

**Safeguarding, Quality, Impact & Practice (SQIP)**

# HARINGEY LADO PROCEDURES

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LADO Function & the Statutory Management of Allegations  
Against Staff & Volunteers (ASV)

v1.0, November 2020

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In line with annual updates in *Keeping Children Safe in Education*

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## 1. Introduction

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- 1.1. Every Local Authority must appoint a Designated Officer (hereafter referred to as LADO) or team of officers to carry out the statutory duties of managing allegations against those in positions of trust. LADO oversees decision-making, investigations and outcomes in relation to those against whom allegations are made. Although the role sits within children's social care, it is essentially a multi-agency role.
- 1.2. The LADO role is to:
  - Receive reports about allegations and be involved in the management & oversight of cases
  - Provide advice & guidance to public and private employers and voluntary organisations within the children's workforce, liaise with the police and other agencies
  - Monitor the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process
  - Provide advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS) and regulatory bodies such as Ofsted, the General Medical Council (GMC) etc
- 1.3. LADO and those covering the role must have expertise in this area, as any errors in the advice could have significant ramifications, both for those individuals who have had allegations made against them and for those making the allegation.
- 1.4. LADOs do not carry out investigations into allegations – responsibility for the investigation remains with the employer (or whoever is commissioned by the employer to investigate the process) and/or the police.
- 1.5. The LADO can provide advice and, where necessary, co-ordinate the process. Haringey LADO has an investigation proforma that can be shared with employers who do not have their own version.
- 1.6. The LADO is also responsible for ensuring an appropriate outcome is reached.
- 1.7. Where it is not straightforward to establish which organisation should lead an investigation, for example, where responsibility may be shared between an employment agency and the organisation where the person was working, the LADO will also provide advice regarding which organisation is best placed to lead the investigation. See the London Child Protection Procedures (LCCP) 2020, S. 7.4.7 – 7.4.9.
- 1.8. Working Together to Safeguard Children (WTSC) 2018 & Keeping Children Safe in Education (KCSIE) 2020 to 'Designated Officers' but, as noted in LCCP, the use of the acronym 'LADO' (Local Authority Designated Officer) helps differentiate this role from designated officer roles in education & health settings.

## 2. Statutory Framework

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### 2.1. Key Guidance

#### 2.1.1 Key guidance includes:

- [Working Together to Safeguard Children: Statutory guidance on inter-agency working to safeguard and promote the welfare of children \(2018\)](#)
- [Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges \(September 2020\)](#).
- [Use of reasonable force in schools \(2019\)](#)
- [Disqualification under the Childcare Act \(2006\) updated 2015](#)
- [Making barring referrals to the DBS \(2016\) updated 2017](#)
- [DBS barring referral guidance \(2013\) updated 2018](#)
- [The London Child Protection Procedures \(reviewed biannually, updated Sept 2020\)](#)

2.1.2 [Working Together to Safeguard Children 2018](#) (WTSC 18) is the overall statutory guidance that sets out the LADO role, Chapter 2 S.4—9, stipulating that organisations and agencies working with children and families should have clear policies for dealing with allegations against people who work with children.

2.1.3 WTSC 18 defines an allegation as relating to a person who works with children who 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 they may pose a risk of harm to children
- Has behaved in a manner that indicates that they are unsuitable to work with children.

2.1.4 [The London Child Protection Procedures 2020](#) (LCCP 20), S.7.2.2 – 7.2.7 notes that allegations can be made in relation to physical chastisement and restraint.

2.1.5 They can also relate to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003)
- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003)
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text / e-mail messages or images, gifts, socialising etc
- Possession of indecent photographs / pseudo-photographs of children.

## 3. LADO Thresholds

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### 3.1 Thresholds

- 3.1.1 Thresholds should be applied to any member of the children's workforce, paid or unpaid, who is placed in a position of trust in relation to children, and 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 they may pose a risk of harm to children
  - Has behaved in a manner that indicates that they are unsuitable to work with children.
  - This includes concerns in personal life and consideration of the transferrable risk.
- 3.1.2 LADO thresholds do not require significant harm to have taken place – the threshold is harm.

### 3.2 Concerns in Personal Life

- 3.2.1 KCSIE 20 re-emphasises transferable risk from concerns that may occur in the course of a professional's personal life, even if these don't directly concern children.
- 3.2.2 LLCP notes that LADO procedures should be applied when there is an allegation that any person who works with children:
- Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon or domestic abuse
  - As a parent or carer, has become subject to child protection procedures
  - Is closely associated with someone in their personal lives (e.g. partner, member of the family or other household member) who may present a risk of harm to child/ren for whom the member of staff is responsible in their employment/volunteering – see Disqualification under the Childcare Act 2006, where a person's employment is covered by the Childcare Act 2006 (See definition in the statutory guidance: See 'Staff covered and relevant settings', Pages 6-8 in Statutory guidance, 'Disqualification under the Childcare Act 2006')

## 4. Reporting to LADO

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### 4.1 Allegations Policies

- 4.1.1 Agencies should have appropriate policies and reporting structures in place to ensure that concerns regarding their staff and volunteers are escalated appropriately.
- 4.1.2 Partners should report to LADO within 24 hours of becoming aware of concerns and should have a discussion about the nature of the concerns in order to agree whether thresholds are met.
- 4.1.3 Where thresholds are not met, see LADO consultations.

### 4.2 Referral

- 3.1.1 If thresholds have been met, or seem to have been met, it is important that the LADO Referral form (Appendix A) is completed by the person holding the most information about the incident – usually employer of the individual of concern. This will ensure that we have all the information relating to the individual that is needed, and to complete an 87a for police as required.
- 3.1.2 Employers should submit the referral within 24 hours of hearing the concern.
- 3.1.3 The individual of concern should be informed that an allegation has been made against them, and that this has been reported to LADO. Any further information shared with the individual at this stage must be agreed with LADO.
- 3.1.4 The individual should also be given the contact details of a nominated person / employer who will keep them updated, as well as the details of the employee assistance scheme and advised to consult their union representative.

### 3.2 Suspension

- 3.2.1 On referral, LADO should have discussions with the employer about the risk of the individual of concern remaining in their usual role. Consideration will be given to the risk posed to children & young people, as well as the risk to the individual of further repercussions.
- 3.2.2 Suspension should be considered when there is cause to suspect that a child or other children are at risk or that the case is so serious that it could represent grounds for dismissal.
- 3.2.3 Alternative arrangements to manage risk can include individuals:
  - Redeployed / remain in role & regulated activity – remaining in usual role (regulated activity) while being moved to an alternative site or area to ensure that they do not have contact with the child/ren concerned.
  - Supervised / remain in role – ensuring that an assistant is present when the individual has contact with children. Supervision may mean that this is no longer considered regulated activity.
  - Redeployed / removed from role & regulated activity – being removed from regulated activity, either through being limited to alternative duties or working from home.
- 3.2.4 The decision about whether to suspend is the case manager's (employer) alone, but LADO can offer a view / steer. Employers should give due regard to this view.

- 3.2.5 Any decision should be recorded along with its rationale.
- 3.2.6 Where deemed appropriate to suspend, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the suspension. The individual should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.
- 3.2.7 LADO has a risk assessment proforma (Appendix B) that can be shared with employers to help them assess and manage risk.

## 4.4 Schools and colleges - interim prohibition order

- 4.4.1 In cases where a school or college is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the school or college, it will be necessary to immediately suspend that person from teaching pending the findings of the National College for Teaching and Leadership's (NCTL) investigation.



## 5. LADO Response

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5.1.1 There are up to four strands in the consideration of an allegation:

- i. A police investigation of a possible criminal offence
- ii. LA Children's social care enquiries and/or assessment about whether a child is in need of protection or services
- iii. Consideration by an employer of disciplinary action in relation to possible performance/ conduct issues
- iv. Whether action in regards to the person making the allegation should be considered where the allegation has no foundation and may be malicious.

5.1.2 The LADO and the employer should consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is false or unfounded.

5.1.3 If the allegation is not demonstrably false and there is cause to suspect that the individual poses a risk of harm, the LADO should convene an Allegations against Staff and Volunteers (ASV) meeting / discussion. This will sometimes have to take place immediately but the speed at which it is convened should be commensurate to the risk. It is recommended that this occurs within 5 working days where possible.

## 5.2 Referring to Police

5.2.1 LADO must consult police must be consulted about any case in which a criminal offence may have been committed.

5.2.2 If there is no s47 strat, the 87a should be sent to [yhmailbox-.referralsin@met.police.uk](mailto:yhmailbox-.referralsin@met.police.uk) by LADO, followed by a strategy conversation between LADO and the screening Detective Sergeant at CAIT to decide whether police will attend the Allegations Against Staff & Volunteers meeting or ASV. Police will decide whether to pursue an investigation at the ASV.

5.2.3 If the police decide not to pursue the case, the LADO will request that the employing agency investigates the concerns, except in exceptional circumstances where there is reason to appoint an external investigator.

5.2.4 It should be noted that police guidelines on arrest have changed and it is now the case that the defendant will not be arrested unless there is a need for bail conditions.

5.2.5 Cases may be dealt with by an interview under caution. The lack of an arrest can impact on the strength of the case to suspend someone so it is very important to have clear information about the police decision making process and why actions were and were not taken.

## 5.3 s47 Strategy Meetings

5.3.1 In the event of a strategy meeting under s47, which involves a person in a position of trust, LADO must be invited to attend.

## 5.4 Allegations against Staff & Volunteers (ASV) meetings

5.4.1 Allegations against staff & volunteers (ASV) strategy meetings are often referred to as ASVs.

5.4.2 An ASV will agree the strategy for managing the allegation. Where necessary this will be a face-to-face meeting / virtual Teams meeting. Many cases can be managed through a discussion between the designated safeguarding lead, the police, any other relevant agency and the LADO. Where communication is via phone or email records should be kept for audit purposes.

5.4.3 Where there is a larger number of people involved in the case, and where cases are complex, the benefit of convening a face-face meeting is increased.

5.4.4 An ASV will normally only be convened when it has been decided that the threshold of harm/risk of harm has been met. Meetings should not be used to investigate concerns about inappropriate behaviour or conduct where there are not clear indications of harm /risk of harm to a child.

5.4.5 The ASV is a professionals only meeting and is chaired by the LADO; the following professionals are invited to attend:

- Employer
- Employer's HR consultant
- CAIT police
- Child's social worker (where there is one)
- Child's school
- Other relevant professional involved with the child/young person/family.

5.4.6 The employer is advised to bring a human resources advisor. In situations where the allegation is against a health professional, the designated or named nurse for safeguarding (Clinical Commissioning Group/CCG) should be invited.

5.4.7 The ASV aims to:

- Decide whether there should be a s47 enquiry and / or police investigation
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information – in many cases, this will need to wait for police/LADO outcomes
- Consider the current allegation in the context of any previous allegations or concerns
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children (e.g. <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>)
- Consider whether a complex abuse investigation is applicable (see Organised and Complex Abuse Procedure)
- Plan enquiries if needed, allocate tasks and set timescales
- Decide what information can be shared, with whom and when.

5.4.8 The meeting /discussion should also:

- Ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed

- Consider what support should be provided to all children who may be affected
- Consider what support should be provided to the member of staff and others who may be affected and how they will be kept up to date with the progress of the investigation
- Ensure that investigations are sufficiently independent
- Make recommendations where appropriate regarding suspension, or alternatives to suspension
- Identify a lead contact manager within each agency
- Agree protocols for reviewing investigations and monitoring progress by the LADO, having regard to the target timescales
- Consider issues for the attention of senior management (e.g. media interest, resource implications)
- Consider reports for consideration of barring
- Consider risk assessments to inform the employer's safeguarding arrangements
- Agree dates for future meetings / discussions.

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

## 5.5 Allegations against staff in their personal lives

5.5.1 If an allegation arises about a member of staff, outside of their work with children, and this may present a risk of harm/risk of harm to child/ren for whom the member of staff is responsible through their employment/volunteering, a meeting / discussion should be convened to decide whether the concern justifies:

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

5.5.2 If the member of staff lives in a different authority area to that which covers their workplace, liaison should take place between the relevant agencies in both areas and a joint meeting / discussion convened.

5.5.3 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 through their employment/volunteering. In these circumstances, a meeting / discussion should be convened to consider:

- The ability and/or willingness of the member of staff to adequately protect the child/ren
- Whether measures need to be put in place to ensure their protection
- Whether the role of the member of staff is compromised.

5.5.4 Haringey LADO has a risk assessment proforma for employers to use in these circumstances.

## 5.6 Investigation

- 5.6.1 In a joint investigation, the police will lead the investigation. In single agency cases, the employer will be asked to conduct an investigation. LADO oversees but does not conduct investigation.
- 5.6.2 LADO has a proforma for conducting investigations as well as notes for investigators that can be shared with employers, in case employers do not have their own HR forms.
- 5.6.3 Individuals should be notified 5 days prior to an interview for the purpose of investigation, advised to contact their union representative and / or legal representation.
- 5.6.4 Employers are usually given 5-10 working days to undertake the investigation and to submit their findings to LADO along with a proposed LADO outcome depending on the complexity of the case.

## 5.7 LADO Outcomes

- 5.7.1 The burden of proof for LADO on balance of probability.
- 5.7.2 The following definitions should be used when determining the outcome of allegation investigations:

- **Substantiated:** There is sufficient evidence to prove, on balance of probability, that the allegation that a child has been harmed or there is a risk of harm. If the facts of the incident are found to be true but it is not found that a child has been harmed or there is a risk of harm, then consideration should be given to deciding that the outcome is 'unsubstantiated' or 'unfounded'.
- **Malicious:** There is sufficient evidence to disprove, on balance of probability, that the allegation and there has been a deliberate act to deceive. The police should be asked to consider what action may be appropriate in these circumstances.
- **False:** There is sufficient evidence to disprove the allegation, on balance of probability, however, there is no evidence to suggest that there was an deliberate intention to deceive.

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

- **Unsubstantiated:** There is insufficient evidence, on balance of probability, to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Unfounded:** The additional definition of 'unfounded' can be used to reflect cases where there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

- 5.7.3 LADO will write to individuals with the outcome of their case once concluded, as appropriate.

## 6 Quality Assurance

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### 6.1 Timescales

- 6.1.1 It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation.
- 6.1.2 The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases.
- 6.1.3 It is expected that:
- 80 per cent of cases should be resolved within one month
  - 90 per cent should be resolved within three months
  - All but the most exceptional cases should be completed within 12 months.

### 6.2 Monitoring progress

- 6.2.1 The LADO should monitor and record the progress of each case, either fortnightly or monthly depending on its complexity. This could be by way of review meetings / discussions or direct liaison with the police, LA children's social care, or employer, as appropriate. Where the target timescales cannot be met, the LADO should record the reasons.
- 6.2.2 The LADO should keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. The records will also assist the safeguarding partnership to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the Department for Education (DfE) as required.
- 6.2.3 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 four weeks after the meeting / discussion. Dates for further reviews should also be agreed, either fortnightly or monthly depending on the complexity of the investigation.
- 6.2.4 The organisation must make a referral to the Disclosure and Barring Service to consider whether to add the individual to the barred list. This applies irrespective of whether a referral has been made to local authority children's social care and/or the designated officer or team of officers. It is an offence to fail to make a referral without good reason.

### 6.3 Historical Cases

- 6.3.1 Allegations of non-recent abuse should be responded to and reported in the same way as contemporary allegations. Any possible crimes need to be reported to police via 87a.
- 6.3.2 In cases of non-recent abuse, the person against whom the allegation is made may still be working with children and it will be important to investigate whether this is the case.

## 6.4 Out of Borough LADO Cases

- 6.4.1 Haringey LADO should keep a record of any cases where the Lead is taken by an out-of-borough LADO. For the most part, cases that are referred are noted on the spreadsheet.
- 6.4.2 With more serious cases, where an ASV is convened in another borough and the individual of concern is linked in any way to Haringey, the Haringey LADO will attend that ASV.
- 6.4.3 Ordinarily, LADO cases are undertaken within the Borough where the incident occurred – usually the location of the worker's employer. Sometimes, where a Borough holds more risk, they may opt to hold the LADO case – for example, if it concerns one of their foster carers.
- 6.4.5 Cases will often be relevant to more than one borough. For example, an allegation could be made against an agency worker who works across multiple boroughs and whose agency is based in a further borough.
- 6.4.6 Decisions about which LADO should take the lead are complex and should consider the following:
- Which agency holds the greatest risk? For example, if an agency worker has only worked one day in the school where the allegation has taken place and won't be returning, it might be that the employment agency holds the most risk;
  - Where organisational learning is required? example, an agency worker may have only worked in a school for a day, but if the school did not follow good practice with the worker and this contributed to the incident, the greatest learning might be with the school.
- See LCPP §7.4.10.

## 6.5 Minors subject to allegations

- 6.5.1 These procedures should be followed where allegations are made against a 16 and 17 years old who has been put in a position of trust by an organisation in relation to anyone under the age of 18. For example, where they might be involved in coaching a sport or in other school or out of school activities.



## 7. Disciplinary Processes

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7.1.1 The LADO and the employer should discuss whether disciplinary action is appropriate where:

- It is clear at the outset or decided by a meeting / discussion that a police investigation or LA children's social care enquiry is not necessary
- The employer or the LADO is informed by the police or the Crown Prosecution Service that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.

7.1.2 The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:

- Information provided by the police and / or LA children's social care
- The result of any investigation or trial
- The different standard of proof in disciplinary and criminal proceedings.

7.1.3 In the case of supply, contract and volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the LADO and employer should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services, or provide future work with children, and if not, whether to make a report for consideration of barring or other action. See Substantiated allegations and referral to the DBS.

7.1.4 If a disciplinary hearing is required, and further investigation is not required, it should be held within the timeframe laid out in the employer's procedures.

7.1.5 If formal disciplinary action is not required, the employer should meet the employee, discuss fully the outcome of the allegation and ensure they are reintegrated into the work environment.

## 7.2 Further investigation

7.2.1 If further investigation is needed to decide upon disciplinary action, the designated safeguarding lead and the LADO should discuss whether the employer has appropriate resources or whether the employer should commission an independent investigation because of the nature and/or complexity of the case and in order to ensure objectivity. The investigation should not be conducted by a relative or friend of the member of staff.

7.2.2 The aim of an investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and / or the risk of harm to children. Its purpose is not to prove or disprove the allegation.

7.2.3 If, at any stage, new information emerges that requires a child protection referral, the investigation should be held in abeyance and only resumed if agreed with LA children's social care and the police. Consideration should again be given as to whether suspension is appropriate in light of the new information.

7.2.4 The investigating officer should aim to provide a report within ten working days.

7.2.5 On receipt of the report the employer should follow their disciplinary procedures.

## 7.3 Sharing information for disciplinary purposes

- 7.3.1 Wherever possible, police and LA children's social care should, during the course of their investigations and enquiries, obtain consent to provide the employer and/or regulatory body with statements and evidence for disciplinary purposes.
- 7.3.2 If the police or CPS decide not to charge, or decide to administer a caution, or the person is acquitted, the police should pass all relevant information to the employer without delay.
- 7.3.3 If the person is convicted, the police should inform the employer and the LADO straight away so that appropriate action can be taken.

## 7.4 Resignations and 'compromise agreements'

- 7.4.1 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.
- 7.4.2 'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to cooperate or resignation before the person's notice period expires. A settlement/compromise agreement which prevents the employer from making a DBS referral when the criteria are met for so doing would likely result in a criminal offence being committed for failure to comply with the duty to refer. Nor should they be used as a way of concluding any disciplinary investigation where there is a substantiated outcome. Such an agreement will not prevent a thorough police investigation where that is appropriate.
- 7.4.3 The organisation must make a referral to the Disclosure and Barring Service to consider whether to add the individual to the barred list. This applies irrespective of whether a referral has been made to local authority children's social care and/or the designated officer or team of officers. It is an offence to fail to make a referral without good reason.

## 7.5 Learning lessons

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

## 7.6 References

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



7.6.2 References provided should be factual and truthful.

## 8 Data Retention and Access to Records

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### 8.1 LADO Records

- 8.1.1 LADO must keep a comprehensive and restricted record of all allegations made to LADO that meet LADO threshold at the point of referral.
- 8.1.2 These records must be stored on Mosaic to enable continuity of access, and appropriate audit and oversight. The Director of CYPS, Safeguarding AD, MASH managers, EDT managers, and Heads of Services are given access to LADO records in the event that LADO is unavailable. Other individuals will be given access on a case by case basis; the case should be made to SQIP Head of Service.
- 8.1.3 The required data retention period of LADO records by CYPS is until the individual of concern turns 65 or 10 years after employment date, whichever is longer.
- 8.1.4 Given that LADO case notes and workflows are restricted, LADO will make an unrestricted case note indicating 'LADO contact' on the casefile of individuals against whom an allegation is made and children who are linked to an allegation, in order to prompt workers to contact LADO for more information. All CYPS staff must recognise that LADO contact does not denote guilt, but rather indicates that further information should be sought from LADO to obtain a fuller picture.
- 8.1.5 Employers must inform individuals that an allegation has been made against them and that a referral to LADO has been made. LADO is not required to re-notify members of staff.

### 8.2 Employer Records

- 8.2.1 Employers' should be advised by LADO to remove details of allegations from personnel records where they are found to be malicious.
- 8.2.1 For all other allegations, it is important that employers retain a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, on the confidential personnel file of the accused, and that a copy is provided to the person concerned.
- 8.2.3 The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.
- 8.2.4 The record should be retained at least until the accused has reached normal pension age (65) or for a period of 10 years from the date of the allegation if that is longer. The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.

## 9. Regulatory Referral

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### 9.1 Referral to the Disclosure and Barring Service (DBS)

9.1.1 There is a legal requirement for employers to make a referral to the DBS if the employer believes an individual:

- has engaged in conduct that harmed (or is likely to harm) a child;
- otherwise poses a risk of harm to a child;
- if there is an investigation and the outcome is substantiated either by criminal investigation or by the balance of probabilities
- If an allegation is substantiated and the person is dismissed or the employer ceases to use the person's service or the person resigns or otherwise ceases to provide his/her services

9.1.2 The guidance regarding making a referral - available on the [Disclosure and Barring Service website](#).

9.1.3 WTSC 18, Chapter 2 S. 8—9, notes that if an organisation or agency removes an individual (paid worker or unpaid volunteer) from work in regulated activity with children (or would have, had the person not left first) because the person poses a risk of harm to children, the organisation or agency must make a referral to the Disclosure and Barring Service to consider whether to add the individual to the barred list.

9.1.4 This applies irrespective of whether a referral has been made to local authority children's social care and/or the designated officer or team of officers.

9.1.5 It is an offence to fail to make a referral to DBS without good reason.

9.1.6 The following groups have legal **duty** to refer information to the DBS:

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

9.1.7 The following groups have the **power** to refer information to the DBS; The power to refer may be used when a local authority or regulatory body is acting in a role other than as a regulated activity provider, for example, when undertaking a safeguarding role:

- Local authorities
- A Health and Social care (HSC) trust
- Education and Library Boards
- Keepers of registers e.g. General Medical Council, Nursing and Midwifery Council, Social Work England, Wales and Northern Ireland
- Supervisory authorities e.g. Care Quality Commission, Ofsted. in England, Wales and Northern Ireland

9.1.8 The DBS will refer cases involving teachers to the [Teaching Regulation Agency](#). See the [DBS referral guidance and tools](#).

9.1.9 Whenever a local authority refers a person to the DBS, they must consider whether they are doing so under the duty to refer or their power to refer.

## 9.2 Notifying Ofsted

- 9.2.1 Ofsted should be informed of any allegation or concern made against a **member of staff in any day care** establishment for children under 8 or against a registered **childminder**. They should also be invited to take part in any subsequent meeting / discussion.
- 9.2.2 A senior manager of the employer or fostering agency should inform Ofsted of all allegations made against a **foster carer, prospective adopter, or member of staff in a residential childcare facility**. There are established notification processes in place.

## 10. LADO Consultations

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- 10.1.1 The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, employers should follow their safeguarding and other relevant procedures to resolve cases without delay.
- 10.1.2 Any concerns that fall below threshold are classed by Haringey LADO as a LADO consultation.
- 10.1.3 LCCP 20, Part 7, S. 7.2.8 – 7.2.11, notes that incidents which fall short of the threshold could include an accusation that is made second or third hand and the facts are not clear, or the member of staff alleged to have done this was not there at the time; or there is confusion about the account.
- 10.1.4 If the concern falls short of this threshold there may still be a role for the LADO to provide advice and support to the employer. Where the matter constitutes a conduct or performance issue, the employer should follow the appropriate disciplinary procedures and let the LADO know of the outcome.

## 11. Allegations against foster carers

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11.1.1 Foster carers are professionals and therefore subject to LADO procedures as above. However, in recognition of the complexity of managing allegations against foster carers, this section aims to support that process with further detail.

11.1.2 The expectation is that:

- i. At the time of a child's placement, foster carers will be provided with detailed information as to the child's background and in particular the context of any abusive experiences of and/or previous allegations made by the child;
- ii. All foster carers will receive preparation, training and guidance to help them provide a safe environment for the child and all members of the foster family;
- iii. All foster carers will have received information about this procedure and the [London Child Protection Procedures](#);
- iv. All foster carers will be familiar with and adopt the procedures for recording on a daily basis the progress of children placed with them, including any incidents or complaints, and understand that these procedures have been made to protect all those involved in the child's placement, particularly at times of high stress, and will provide important evidence if an allegation is made.

11.1.3 In addition, in relation to the Fostering Service, it is an expectation of the Fostering National Minimum Standards 2011 that:

- i. A senior manager within the Fostering Service is identified to be the **Fostering Designated Person** who liaises with the LADO in all cases to which this procedure applies and has oversight of the LADO process within foster care.
- ii. All staff within the Fostering Service are aware of the requirements of this procedure, including the role of the Disclosure and Barring Service.

### 11.2 Initial Response

11.2.1 Any person who receives information or suspects that a child has suffered or is suffering harm in a foster placement must immediately inform the child's social worker or their manager. NB: this does not need to be significant harm.

11.2.2 On receipt of any such information, all workers are responsible to ensure that the following individuals are notified immediately:

- LADO
- Supervising social worker
- Child's social worker, who will also notify their team and service manager

11.2.3 The supervising social worker will:

- Notify the Fostering Designated Person (see 11.1.3)
- In consultation with the Fostering Designated Person and LADO, the supervising social workers will:
  - Inform the foster carers that an allegation has been made against them and referred to LADO (the details of the allegation and the identity of the person making the allegation should not always be shared at this stage)

- Inform social workers for any other child in the placement
- Inform any other local authority with an interest in the foster placement
- Inform the appropriate regulatory authority (e.g., Ofsted) of the allegation/suspicion
- Due consideration must be given to whether the foster carers' placements need to be suspended pending LADO outcome
- Where immediate action may be necessary to safeguard the welfare of the child, the child's social worker and their manager may decide to request that a new placement be identified.

## 3.2 ASV

3.2.1 Please refer to the section on ASVs - 5.4 above.

3.2.2 LADO will seek to schedule an ASV for a foster carer within 2 working days of the referral and will involve a face-to-face meeting / virtual meeting. The purpose of the meeting will be to decide if an investigation is necessary and, if so, how it should be carried out. The following people will be invited:

- LADO (ASV chair)
- The manager of the team undertaking the s47 enquiry
- The child's social worker and their manager
- The supervising social worker and their manager
- The police (as required)
- Any other agency involved with the child or foster family – e.g. school / health
- The IRO (optional)
- A representative from the Regulatory Authority.

3.2.3 The ASV must consider:

- The nature of the allegation, its source and reliability
- Background information relating to the foster family, how long the family has been known, how many children have been placed there, the family's known strengths and weaknesses and any exceptional features about the child and the placement
- The involvement of other agencies, for example if the child was placed by another local authority
- The need to inform other agencies who use the foster home
- Who will notify the Regulatory Authority of the outcome of the meeting, if a representative is not present
- A referral to the Disclosure and Barring Service for inclusion on the Children's Barred List. This should be considered whenever a carer is suspended from their duties
- The safety of all children in the household including the foster carer's own children and whether any action is necessary to protect the children including the removal of all or any of the children while the investigation is conducted
- How the needs of any child who has to leave the placement will be met including contact with other children in the placement
- How and by whom the investigation is to be conducted. (It is important that careful consideration is given to the planning of criteria when a joint investigation is recommended. In situations where the Police or Crown

Prosecution Service recommend no further action then the social worker must interview the foster carers about all allegations and concerns. Interview notes must be taken and made available to future meetings and/or the Fostering Panel)

- The timescales for the investigation (see below) and any contingencies should timescales prove unlikely to be met;
- How the child should be informed of the procedure to be followed and supported through the process;
- Whether the alleged perpetrator should be asked to leave the home while the investigation is conducted and confirmation that the Chair will inform the carers of the allegation verbally and then in writing;
- Informing the child's parents of the allegation and devising a 'communication strategy' to ensure they are kept up to-date (where this is appropriate).
- Also to consider, depending upon the nature of the allegation, whether this impacts upon any contact arrangements that are in place. (Note that where a child is accommodated under section 20 Children Act 1989, the local authority do not have Parental Responsibility);
- Once informed of the decision what support to offer the foster carers;
- How reports on the investigation will be shared with the foster carers and the child or children in the placement;
- Whether further placements should be suspended in the meantime;
- Arrangements for reconvening the Strategy Meeting.

- 3.2.3 Whether or not the ASV considers that the allegation or suspicion has any foundation, the matter should be investigated unless there are exceptional circumstances, and the Regulatory Authority must be notified of the decision and the outcome.
- 3.2.4 If further investigation is needed, and police are not involved, the child's social worker and the supervising social worker will need to schedule interviews to gather a response to the allegations.
- 3.2.5 The minutes of the meeting must contain clear action points and clear timescales for each action. The action points and timescales will be circulated immediately after the meeting. Actions agreed must be recorded and be the responsibility of named individuals.
- 3.2.6 Copies of the action points and the minutes should be held on the child's and the foster carer's records.
- 3.2.7 Any decision to take no further action following the Strategy Meeting must be clearly recorded by the decision-maker on the child's and the foster carer's records, and reported to the Regulatory Authority.
- 3.2.8 If a decision is not made at the initial ASV meeting, it will be made following social work investigations at the review ASV.

### 3.3 Investigation and Action

- 3.3.1 In anticipation of the outcome of the investigation being reported to the Fostering Panel, the supervising social worker or their manager should contact the Panel Chair to consider whether a special Panel meeting will be required.



- 3.3.2 The actions agreed at the Strategy Meeting should be implemented by those responsible within the agreed timescales.
- 3.3.3 Unless there are circumstances when the details or nature of the allegation cannot be shared immediately, the foster carers should be advised of the allegation as agreed at the Strategy Meeting and of the process to be followed in the investigation, including the possibility that an Initial Child Protection Conference may be convened in relation to their own children.
- 3.3.4 Where considered appropriate by those at the Strategy Meeting, the foster carers should be given the opportunity to respond to the allegations before any final decision is made about necessary action to protect the child and other children in the household. Such protective action may include asking the person against whom the allegation has been made to leave the household while the investigation is conducted.
- 3.3.5 Any decision to suspend making further placements with the foster carer while the investigation is being conducted should be communicated in writing to the foster carer by the manager of the fostering service
- 3.3.6 Supervising social worker must contact the foster carers as soon as practicable after the foster carers are made aware of the allegation, and explain their role. They must make clear their responsibility to report to the local authority, the Police and in some circumstances to the Court if any information relevant to the investigation comes to their attention. They must Inform foster carers on how they will be supported and paid whilst they are under investigation.
- 3.3.7 They should confirm that the foster carers are aware of the following.
- The contents of this procedure and the relevant [London Child Protection Procedures](#)
  - The address and contact telephone number of the independent agency identified to provide the foster carers support
  - Information regarding consulting a solicitor
  - Information on insurance arrangements for legal expenses.
- 3.3.8 If an Initial Child Protection Conference is convened, the Conference Chair must be consulted in advance to discuss whether the foster carers should be invited to attend. In any event, the foster carers' views must be obtained for, and communicated to, the Conference.
- 3.3.9 The social worker undertaking the investigation will prepare a report on the investigation and a copy will be provided to the foster carers and their representatives.

## 3.4 Concluding the Investigation

- 3.4.1 The Review ASV will be reconvened to conclude the investigation. The same people will be invited and LADO will chair the meeting and will bring evidence collated from their investigations.
- 3.4.2 The purpose of the final Strategy Meeting is to agree on the outcome of the investigation and responsibilities for any further action including reporting on the

matter to the Fostering Panel and/or considering whether it may be appropriate to make a referral to the Disclosure and Barring Service for inclusion of the foster carers on the Children's Barred List.

- 3.4.3 Although this will always be envisaged as the final meeting, should new information come to light further actions may be required thereby necessitating the suspension and rescheduling of the meeting.
- 3.4.4 The LADO will send an Outcome letter to notify foster carers of the outcome. The child's social worker will inform the child/ren and parents, and supervising social worker will inform other children involved in placement, as well as the regulatory authority.
- 3.4.5 In any event the meeting may wish to draw to the attention of Fostering Panel certain areas of the foster carer's practice that should be reviewed and considered.
- 3.4.6 A report should be presented to the next available Fostering Panel. The social worker preparing the report should consult with the Chair of the Fostering Panel who will advise on who should attend the Panel meeting (usually the child's social worker and the supervising social worker for the foster carers) and whether or not a special Panel meeting should be convened.
- 3.4.7 Prior to Fostering Panel, the foster carers and their representative should have seen, and had time to comment on the report being presented to the Panel. The procedure to be adopted for the Fostering Panel will be the same as for any other foster carer review - see [Assessment, Approval and Review of Foster Carers Procedure](#).
- 3.4.8 All relevant documents in relation to the investigation, whatever the outcome, must be retained on the child's and the foster carer's records, a copy of which should be given to the carer.
- 3.4.9 The investigative process may conclude that there has been no significant harm experienced by the child but that other procedures may be identified as appropriate, for example, the complaints process.
- 3.4.10 Consideration should be given to holding a debriefing meeting for all involved as to the impact of the allegations and the investigation, whatever the outcome, and all necessary assistance and support should be made available as necessary.

## Appendix A.

# ALLEGATIONS AGAINST STAFF & VOLUNTEERS (ASV) REFERRAL TO HARINGEY’S DESIGNATED OFFICER (LADO)

### LONDON BOROUGH OF HARINGEY

Updated September 2020

Online referral also available: [Online LADO Referral Form](#)

### Thresholds for statutory Designated Officer involvement: -

An **Allegations Against Staff & Volunteers Referral Form** must be completed when there is a concern that an INDIVIDUAL in a position of professional trust - a person aged 16+ who works with children, whether paid or voluntary - has behaved or may have behaved towards a CHILD / children (up to 18 years) in a way that:

- Has harmed a child, or may have harmed a child
- May involve a criminal offence against or related to a child
- Indicates that they may pose a risk to children
- Indicates that they may not be suitable to work with children.

Please contact **Haringey’s Designated Officer (LADO)** on **020 8489 2968 / 07966 159 686** for a discussion and return completed referral form to [lado@haringey.gov.uk](mailto:lado@haringey.gov.uk)

Please refer to the **Borough where the incident took place** / which holds the most risk. If in doubt, consult your local Designated Officer.

If you are concerned about the safety or wellbeing of a child or young person, you must also contact MASH (Multi Agency Safeguarding Hub): 020 8489 4470.

### REFERRER / Case Manager

First Name	Click or tap here to enter text.
Last Name	Click or tap here to enter text.
Job Title & Workplace	Click or tap here to enter text.
Contact number	Click or tap here to enter text.
Email	Click or tap here to enter text.
Dated	Click or tap to enter a date.

### DETAILS OF THE INCIDENT

Date of incident	Click or tap to enter a date.
Time of incident	Click or tap here to enter text.
Location of incident	Click or tap here to enter text.

Type of concern	Choose an item.
Date reported to Case Manager	Click or tap to enter a date.
Who raised the allegation?	Click or tap here to enter text.

**Description of the incident / allegation**

Please include all relevant information, including child and adult witnesses, why this meets threshold, what actions were taken at the time and have been taken since, and by whom, etc.

Click or tap here to enter text.

**INDIVIDUAL / SUBJECT of the allegation (the alleged perpetrator)**

First Name	Click or tap here to enter text.
Last Name	Click or tap here to enter text.
Date of Birth	Click or tap to enter a date.
Gender	Choose an item.
Ethnicity	Choose an item.
Religion	Choose an item.
Home address	Click or tap here to enter text.
Phone	Click or tap here to enter text.
Email	Click or tap here to enter text.
Communication Needs	Click or tap here to enter text.
Additional Needs	Click or tap here to enter text.
Date of Appointment	Click or tap to enter a date.
Date of DBS check	Click or tap to enter a date.
Was DBS blemished?	Choose an item.
Job / Voluntary Role	Click or tap here to enter text.
Job Status	Choose an item.
Does the subject have children of their own (under 18 years), or have regular access to children in the home (e.g., younger siblings, grandchildren, step-children, etc).	Children under 18 with whom subject has contact with in personal life include:  Click or tap here to enter text.
Does the subject live with any other adults who work with children?	Choose an item. If yes, their details are: Click or tap here to enter text.
Has the subject been subject to any concerns related to conduct, subject to disciplinary action or to a previous allegation, irrespective of outcome?	Choose an item.  Details: Click or tap here to enter text.

**EMPLOYER**

Employer Name (organisation)	Click or tap here to enter text.
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Work Address	Click or tap here to enter text.
HR Lead	Click or tap here to enter text.
Has HR been consulted?	Choose an item.
Has a suitability / risk assessment been completed?	Choose an item. If yes, please include a copy with this referral
Is the SUBJECT suspended or redeployed out of regulated activity pending investigation?	Choose an item. If suspended or redeployed out of regulated activity, consider making a DBS referral at this point, as per guidance in KCSIE 2020.
Has the SUBJECT been informed that they are the subject of an allegation?	Choose an item. At point of referral, the subject should not be given details about the allegation nor should they be told the person making the allegation if these are not known to them. However, they should be informed that an allegation has been made. If the subject is not aware of this referral, please explain why: Click or tap here to enter text.
What is their view, if any?	

**CHILD / YOUNG PERSON (please copy this section for each child involved)**

First Name	Click or tap here to enter text.
Last Name	Click or tap here to enter text.
Date of Birth	Click or tap to enter a date.
Gender	Choose an item.
Ethnicity	Choose an item.
Religion	Choose an item.
Home address	Click or tap here to enter text.
Phone	Click or tap here to enter text.
Email	Click or tap here to enter text.
Communication Needs	Click or tap here to enter text.
Additional Needs	Click or tap here to enter text.
Parents / Carers Pls include full names & DOB, and address if different to child's	Click or tap here to enter text.
Siblings Pls include full names & DOB	Click or tap here to enter text.
Has the child made previous allegations? If so, please provide details...	Click or tap here to enter text.
Is the child vulnerable? e.g., child with additional needs or disability, child in care, child subject to any interventions including behavioural support	Click or tap here to enter text.
Any other relevant information?	Click or tap here to enter text.

**What happens next?**

If the referral meets thresholds, the Designated Officer will convene an Allegations against Staff and Volunteers strategy or management meeting – often referred to as 'the ASV' or 'MM'. This meeting aims to share information so that the possible risk can be better understood.

If a possible crime has occurred, the Designated Officer will refer the incident to the child abuse investigation team, or CAIT, at the Police. If a child or young person is at risk of significant harm, please also refer to MASH.

Please do not investigate an allegation unless LADO asks you to do so, as this may interfere with police investigations.

The Designated Officer’s role is to ensure the timely, proportionate, fair and unbiased management of concerns about those in positions of trust with children.

Please direct complaints about the Designated Officer via the Council’s [complaint procedures](#).

## Appendix B.

# RISK ASSESSMENT:

## SUITABILITY TO WORK WITH CHILDREN & YOUNG PEOPLE

### FOLLOWING AN ALLEGATION OR CONCERN IN PERSONAL LIFE

Following the raising of a concern or allegation against a member of staff or volunteer (ASV), the employer / case manager must evaluate possible risk to children posed by an accused person and manage the risk posed by the individual (staff or volunteer). see §250 KCSIE 2020

The employer must consider the interim risk prior to knowing all the facts, and re-assess as new information becomes available, and once the investigation and the LADO/Police process is concluded.

### Key Details

#### Case Manager

Case Manager (employer)	
Case Manager Email	
Case Manager Phone	
Date of first contact with Haringey’s Designated Officer (LADO)	
Who raised concerns originally?	
Who notified Employer / Case Manager?	

#### HR Consultant

HR Consultant	
HR Consultant Email	
HR Consultant Phone	
Relevant policies and procedures	

Was a safeguarding declaration signed at time of employment, or on annual basis?  Please note the date and content here	
Were Safer Recruitment Processes undertaken when appointing the individual?  e.g., were all references followed up by phone within the five-year period prior to appointment?	
Date of latest DBS	
Was DBS blemished	
Details of prior complaints, concerns and / or allegations	

**Individual (member of staff or volunteer) subject of the allegation / concern**

Name	
Position Held	
In Post since	
Date concern discussed with individual  NB ensure that you only share appropriate levels of detail (please seek advice from LADO)	
Individual's response to concern	
Union Rep / Solicitor NB ensure that individual has been advised that they can seek external support, such as a union or legal representation	
What support has been offered staff member regarding this concern?	
Who will be the named contact person to support the staff member through the process?  NB This should not be the investigating officer and ideally not the case manager.	
Does staff member work elsewhere?	
Does staff member have access to children outside of their employment? e.g., another job / family	

## Risk Assessment

A risk assessment is a systematic examination of the concern raised and how it might indicate a risk of harm to children and young people in the course of work activities.

### Nature of concern

Describe the concern	
Did the concern arise in the course of work duties or in personal life?	

When & where did the alleged incident occur?	
Was a child / young person harmed NB: we are not looking for significant harm with professionals, only harm	
How old were children / young people involved?	
Who else was present / is aware?	
Have all parties been advised to maintain strict confidentiality, including parents of children? NB: If a police investigation is warranted, gossip or unapproved information sharing could be viewed as a crime (e.g., obstructing the course of a police investigation, etc)	
Are police investigating? Are police concerned about this individual continuing to work with children during their investigation?	
Is LADO involved? Is LADO concerned about this individual continuing to work with children during the course of the management of allegations against staff and volunteers?	

**Who might be harmed and what is the level of risk?**

How serious is the allegation?	
If proven, what would be the risks to children and young people?	
If proven, would the concern cause harm to a child / young person or put them at risk?	
If proven, would it suggest that a crime had been committed?	

**Evidentiary basis**

<b>INVESTIGATING OFFICER</b> Who has been appointed by case manager to investigate the allegations in question? NB: the investigating officer should not be the contact person for the staff member, nor the person who might chair disciplinary hearing should one take place.	
<b>SUBJECT'S VIEW</b> What is the subject's view of the allegation?	
<b>CHILD'S LIVED EXPERIENCE</b> How does the child / young person involved feel? What impact has this had on them? What is the parents' response? If you are unable to speak to a child (non-verbal, lack capacity, no access, inappropriate, police are interviewing), can you imagine what it must be like for them?	
<b>EVIDENCE GATHERING</b> What evidence do you have at this stage to support / challenge the allegation? e.g., CCTV / witness statements / documents / policies / logs & audit trails / digital records / physical evidence / character evidence etc.	
<b>SAFER RECRUITMENT &amp; CPD</b> What evidence do you have as to their understanding of their own behaviours? Have there been attempts to conceal their behaviour?	

**Determining levels of risk**

Is there compelling evidence that this didn't happen?	
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e.g., the member of staff was not present at the time of the allegation and there is no way the child could have confused times and dates?	
Is the allegation sufficiently serious that, even if unlikely, would it constitute a crime or gross misconduct if proven?	
Has the employee breached / potentially breached guidance or behavioural / safeguarding policy / contract?	
Has the employee abused / potentially abused their position of trust?	
How much contact does the subject have with children and young people in the course of their duties? Is it <u>Regulated Activity</u> ?	
How would child / young person feel if they come into contact with the subject? What would be the risks of this contact to all parties (emotional / behavioural, etc)?	
Is there a risk that contact between child / young person and the subject could provoke recurrence or escalation of concerns?	

## Managing risk

Are prevention strategies, such as subject’s supervision or redeployment, available in this situation?	
How would these strategies reduce or prevent risk?	
What is your plan to manage the risks?	

## Suspension & Redeployment

In some rare cases that will require the case manager to consider suspending the accused until the case is resolved. Suspension should not be an automatic response when an allegation is reported: all options to avoid suspension should be considered prior to taking that step. [...]

Suspension should be considered only in a case where there is cause to suspect a child or other children at the school or college is/are at risk of harm or the case is so serious that it might be grounds for dismissal. [...]

Based on assessment of risk, the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment within the school or college so that the individual does not have direct contact with the child or children concerned
- providing an assistant to be present when the individual has contact with children
- redeploying to alternative work in the school or college so the individual does not have unsupervised access to children
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted

(§ 250-253, KCSIE 2020)

<p>Although LADO / Police cannot require suspension, have they provided a view on suspension and their reasoning?</p> <p>NB: these views should be considered with their due weight</p>	
<p>Based on this risk assessment, have you decided to redeploy the subject? What is your rationale?</p>	
<p>Based on this risk assessment, have you decided to suspend the subject? What is your rationale?</p>	
<p>If any of the above, please state whether you will make a DBS referral at this stage?</p> <p>There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. (§262, KCSIE 2020)</p>	<p>You must do this if you have sufficient evidence to do so at this time, or at the earliest time that you do.</p>

### Duty of care

<p>How will you ensure the wellbeing of the child / young person in question?</p>	
<p>What is your plan for your duty of care of your staff member?</p> <p>If staff member is suspended, please detail who will remain in contact with the member of staff and how they will share information (e.g., method, type, frequency). This should not be the case manager, the investigating officer or the person likely to chair a disciplinary hearing should one occur.</p>	
<p>Review date</p> <p>NB: this should be within 4 weeks for any suspensions</p>	

### Suspension review

<p>What has changed since the last meeting</p>	
<p>How does this impact your decision to suspend?</p>	
<p>Decision on whether suspension from duty should remain?</p> <p>Please list reasoning and next actions</p>	<p>Continue with Suspension</p> <p>Re-instate into Position</p>

### Disciplinary Action

If, through the course of this process, you have identified misconduct that meets your thresholds for disciplinary action, upon conclusion of police investigation and LADO process, unless otherwise indicated, you may proceed with disciplinary action.

Please always check with LADO prior to proceeding with this step.

What is the basis for disciplinary action?	
Who is the investigating officer?	
When is the final hearing? What was the outcome?	
Was the subject dismissed? Or, would they have been dismissed had they not resigned?	
<p>Have you made a referral to DBS?</p> <p>Schools and colleges have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:</p> <ul style="list-style-type: none"> <li>• the harm test is satisfied in respect of that individual</li> <li>• the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence</li> <li>• the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. (§170, KCSIE 2020)</li> </ul>	

## Appendix C

### Regulatory Information by Employer Type

Professional Type	Regulator	Standards	Ombudsman	Profession-specific Unions
Teachers	Teaching Regulation Agency (TRA)	<a href="#">Teaching Standards</a>	Ofsted	National Union of Teachers (NUT); National Education Union (NEU)
Social Workers (Children)	Social Work England (SWE)	<a href="#">Knowledge &amp; Skills Statement</a>	Ofsted	British Association of Social Workers (BASW)
<ul style="list-style-type: none"> <li>• Arts Therapists</li> <li>• Chiropodists/podiatrists</li> <li>• Dietitians</li> <li>• Hearing aid dispensers</li> <li>• Paramedics</li> <li>• Physiotherapists</li> <li>• Practitioner psychologist</li> <li>• Radiographers</li> <li>• Speech &amp; language therapists</li> </ul>	Health & Care Professions Council (HCPC)	<a href="#">HCPC Standards</a>	Care Quality Commission (CQC)	Various
Children’s workforce in Charity Sector	Charity Commission for England and Wales	NSPCC – voluntary sector standards	Charity Commission for England and Wales	NA
Children’s Guardian	Office of the Public Guardian			NA