



# The Management of Allegations Against People Working with Children

This guidance document provides information about the processes to be followed when there has been an allegation made about misconduct by a staff member or volunteer who works with children, whether paid or unpaid, or against a person who undertakes a position of trust with children, where that allegation indicates a possible risk of harm to a child.

## Contents

<b>1. The Management of Allegations Against Staff .....</b>	<b>1</b>
<b>2. Initial Action by Person Receiving or Identifying an Allegation or Concern.....</b>	<b>2</b>
<b>3 Initial Action by the Designated Senior Manager .....</b>	<b>3</b>
<b>4 General Considerations Relating to Allegations Against Staff .....</b>	<b>3</b>
<b>5 Outcome of Allegation Investigations &amp; The LADO Process .....</b>	<b>5</b>
<b>6 Allegations Against Staff in their Personal Lives .....</b>	<b>6</b>
<b>7. Resignations and Compromise Agreements .....</b>	<b>6</b>
<b>8. Retention of Records .....</b>	<b>6</b>
<b>9. Confidentiality .....</b>	<b>6</b>
<b>9. Support.....</b>	<b>7</b>
<b>10. Organised and Historical Abuse .....</b>	<b>7</b>

**NB:** All references in this document to 'members of staff' should be interpreted as meaning all paid and unpaid staff, volunteers, including foster carers and approved adopters and persons undertaking a role in a position of trust with children.

## 1. The Management of Allegations Against Staff

These procedures must be applied when there is an allegation or concern that any person who works with children, in connection with their 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**
- **Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children**
- **Behaved in a way that indicates they may not be suitable to work with children**  
E.G. a child the individual cares for in their personal life becomes subject of child

protection enquiries by Children's Social Care; the individual is or has been the subject of a criminal investigation in relation to offences against children; the individual has difficulties with drug or alcohol misuse which might impact on their ability to do their job safely; there have been allegations of abuse against a member of the individual's household, or a person closely associated to the individual.

Allegations considered may be current or historic. Whilst allegations and concerns can be raised by the child, the employer, or a colleague; anyone, including members of the public, can report concerns they have to the LADO about a person working or volunteering with children.

The behaviours of concern should be considered within the context of the four categories of abuse (i.e. physical, sexual, emotional abuse and neglect).

There will also be circumstances where breaches of professional boundaries and certain conduct is considered. These include concerns relating to inappropriate relationships between members of staff and children or young people. Breach of Trust under Sexual Offences Act 2003, provides information on specific roles and settings where sexual activity between a child and a person in a position of trust, responsibility or authority constitutes a criminal offence.

Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see Sec16-19 Sexual Offences Act 2003):

- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see Sec 15 Sexual Offences Act 2003);
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text/email messages or images, gifts, socialising etc), therefore breaches of professional boundaries;
- Possession of indecent photographs/pseudo-photographs of children.

Reference may also be made to [Guidance for Safer Working Practice for Adults who work with Children and Young People in Educational Settings \(February 2022\)](#) and [Keeping Children Safe in Education 2022](#), which are best practice guidance for staff in Education settings.

## 2. Initial Action by Person Receiving or Identifying an Allegation or Concern

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).

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

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 an essential 'need to know' basis.

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 by whom
- Sign and date the written record

- Immediately report the matter to the designated senior manager, or the deputy in their absence or; where the designated senior manager is the subject of the allegation report to the deputy or other appropriate senior manager;
- Complete a LADO referral form which can be found on the Norfolk Local Safeguarding Children's Partnership Website, [LADO – Referral / Consultation Request form](#).

### 3 Initial Action by the Designated Senior Manager

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

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.

Please note: do not start the investigation until you have agreed the next steps with the LADO.

The designated senior manager should, within one working day, report the allegation to the LADO in accordance with this procedure, by completing a LADO referral form which can be found on the Local Safeguarding Children Partnership Website, [LADO – Referral / Consultation Request form](#).

Referrals must not be delayed in order to gather information and a failure to report an allegation or concern in accordance with procedures may increase the risk of harm for children and is a potential disciplinary matter.

If an allegation requires immediate attention, but is received outside normal office hours, the Norfolk Emergency Duty Team, 0344 800 8020, or local police, should be informed to consider the immediate safeguarding implications and then inform the designated senior manager and the LADO ([by completing a LADO referral form](#)) as soon as possible.

### 4. General Considerations Relating to Allegations Against Staff

The Local Authority Designated Officer (LADO) must be notified within one working day when an allegation is made, and prior to any further investigation taking place.

The LADO has a statutory role to play in managing the safeguarding process where allegations have been made against someone working with children.

The LADO, in collaboration with applicable statutory agencies such as the Police, will advise the employer of the member of staff about whom the allegation has been made, on the following points:

- The details of the allegation (if the employer was not the referrer)
- What can/needs to be shared with the parent/child, including support to understand the processes involved and being kept informed of the progress of the LADO Safeguarding process. This will include, where appropriate, being informed by the Police of the outcome of a criminal prosecution.

- What information can be shared with the person who is the subject of the allegation; the employee's line manager should seek advice from the LADO and the police about how much information about the allegation should be disclosed to the accused person, prior to any formal investigation meeting and process.
- Next steps, including notification of other relevant bodies/agencies; this may include regulatory agencies such as Ofsted and/or the Local Authorities Commissioning Service.
- Consider:
  - ▶ previous consultations, allegations, and investigations
  - ▶ historical allegations/offences
  - ▶ the parameters of sharing an individual's data with another agency who no longer employs the person; and
  - ▶ potential safeguarding implications if information is not shared with previous employers.

The person, subject to the allegation, must, by their Employer and/or HR lead:

- Be given a copy of the leaflet for [Persons Referred to the LADO Leaflet](#)
- Be treated fairly and honestly and helped to understand the concerns expressed / allegations made against them and the 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
- Be signposted to where they could seek individual support from [duty of care to the employee].

The designated senior manager and representative from the organisations' Human Resources services will appoint a suitable investigator to progress the investigation in respect of the allegations / matters of concern.

Internal investigations generally include:

- Where it is appropriate to speak directly with the child about the event/s of concern - seeking the formal consent of the child's parent/carer [who holds PR] for that dialogue to take place and agreeing arrangements for the child's safe care during and following that meeting.
- Meeting with a parent/carer who has direct knowledge of, or was witness to, the event/s of concern; this meeting should include establishing a clear timeline of events, understanding who present and what communication was taken place between individuals.
- Establishing the exact content of any communication that is believed to have taken place between the Person of Concern and the child.
- Seeking the witness statement of any other person/s involved in the event, this should include establishing a clear timeline of events, understanding who present, and exactly what communication was taken place between individuals. Where a witness is a minor, the Employer / Agency must seek formal consent from a parent/carer for the meeting to take place and for a witness statement to be recorded.
- Focus on understanding the impact for the child, both immediate and longer term, of the event of concern.
- Meeting with the Person of Concern to seek their account of the event/s – the exact agenda for this meeting will be guided by the employer / agency's HR department.

The appointed investigator will share the completed investigation report with their designated senior manager and representative from Human Resources, and the LADO for review to

ensure all aspects were fully explored addressed and once approved, will share the report with the person subject of the allegation for comments and further representation if required.

The investigation report and any addendums will be shared with the LADO and where appropriate, participants of the Final LADO Meeting (FLM) at least two days prior to that meeting.

## 5. Outcome of Allegation Investigations & The LADO Process

As soon as the investigative process/report is completed and the LADO notified of this; LADO will take immediate steps to convene a Final Meeting.

Within the Final LADO Meeting, the outcome of enquiries into the allegations of concern will predominantly be decided on the balance of probabilities of one of the following:

- **Substantiated:** there is sufficient identifiable evidence to prove the allegation
- **False:** there is sufficient evidence to disprove the allegation
- **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive or cause harm to person subject of the allegation and the allegation is entirely false
- **Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances
- **Unsubstantiated:** there is insufficient evidence to prove or disprove the allegation; the term therefore does not imply guilt or innocence

*(Please note that the conclusion and outcome of the safeguarding LADO Meeting and safeguarding process does not include a decision in respect of dismissal. This is an employment decision which remains that of the employer. However, careful consideration to the management of future risk will be required should the person continue to be employed following a substantiated and, in some cases, an unsubstantiated outcome).*

The designated senior manager for the employer/agency, with, where appropriate, support from their Human Resources service, will communicate the outcome of the allegation's investigation and process to the member of staff (person of concern).

Where there is a substantiated LADO process outcome, and when both the harms test has been met and the person has been dismissed/resigned/removed from regulated activity, it is a legal requirement as set out in Working Together 2018, that a referral to the Disclosure and Barring Service (DBS) is made by the employer/volunteer manager/relevant regulatory agency. The National DBS will consider whether the person will be 'barred' from working/volunteering with children. 'Barring' is not an automatic consequence of a referral to the National DBS.

In these circumstances the person subject of the LADO process should be made aware, by the employer/agency, that the details of the allegation and outcome of the safeguarding LADO referral and LADO process could be disclosed on an enhanced DBS certificate if there has been a s.47 strategy discussion, police involvement, child protection procedures and/or if the local and/or national DBS contact the LADO service to request information.



## 6. Allegations Against Staff in their Personal Lives

If an allegation or concern arises about a member of staff in their personal lives, outside of their work with children and/ or with vulnerable adults, this concern may present a risk of harm to child/ren for whom the member of staff is responsible. Where there are concerns in regard to possible transferable risk the general safeguarding principles outlined in these procedures will apply.

If the member of staff lives in a different authority area to that which covers their workplace, liaison will take place between the relevant agencies in both areas and a joint strategy meeting/discussion and/ or LADO Meeting convened. In this instance the liaison process is led by the LADO.

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 S47 strategy meeting/discussion/ Initial LADO Meeting (ILM) will be convened to consider:

- The ability and/or willingness of the member of staff to adequately protect the child/ren and/ or vulnerable adults
- Whether measures need to be put in place to ensure the child/ren's protection
- Whether the role of the member of staff is compromised; and
- Whether there may be any transferable risks to their role working/volunteering with children.

## 7. Resignations and Compromise Agreements

The fact that a person resigns, or ceases to provide their service, must not prevent the allegations being followed up in accordance with these procedures. It is important that every effort is made to reach a conclusion in all cases of safeguarding allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process, having been given a full opportunity to answer the allegation and make representations.

Compromise agreements must not be agreed whilst the safeguarding process is ongoing

## 8. Retention of Records

Please refer to the "Guidance on Retention of Records" within the [NSCP procedure 8.3.12](#).

## 9. Confidentiality

Every effort must be made to maintain confidentiality for all parties involved in the LADO process. Information should be strictly restricted to only those individuals who have a need to know in order to protect children, facilitate enquiries and/or manage related disciplinary or suitability processes.

All employer/agencies must ensure records are stored in a secure manner.

**Restrictions on identifying Teachers against whom Allegations of Criminal Misconduct have been made** - Section 13 of the Education Act 2011 introduces new restrictions implemented in September 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.

For further information and guidance on this matter please refer to “Restriction on Identifying Teachers against whom allegations of Criminal Misconduct have been made” within the [NSCP procedure 8.3.8](#)

## 10. Support

The case responsible line manager within the employer organisation, and/or police where they are involved, should consider the impact on the child concerned and provide support as appropriate. Liaison between applicable agencies should take place in order to ensure that the child's needs are addressed.

As soon as possible after an allegation has been received, the person subject to the allegation should be advised to contact their union or professional association. Human resources should be consulted at the earliest opportunity and point of contact identified whilst the investigation is taking place and/ or where the person is suspended. In addition, appropriate support should be provided via the organisation's occupational health or employee welfare arrangements. The person subject of the allegation should also be signposted to access universal support services, such as their own GP or a wellbeing support service.

## 11. Organised and Historical Abuse

Historical allegations should be responded to in the same way as contemporary concerns. It will be important to ascertain if the person is currently working with children and if that is the case, to consider whether the current employer should be informed.

Where there are concerns in respect of complex (organised or multiple) abuse of children and young people, the procedures detailed in NSCP procedure [5.9 Complex \(Organised or Multiple\) Abuse](#) must be followed.