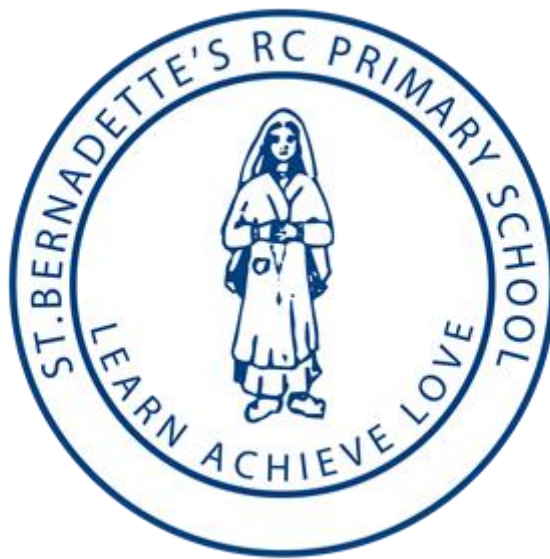


# St. Bernadette's RC Primary School



## Managing allegations of abuse made against staff who work with children

Updated – January 2023

To be reviewed – January 2024

## **Mission Statement**

*Together we learn, Together we achieve, Together we grow in God's love*

Jesus Christ is very important in our school. He is at the heart of everything we do. Our school is part of the mission of the church-making Jesus, known and loved. We try hard to live as Jesus wants us to, so that together we grow in faith, loving each other and loving God. We do all of these things because we want to keep Jesus among us every day at St Bernadette's.

It states clearly in our Mission Statement: **“We must ensure that the quality of relationships in existence are in keeping with the mission of the school”** and that as followers of Jesus, we treat other people as we would like to be treated.

### **Equality Policy Statement**

Under the Equality Act 2010, we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation. We have carefully considered and analysed the impact of this policy on equality and the possible implications for pupils with protected characteristics, as part of our commitment to meet the Public Sector Equality Duty (PSED) requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. We believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at St Bernadette's RC Primary School.

### **Contacts**

Mr D Proctor - Headteacher

Mrs J Redmond - Chair of Governors

Mr M. Gay- Local Authority Designated Officer (LADO)

### **INTRODUCTION**

Bury LA is part of the Greater Manchester network where many policies and procedures are now within the Greater Manchester Tri-X Safeguarding Procedures. This policy is within the link below.

<https://greatermanchesterscb.proceduresonline.com/search/search.html>

[https://greatermanchesterscb.proceduresonline.com/chapters/p\\_man\\_allegations.html?zoom\\_highlight=allegations](https://greatermanchesterscb.proceduresonline.com/chapters/p_man_allegations.html?zoom_highlight=allegations)

### **SCOPE OF THIS CHAPTER**

This procedure should be used by all organisations where people work with children and young people, including organisations that provide staff or volunteers that work with or care for children.

This is intended to be a generic document that should complement existing professional procedures, protocols and guidance which relate to specific roles, responsibilities or professional practices. It should be read in conjunction with:

[Working Together to Safeguard Children](#);

[Keeping Children Safe in Education](#);

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### **1. Introduction**

Local Safeguarding Children Partnership (LSCP) have an explicit duty to ensure that there are effective inter agency procedures in place for dealing with allegations in respect of people who work with children. This procedure should be used by all organisations where people work with children and young people, including organisations that provide staff or volunteers that work with or care for children.

It is essential that any allegation of abuse made against a professional who works with children and young people or other member of staff or volunteer in any setting is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child or children and at the same time supports the person who is the subject of the allegation.

All agencies who work with children and young people should use this procedure to review and, where appropriate, modify their practice and procedure for dealing with allegations of abuse made against professionals who work with children and young people. These include:

NHS Trusts;

Police;

Children's Services;

Early Years settings;

Private day care providers;

Fostering Services;

Residential Care Providers;

Voluntary Organisations;  
All local authority maintained schools;  
Faith schools/Academies/Free Schools;  
Independent schools;  
Further education institutions;  
Supply agencies;  
Private hospitals caring for children.

This policy should also be used when allegations are made against a person who works with children and they or their children have been subject to a child protection investigation.

Professionals who work with children as part of their employment or voluntary duties need to be aware that inappropriate behaviour in their private life may affect their suitability to work with children. This should be incorporated into their employer's codes of conduct.

The term employer is used throughout this procedure to refer to organisations that have a working relationship with the individual against whom the allegation is made. This includes organisations that use the services of volunteers, or people who are self-employed; as well as service providers; voluntary organisations; employment agencies or businesses; contractors; fostering services and regulatory bodies such as [Ofsted](#) in the case of childminders.

In some circumstances the term 'employer' for these purposes will encompass more than one organisation. For example where staff providing services for children in an organisation are employed by a contractor, or where temporary staff are provided by an agency, or where a foster carer is also employed in [Regulated Activity](#).

In those circumstances both the contractor or agency, and the organisation(s) in which the accused individual works will need to be involved in dealing with the allegation.

## **2. Overview**

When allegations arise against a person working with children (including volunteers) the employer should follow the procedures outlined in *Working Together to Safeguard Children*. The procedures should be used when an allegation is made that an adult 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.**

**Behaved or may have behaved in a way that indicates they may not be suitable to work with children.**

This document provides additional practice guidance to employers and [Local Authority Designated Officers](#) (LADOs) when allegations are made and/or management concerns arise. It does not replace or take priority over any aspect of employment law and should be used in conjunction with Greater Manchester Safeguarding procedures.

The LADO for Bury Local Authority is:

**Mark Gay**  
**Bury Local Authority Designated Officer (LADO)**  
**18 – 20 St Mary’s Place**  
**Bury**  
**Lancs**  
**BL9 0DZ**  
**Tel. 07583877250 (0830 – 1800 weekdays)**  
**Office Tel. 0161 253 6168**

## **2.1 Statutory Framework**

Working Together to Safeguard Children covers cases of allegations that might indicate that a person may pose a risk of harm to children in his or her present position, or in any capacity.

All organisations that provide services for children or provide staff or volunteers to work with or care for children should operate a procedure for handling such allegations that is consistent with guidance and should identify a senior manager within the organisation to whom all allegations or concerns are reported. See [Appendix 2: Managing Allegations Flowchart](#).

Working Together to Safeguard Children states that 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, to be involved in the management and oversight of allegations against people that work with children. Any such officer should be sufficiently qualified and experienced to be able to fulfil this role effectively. 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 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.

## **2.2 Underlying Principles**

The welfare of the child is paramount;

Adults about whom there are concerns should be treated fairly and honestly and should be provided with support;

It is the responsibility of all adults to safeguard and promote the welfare of children and young people. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children and young people.

### **3. Using the Guidance**

#### **3.1 Target Audience**

This guidance is intended for all employers providing services to children and young people; it relates to all adults working with children and young people, whether in a paid or voluntary position. It is intended to assist organisations with the management of allegations against staff.

It is not possible within a single document to differentiate between the many different providers of services to children and their related professional languages. Individual organisations or professions, therefore, may need to adapt the terminology used when applying this guidance to their own circumstances. A list of definitions used in this guidance is contained in [Appendix 1: Definitions](#).

#### **3.2 Key Roles**

Working Together to Safeguard Children identified three key roles essential to an effective process for managing allegations: the Named Senior Officer (NSO), the Local Authority Designated Officer (LADO) and the Senior Manager (SM).

##### **Named Senior Officer (NSO)**

All LSCP member organisations should have a named senior officer with overall responsibility for:

Ensuring that their organisation operates procedures for dealing with allegations;

Resolving any inter-agency issues; and

Liaising with the LSCP on the subject.

This role relates to the management and oversight of individual cases.

The LADO should:

Provide advice and guidance to employers and voluntary organisations;

Liaise with the police; and

Monitor the progress of all cases to ensure that they are dealt with as quickly and consistently as possible through the use of a fair and thorough process.

##### **Senior Manager within the Organisation (SM)**

The Senior Manager within the organisation is the senior person to whom all allegations or concerns are reported and has overall responsibility for:

Ensuring procedures are properly applied and implemented; and

Providing advice, information and guidance for staff within the organisation.

It is critical that the relationship between the LADO and the Senior Manager is clear to all LSCP member organisations. The LADO should act independently of any organisation involved in the allegation concerned.

## **4. Practice Issues**

### **4.1 Confidentiality and Information-sharing**

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

The Data Protection Act 2018 and the Human Rights Act 1998 are the two main legislative frameworks governing how, what and in what circumstances information may be shared.

### **4.2 Record-keeping**

Record keeping is an integral part of the management of allegations. Complete and accurate records will need to contain information which provides comprehensive details of:

Events leading to the allegation or concern about an adult's behaviour;

The circumstances and context of the allegation;

Professional opinions;

Decisions made and the reasons for them;

Action that is taken;

Final outcome.

Employers, managers and officers who are involved in the process of managing allegations should follow the principles of record-keeping contained within the Data Protection Act 2018, the Human Rights Act 1998 and the Freedom of Information Act 2002.

It is a Greater Manchester Safeguarding decision that records will be retained until a person reaches 100 years old.

## **5. The Process**

### **Using the Procedures**

All those involved in the management of allegations should be familiar with the process which must be followed for considering information arising from an allegations or concern about the behaviour of an adult working with children.

The process of managing allegations starts where information comes to the attention of a manager which suggests that an adult working with children may have:

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 he/she may pose a risk of harm to children.

Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Concerns or allegations about the behaviour of an adult may be brought to the attention of a manager in a variety of ways. For example:

An allegation made directly by a child or parent;

An allegation made by a colleague or member of staff;

Information from police or local authority social care team;

Information from a third party or the general public;

Information disclosed anonymously or online; or

Concerns generated through an employment relationship.

The procedures allow for consideration of the adult's behaviour at the earliest opportunity when a concern or allegation arises and is brought to the manager/employer's attention.

Where there is no employer, the allegation should nevertheless be brought to the attention of the LADO and the process described below be followed.

### 5.1 Stage 1: The Manager's Initial Response

Managers need to understand which behaviours to address directly through their complaints or disciplinary procedures and under what circumstances they should contact the Local Authority Designated Officer (LADO).

What constitutes appropriate or inappropriate behaviour will vary depending upon the context and nature of the work undertaken. All employers have a responsibility to set personal and professional boundaries for their staff and to be explicit about what behaviours are illegal, inappropriate or unacceptable.

#### 5.1.1 When to contact the Local Authority Designated Officer (LADO)

It is important to ensure that even apparently less serious allegations are seen to be followed up, and that they are examined objectively by someone independent of the organisation concerned.

Discussion should always take place between the employer and the LADO when the concern or allegation meets the criteria.

#### What to record

At this stage the manager should ensure that a factual account of the allegation is recorded, dated and signed, a chronology of events initiated and any other key information identified. No attempts should be made to investigate further before discussion with the LADO.



Employers may also seek the advice of the LADO where an employee's behaviour is a matter for concern to his/her manager because it compromises or may be seen to compromise the reputation and ability of the organisation to safeguard children and young people. Some examples of this may be where an individual has:

Contravened or has continued to contravene any safe practice guidance given by his/her organisation or regulatory body;

Exploited or abused a position of power;

Acted in an irresponsible manner which any reasonable person would find alarming or questionable given the nature of work undertaken;

Demonstrated a failure to understand or appreciate how his or her own actions or those of others could adversely impact upon the safety and wellbeing of a child;

Demonstrated an inability to make sound professional judgements which safeguard the welfare of children;

Failed to follow adequately policy or procedures relating to safeguarding and promoting the welfare of children;

Failed to understand or recognise the need for clear personal and professional boundaries in his or her work;

Behaved in a way in her or her personal life which could put children at risk of harm;

Become the subject of criminal proceedings not relating to a child;

Become subject to enquiries under local child protection procedures and/or child subject to [Child Protection Plan](#);

Behaved in a way which seriously undermines the trust and confidence placed in him or her by the employer.

## 5.2 Stage 2: Discussion with LADO

### 5.2.1 Initial Discussion

The purpose of an initial discussion is for the LADO and the Senior Manager to consider the nature, content and context of the allegation and agree a course of action.

The LADO may ask the senior manager to provide or obtain any additional information which may be relevant, such as previous history, whether the child/family have made similar allegations and current contact with children.

This initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, and the manager will then decide how best to proceed within their organisation.

For all other cases, the discussion will then focus on agreeing a course of action including deciding whether the information meets agreed thresholds to hold a [Strategy Meeting](#) under child protection procedures, and whether suspension of the adult is appropriate. The LADO should ascertain the

views of police and/or children's social care as to whether the member of staff should be suspended from contact with children. The decision to suspend rests with the employer alone and it cannot be requested by another agency, although the employer should have regard to the views of investigative agencies if involved. Suspension should be seen in this context as a neutral act.

### 5.2.2 Use of Suspension

Suspension should be considered in every case where:

There is cause to suspect a child is at risk of [Significant Harm](#);

The allegation warrants investigation by the police; or

The allegation is so serious that it might be grounds for dismissal.

Suspension should not be seen as an automatic response to an allegation or imposed as a 'knee jerk action'. A decision to suspend without careful thought could impede a police investigation. In some cases it will not be immediately obvious that suspension is appropriate and the need for this course of action may only become clear after information has been shared with, and discussion had, with other agencies and the employer's Human Resources provider.

### 5.2.3 Alternatives to Suspension

While weighing the factors as to whether suspension is necessary, alternatives to suspension should be considered if available and deemed suitable. This may be achieved by:

The individual undertaking duties which do not involve direct contact with the child concerned or other children e.g. office work;

Providing an assistant/colleague to be present when the worker has contact with children.

It may be appropriate to use an alternative to suspension when an allegation is first made. This would allow time for an informed decision regarding suspension to be made and possibly reduce the initial impact of the allegation. This will however depend upon the nature of the allegation.

### 5.2.4 Agreeing Next Actions

In some cases further consultation by the LADO will take place. The LADO may decide to consult with police and social care colleagues to determine the next course of action.

If the information given about an adult's behaviour does not require a Strategy Meeting under [Section 47](#), a similar meeting should be called to evaluate jointly the level of concern and to determine whether the person's suitability to continue working with children in his or her current position has been called into question.

If, following consultation, it is decided that the allegation does not meet any of the criteria above, then it may be dealt with by the employer at organisational level.

The LADO will retain overall management of the process (including the monitoring of cases which have been referred back to the employer for internal resolution) until the case reaches its conclusion and will ensure that accurate records are kept.

### 5.2.5 Confidentiality during Investigations

During an investigation, the employer and LADO have a responsibility to safeguard confidentiality as far as is possible. Sensitive information must only be disclosed on a need to know basis to other professionals involved in the investigative process. Confidentiality should be maintained by those professionals dealing with the allegation, but if other people become aware of the allegation they may not feel bound to maintain confidentiality. Therefore consideration should be given as to how best to manage this, particularly in relation to who should be told, what information can be disclosed, when and how.

#### 5.2.6 Section 47 Strategy Meetings

If from the information received the LADO considers that the threshold for harm has been met, then the LADO will liaise with the Children's Social Care team manager to organise a Section 47 [Strategy Meeting](#). The team manager will chair the Section 47 Strategy Meeting and the LADO will attend where possible. If the arranged Strategy Meeting has all the relevant agencies round the table, then once the child's needs have been discussed the second consecutive meeting/allowing people to leave or arrive, should be used to discuss what should happen to the alleged member of staff rather than setting up a separate meeting for this at a later date, this is to minimise delays.

The employer should consider carefully and, together with the LADO, should keep under review decisions as to who else should be informed of any suspension and/or investigation, e.g. senior members of staff, and to what extent confidentiality can or should be maintained according to the circumstances of a particular case. The LADO should seek advice from the police and children's social care as appropriate.

#### What to record

In reaching a judgement on an allegation the Senior Manager and LADO, in consultation with other professionals as appropriate, should specify and record their concerns clearly indicating why the behaviour may be inappropriate and identifying any potential risk to a child. A written record of this discussion and the agreed outcomes should be made by the LADO and shared with the senior manager. The employee should be informed of the outcome in writing subject to any multi-agency recommendations to the contrary.

In reaching a judgement on an allegation the Senior Manager and LADO, in consultation with other professionals as appropriate, should specify and record their concerns clearly indicating why the behaviour may be inappropriate and identifying any potential risk to a child. A written record of this discussion and the agreed outcomes should be made by the LADO and shared with the senior manager. The employee should be informed of the outcome in writing subject to any multi-agency recommendations to the contrary.

#### Strategy Meeting-minimising delays

If the arranged Strategy Meeting has all the relevant agencies round the table, then once the child's needs have been discussed, the second part of the meeting (or a second consecutive meeting, allowing people to leave) should be used to discuss what should happen to the alleged member of staff, rather than setting up a separate meeting for this at a later date.

## 5.3 Stage 3: Role and Function of Multi-Agency Meetings

### 5.3.1 Initial Consideration Meeting

If the information about an adult's behaviour does not require a Strategy Meeting under Section 47 to be held, then a similar meeting should nonetheless be called to evaluate jointly the level of concern and to determine whether, and if so how, the behaviour has called into question the person's suitability to continue working with children in her or her current position.

If from the information received the LADO decides that the threshold for harm has been met, or that a criminal act has taken place, or that the person's behaviour may indicate that he/she is unsuitable to work with children or young people, the LADO will liaise with key agencies to organise an Initial Consideration Meeting.

If an Initial Consideration Meeting is to be held, then it should take the form of a face-to-face meeting wherever possible. It is important that the employer is represented. Other than in exceptional cases, this would normally be the Senior Manager and the meeting should include a representative from the employer's HR service (where applicable). It is also recommended that police, social care and any other agencies or organisations involved should be present.

The discussion should:

Share all relevant information about the allegation in question;

Discuss any previous allegations or other concerns;

Review the need for involvement of children's social care or the police;

Consider whether the person's suitability to continue working with children in his or her current position has been called into question;

Plan any enquiries needed, allocate tasks and set timescales;

Identify a lead contact manager within each agency;

Decide what information can be shared with whom and when;

Agree timescales for actions and/or dates for further meetings;

Consider what advice and support should be made available to the member of staff and child/family;

Consider any other factors that may affect the management of the case e.g. media interest, managing confidentiality;

Where the allegation relates to an individual who is not an employee, the meeting should determine who will take the lead in any subsequent action;

Date to reconvene if necessary.

Those invited to participate in the strategy meeting are advised to bring all relevant information including:

Relevant details of the employee and the child and their family;

Information and contact details of any possible witnesses;

Any other relevant concerns or employment issues regarding the employee.

What to record

It is important that comprehensive minutes are taken of all the discussions and agreed outcomes.

The meeting should ensure that, where there is a decision not to pursue any police or social care enquiries, specific consideration is given as to why the alleged behaviour is of concern to those present. This discussion should be clearly recorded.

The chair should decide to whom the minutes should be distributed. This should include participants in the Strategy Meeting and those invited but not attending. All parties should be reminded of the need to maintain confidentiality in accordance with local and national procedures and guidance.

In consultation with the LADO the employer will decide whether further disciplinary investigation is necessary and whether there is a need to suspend the adult, or whether suitable alternatives to suspension should be used.

Where the allegation relates to an individual who is not an employee, the meeting should determine who will take the lead in any subsequent action.

Agreeing on confidentiality at meetings

In allegation management it is vital to maintain confidentiality for the family and the staff member. Some local authorities have an agreed “need to know” approach to information-sharing that is set out in a protocol. Alternatively, using a set agenda for strategy meetings which includes consideration of confidentiality and support services for family and members of staff can be a good way of ensuring the need for confidentiality is discussed for every case. Professionals will be asked to sign up to the confidentiality clause at the start of the meeting.

## 5.4 Stage 4: Employer’s Actions

### 5.4.1 When is Employer’s Action Necessary?

Further action by the employer will always be required in circumstances where:

A LADO meeting has concluded that disciplinary action should be considered by the employer;

The matter has been referred to the employer after the police or Crown Prosecution Service (CPS) has determined that a charge or prosecution may not be appropriate; or

Following the conclusion of legal proceedings.

### 5.4.2 The Decision to Undertake a Disciplinary Investigation

The decision to instigate disciplinary procedures will be based upon the nature and seriousness of the behaviour which has been brought to the multi-agency discussion for consideration and, additionally, in those circumstances where a child has made a direct allegation, upon the child’s account of the adult’s behaviour. In such cases, it may be necessary to gather further information

from the child or other child witnesses to establish the need for an investigation and this should be arranged to be undertaken by a social worker or other professional experienced in conducting interviews with child witnesses. This would be a social care social worker in a new case or child's social worker if the case is already allocated.

#### 5.4.3 The Disciplinary Investigation

The disciplinary investigation is the responsibility of the employer or governing body and they have a duty to keep the LADO informed of progress and agreed timescales.

#### 5.4.4 Support for Child/Family

Children and families involved in the allegation should be made aware of services that exist locally and nationally which can offer support and guidance by the local social care team. They should be provided with any necessary information regarding independent and confidential support, advice or representation.

Parents or carers of the child should always be kept informed of the process of an investigation. This will be by social care team social worker or by allocated social worker or a nominated professional.

Parents or carers, and the child where appropriate, should be told the outcome as soon as possible after the decision of the panel has been reached.

#### 5.4.5 Support for the Individual

Employers/governing bodies have a duty of care to their workers and should act to manage and minimise the stress inherent in the allegations and disciplinary process. Support to the individual is key to fulfilling this duty.

Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by social care or police.

They should be advised to contact their trade union representative, if they have one, and given access to welfare counselling or medical advice where this is provided by the employer.

Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be discouraged except where it is likely to be prejudicial to the gathering and presentation of evidence.

Throughout the process the individual should be aware of the concerns and why his or her suitability to work with children is being questioned and given the opportunity to state his or her case.

When an employee returns to work following a suspension, or on the conclusion of a case, arrangements should be made to facilitate his or her reintegration. This may involve informal counselling, guidance, support, reassurance and help to rebuild confidence in working with children and young people.

Employers notified in writing at the end of the process of outcomes.

What to record

Records should be kept of the investigation, including all discussions, meetings, panel hearings and decisions relating to the case. A record should also be made of any disciplinary sanction which has been imposed. This will be crucial information for any subsequent referral.

## Support and Aftercare

It is important for employers to take into account the emotional effects that allegation investigations can sometimes bring to a workplace (regardless of the outcome or whether staff are involved or not) and for those organisations that do not have good HR/aftercare to consider that staff may have unresolved feelings and will need support.

This may mean a referral to Occupational Health.

## 6. Referral to the Disclosure and Barring Service (DBS)

### 6.1 The Duty to Refer

If an organisation removes an individual (paid worker or unpaid volunteer) from work such as looking after children (or would have, had the person not left first) because the person poses a risk of harm to children, the organisation must make a referral to the Disclosure and Barring Service. It is an offence to fail to make a referral without good reason.

### 6.2 The Disclosure and Barring Service (DBS)

The primary role of the Disclosure and Barring Service (DBS) is to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups including children.

Their statutory responsibilities are:

Processing requests for criminal records checks for applications made in England and Wales;

Deciding whether it is appropriate for a person to be placed or removed from a barred list;

Maintaining the DBS children's barred list and the DBS adults barred list for England, Wales and Northern Ireland.

If you are an employer or represent an organisation and you have concerns that an individual has caused harm or poses future risk or harm to vulnerable groups including children you need to complete a DBS referral form.

The DBS referral form can be downloaded from the [DBS website](#). On the website you can also view the additional information form and find further guidance.

Under the provisions of the Safeguarding Vulnerable Groups Act 2006, as agreed by the Protection of Freedoms Act 2012, the following groups have the power to make a referral to DBS:

Duty to refer:

Regulated Activity suppliers;

Personnel suppliers;

Employers and voluntary managers.

Power to Refer

Local authorities (safeguarding role);

Education and library boards;

Health and social care;

Keepers of registers (GMC etc.);

Supervisory authorities (e.g. CQC, Ofsted).

Penalties

An employer or volunteer manager is breaking the law if they knowingly employ someone in a [Regulated Activity](#) with a group from which they are barred from working.

A barred person is breaking the law if they seek, offer or engage in Regulated Activity with a group from which they are barred from working, be it paid or voluntary.

Referring a Teacher in England to the Teaching Regulation Agency (TRA)

If a person you are referring to the DBS is a teacher in England you should also refer the case to the [Teaching Regulation Agency \(TRA\)](#).

Who should make the referral?

Employers in local authority children's services have a statutory duty to make a report to the Department if they cease to use a person's services, in other words dismiss them from work as a teacher or in a role involving regular contact with children, on grounds that the person has committed misconduct which harmed a child or placed at risk of harm a child, on grounds relating to their misconduct (for example if they falsely claim qualifications they do not possess), or on grounds relating to the person's health, where this raises an issue relating to the safety and welfare of children.

All registered childcare organisations have a statutory duty to refer the names of those individuals who occupied a child care position that they consider to be guilty of misconduct which harmed or placed at risk of harm a child.

How to make a referral

It is important that full information about the behaviour of the person and how the judgement of the panel was informed is given to the Department. The referral form contained on the [website](#), together with attached notes of meetings and details gained from the disciplinary investigation, should be completed and sent to the DBS. Reports should be made promptly, preferably within a month of the person's dismissal or resignation.



When there is no employer, a decision should have been taken at the beginning of the process as to who would carry out the employers' functions. This person would be responsible for making any referral.

To contact the DBS:

Email: [customerservices@dbs.gov.uk](mailto:customerservices@dbs.gov.uk)

By telephone: 0870 90 90 811

By Post:

P.O. Box 110  
Liverpool  
L69 3ET

## **7. Links with other policies & documents**

Safeguarding and Child Protection Policies and Procedures

Whistleblowing

Code of Conduct

Low Level Concerns document

Appendix 1: Definitions

Allegation

Information which comes to light which suggests an employee, volunteer or contractor may have hurt or harmed a child, committed a criminal offence against a child or has behaved in such a way towards a child or young person that they may be considered as unsuitable to continue in their current employment or in any capacity which involves working with children.

Concern

Behaviour which is of concern to a manager or employer, identified through the normal employer/employee relationship.

Children and Young People

Throughout this document references are made to "children and young people". These terms are interchangeable and refer to children who have not yet reached their 18th birthday.

Adults

References to 'adults' or 'volunteers' refer to any adult who is employed, commissioned or contracted to work with or on behalf of, children and young people, in either a paid or unpaid capacity.

Manager

The term 'manager' refers to those adults who have responsibility for managing services including the supervision of employees and/or volunteers at any level.

Employer

The term 'employer' refers to the organisation which employs, or contracts to use the services of individuals in pursuit of the goals of that organisation. In the context of this document, the term 'employer' is also taken to include 'employing' the unpaid services of volunteers.

## Safeguarding

Process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully.

## Duty of Care

The duty which rests upon an individual or organisation to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity or interaction for which that individual or organisation is responsible. Any person in charge of, or working with children and young people in any capacity is considered, both legally and morally, to owe them a duty of care.

## Substantiated

A substantiated allegation is where there is sufficient evidence to prove an allegation.

## Unsubstantiated

An unsubstantiated allegation means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

## Unfounded

The term 'unfounded' means that there is no evidence or proper basis which supports the allegation being made, or there is evidence to prove that the allegation is untrue. There is the possibility that the allegation may be malicious (see below), but it might also indicate that the person making the allegation had misinterpreted the incident or was mistaken about what he/she saw, or was not aware of all the circumstances.

## Malicious

The term 'malicious' implies that an allegation, either wholly or in part, has been made with a deliberate intent to deceive or cause harm to the person subject to the allegation. For an allegation to be classified as malicious, it will be necessary to have evidence to prove the intention to cause harm. Care should be taken in dealing with such allegations as some facts may not be wholly untrue. Some parts of an allegation may have been fabricated or exaggerated but elements may be based on truth.

Great care should be taken in dealing with allegations that might appear to be unfounded or malicious. For example, with allegations considered unfounded:

A child or young person may make an allegation in an attempt to draw attention to abuse emanating from another source within his/her family or community;

A parent may make an allegation against a nursery worker in an attempt to evade responsibility for an injury to his/her child;

A pupil may make an allegation against a teacher in order to deflect attention away from an incident of behaviour management;

A parent, in dispute with a school, may make an allegation against a member of staff in order to strengthen their case.

Malicious allegation:

A colleague may make a malicious allegation in an attempt to discredit a member of staff.

Complaints and allegations against members of staff should always be viewed objectively. The circumstances leading up to the complaint can often be complicated and the outcome far from certain. Completely malicious allegations are rare, but such descriptions, along with terms such as unfounded, unsubstantiated and malicious are often used in the same context. The meanings, however, are very different and it is important for staff to understand the distinction between them and avoid using generalisations that might be incorrect or misleading.

False:

There is sufficient evidence to disprove the allegation.

Appendix 2: Managing Allegations Flowchart

[Click here to view Appendix 2: Managing Allegations Flowchart.](#)

Appendix 3: Initial Consideration Meeting Minutes Proforma

[Click here to view Appendix 3: Initial Consideration Meeting Minutes Proforma.](#)

Appendix 4: Suspension

Alternatives to Suspension

While weighing the factors as to whether suspension is necessary, alternatives to suspension should be considered if available and deemed suitable. This may be achieved by:

The individual undertaking duties which do not involve direct contact with the child concerned or other children e.g. back office work;

Providing an assistant/colleague to be present when the worker has contact with children.

It may be appropriate to use an alternative to suspension when an allegation is first made. This would allow time for an informed decision regarding suspension to be made and possibly reduce the initial impact of the allegation. This will however depend upon the nature of the allegation.

Suitability

You may wish to make recommendations to the employer or registered provider or agency and you may wish to comment on the suitability of the person to continue to work with children. In some cases

it will be apparent that someone is unsuitable i.e. wanted for sex offence against children in their care. In some more subtle cases this may require elaboration or you may come to the view that an individual has harmed a child through their actions but this is unintended or as a result of inexperience. You must also make recommendation about training or change in policy/ procedure. Always be mindful that the employer makes the ultimate decision to take the person through their own disciplinary process or not.

Appendix 5:

Bury Local Authority LADO Referral Form

**BURY INITIAL CONSIDERATION/ENQUIRY FORM**

Once completed send to:- [LADO@bury.gov.uk](mailto:LADO@bury.gov.uk)

<p><b>Office Use Only</b></p> <p>Is this at LADO/Managing Allegations Full Threshold:</p>
---

<b>Date LADO notified:</b>	
<b>Name of person completing the form:</b>	
<b>Full Name of person of potential concern</b>	
<b>Date of birth</b>	
<b>Address of Person</b>	

<b>Details of Establishment where person of potential concern works</b>	
<b>If agency worker, details of agency, telephone number and contact name</b>	
<b>Job role</b>	
<b>Contact number of referrer:</b>	
<b>Email Address of referrer:</b>	
<b>Name/Position of person referring information:</b>	
<b>Category</b> Choose an item.	<b>Area of complaint</b> Choose an item.

**PLEASE KEEP INFORMATION CLEAR & CONCISE**

<b>DETAIL OF: ALLEGATION/INCIDENT/ENQUIRY (date and time of allegation)</b>
<b>CHILD'S Details, to include full name, date of birth and address/INITIAL ACCOUNT OBTAINED</b> (Preferably with parent or carer present unless they are the person of potential concern)  (Note: no leading questions should be asked, questions should be kept open and to a minimum, i.e., what was the incident, and how did they feel, did anyone witness this?)

--

**PARENTS/CARERS details of child if known and contact numbers - CARERS VIEW** (what was their response and what action would parents/carer like to see taken)

--

**ANY WITNESSES? – Full details of contact details**  
(Note: if so do not discuss what the child has said, ask only if they are aware on any incident that has occurred involving the child and ask that they make a note of their account, print name, sign and date)

--

**IS THERE ANY CCTV FOOTAGE TO PROVE OR DISPROVE THE ALLEGATION? If there is, what does it show?**  
(Please check this first and ensure a copy is kept)

--

**HAVE THERE BEEN ANY HISTORIC ALLEGATIONS MADE BY THE CHILD?**

(dates and outcomes)

**HAVE THERE BEEN ANY HISTORIC ALLEGATIONS OR CONCERNS IN RELATIONS TO THE MEMBER OF STAFF?**

(dates, what the allegation was and outcome)

**Office Use Only:**

**POLICE ADVICE OR RESPONSE**

**HR/Employer ADVICE OR RESPONSE**

**CHILDREN'S SOCIAL CARE ADVICE OR RESPONSE**

**LADO ADVICE OR RESPONSE – Final Outcome**

**Office use only:**

Date of Closure: \_\_\_\_\_

Signed by: \_\_\_\_\_



Position: \_\_\_\_\_

Emails received to show confirmation of above if needed.

Appendix 6: Stages to Managing Allegations Parents Flow Chart Guidance

**Stages to Managing Allegations  
Parents Flow Chart Guidance**

