE LOCAL AUTHORITY?	Yes/No	

*****If there is more than one child directly involved please copy and paste the above so that all relevant children are identified.**

4. NATURE AND DETAILS OF ALLEGATION

PLEASE PROVIDE DETAILED INFORMATION ABOUT THE ALLEGATION AND ANY ACTIONS YOU HAVE ALREADY TAKEN. (Please do not refer to individuals by their initials)

OUTCOMES

For use by the Safeguarding and Quality Assurance Unit only

5. DISCUSSIONS AND ACTIONS

BRIEF RECORD OF DISCUSSION AND ACTIONS
--

6. DECISION

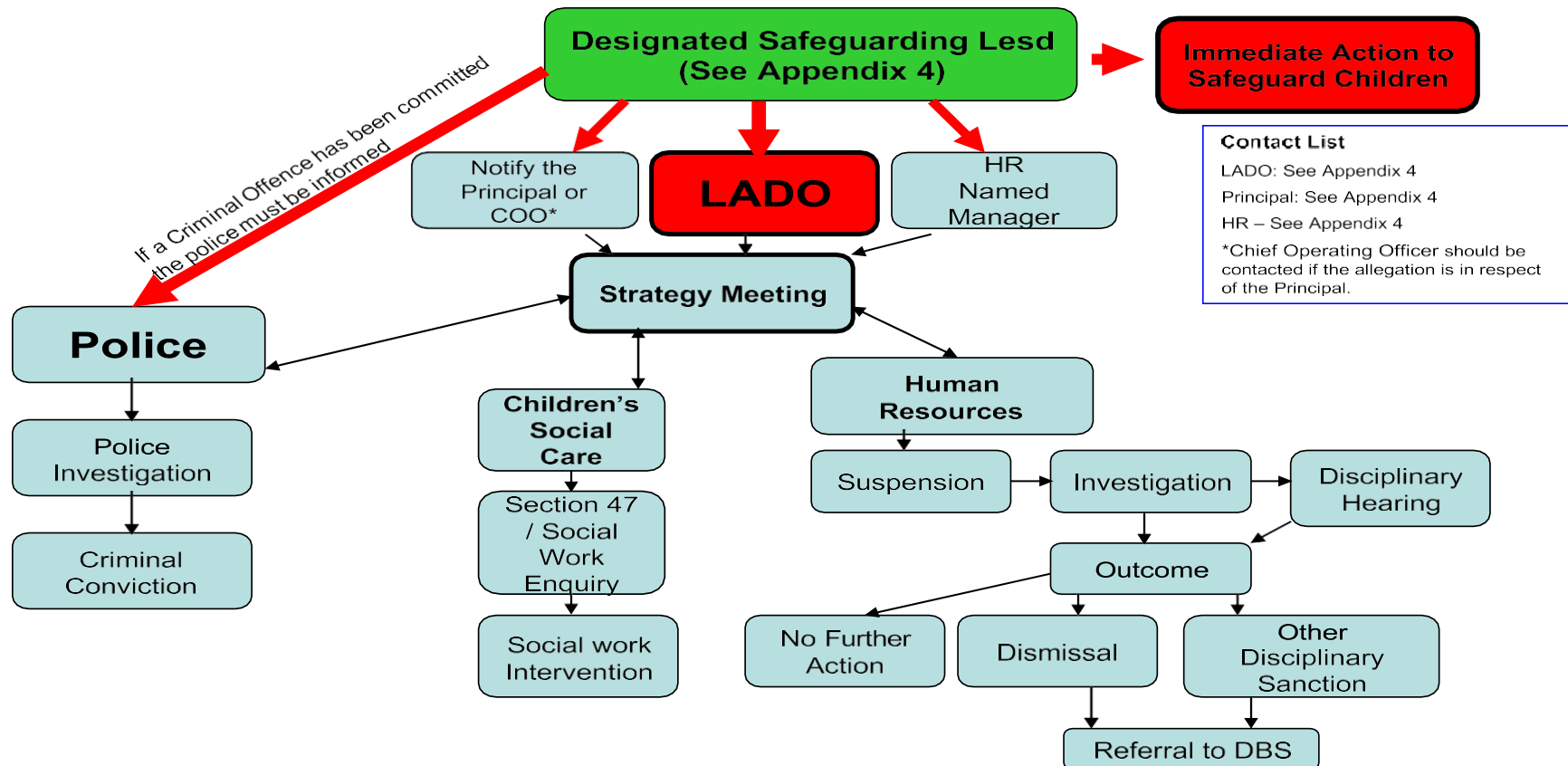
DOES THIS MATTER MEET THE CRITERIA FOR INVESTIGATION UNDER LADO PROCEDURES	YES/NO
--	--------

PLEASE CLEARLY RECORD FINAL OUTCOME AND RATIONALE	
--	--

LADO OR THEIR REPRESENTATIVE WHO HAD OVERVIEW OF THE ALLEGATION		DATE:	
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Appendix 3: Flowchart for managing allegations

All concerns or allegations against an adult who works with children must be reported to the Designated Safeguarding Lead who will then progress the referral to the LADO.



Appendix 4: Useful Contacts List

The Designated Safeguarding Lead (DSL)

Stephen Murphy (Assistant Principal)
0151 350 6007 or 0151 350 6000 (reception)

The Principal

Cath Green
0151 350 6004 or 0151 350 6000 (reception)

Local Children's Safeguarding Board (LCSB)

Sian Jones (Business Manager)
Contact via LCSB Administrator – Noreen Gallagher Tel: 0151 356 6614
Email: sian.jones@cheshirewestandchester.gov.uk

Safeguarding Children in Education Officer

Victoria Thomason
0151 337 6329

The Local Authority Designated Officer (LADO)

Paul Jenkins
0151 337 4570

FFET HR

Gareth Shields
01513189700

Links to other policies

This Policy will be read in conjunction with other policies regarding the safety and welfare of children.

These together make up the suite of policies to safeguard and promote the welfare of children in this school.

The policies listed below are all available on the College website:

- [Staff Conduct Policy](#)
- [Anti-Bullying policy](#)
- [Behaviour policy](#)
- [Sexual Violence and Sexual Harassment in Schools policy](#)
- [Equality and Diversity Policy](#)
- [ICT Acceptable Use Policy](#)
- [Whistleblowing Policy](#)
- [Managing allegations against staff Policy](#)
- [E-Safety Policy](#)
- [First Aid Policy](#)
- [Attendance and Punctuality Policy](#)
- [Behaviour and Safety Policy](#)
- [Relationships and Sex Education Policy](#)
- [Safer Recruitment Policy](#)