

Title: Allegations Against Persons who Work with Children	
Date of publication: March 2018	Responsible Manager: Allison Parkinson, Deputy Director Children Services
Date for review: March 2020	
Electronic file location: N:\Directorate of Social & Community Services\Children & Families\Strategies Policies & Procedures\Management Action Notes & Policies	
<p>Associated statutory guidance and regulations:</p> <p>Working Together to Safeguard Children (2015)</p> <p>London Child Protection Procedures (2017)</p> <p>Keeping children safe in education (2016)</p> <p>Use of reasonable force in schools (2013)</p> <p>Disqualification under the Childcare Act 2006 (2016)</p> <p>Making barring referrals to the DBS (2017)</p> <p>Local documents:</p> <p>Allegations against Foster Carers Procedures</p>	
Key Objectives (including Signs of Safety principles to apply)	
<ul style="list-style-type: none"> To provide clear guidance for the management of allegations and concerns raised against professionals and volunteers who work with children in Bexley 	
Detailed advice:	

Allegations against persons who work with children

SCOPE OF THIS PROCEDURE

These procedures are drawn up in accordance with the guidance in [Working Together to Safeguard Children](#).

Further guidance is contained within [London Child Protection Procedures](#) and [Keeping children safe in education](#).

This procedure provides information about dealing with allegations against staff and volunteers who have contact with children and young people in their work or activities. It is addressed to employers and organisations responsible for providing services to children, young people and adults who are parents or carers.

These procedures will be reviewed by end of March 2020.

RELEVANT GUIDANCE

[Working Together to Safeguard Children](#)

[London Child Protection Procedures](#)

[Keeping children safe in education](#)

[Use of reasonable force in schools](#)

[Disqualification under the Childcare Act 2006](#)

[Making barring referrals to the Disclosure and Barring Service \(DBS\)](#)

RELEVANT CHAPTER

[Allegations against Foster Carers Procedures](#)

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1. Introduction and Criteria

All allegations concerning abuse of children by those who work with children must be taken seriously. Allegations against people who work with children, whether in a paid or unpaid capacity, can cover a wide range of circumstances.

These procedures should be applied in all situations where it is alleged that a person who works with children has:

- Behaved in a way which 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 which indicates that they may pose a risk to children*.

* In relation to teachers and staff (including volunteers) in a school or FE college that provides education for children under 18, the third bullet point should be amended to read 'behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children (as outlined in the Department of Education statutory guidance [Keeping Children Safe in Education](#).)

Any alleged behaviours should be considered within the context of the four categories of abuse: [Physical Abuse](#), [Sexual Abuse](#), [Emotional Abuse](#) and [Neglect](#) and include concerns relating 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 (Sexual Offences Act 2003);
- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (Sexual Offences Act 2003);
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text/email messages or images, gifts, socialising etc);
- Possession of indecent images/pseudo images of children.

The allegations might relate to the person's behaviour at work, at home or in another setting. All references in this document to 'staff or members of staff' should be interpreted as meaning all paid or unpaid staff/professionals and volunteers, including for example foster carers, approved adopters and child minders. This chapter also applies to any person, who manages or facilitates access to an establishment where children are present. In the context of this procedure, the term "employer" means the organisation that has a working relationship with the person against whom the allegation has been made

and includes voluntary organisations, employment agencies, fostering services, child minder services, youth clubs and others.

In addition, the LADO should be informed if safeguarding concerns arise about a person's behaviour in relation to their own children, and that person works with children, for example, if their children become the subject of child protection procedures, or if they are 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 the children for whom the person is responsible for in their work.

The LADO should also be informed if there are concerns about a person's behaviour outside of work that does not relate to a specific child but could, for example, include arrest for possession of a weapon.

Allegations of historical abuse should be responded to in the same way as contemporary concerns. In such cases, it is important to find out whether the person about whom the allegation is made is still working with children. If they are, then the person's current employer or voluntary organisation must be informed of the allegation and consideration given to the children in their family being referred to Children's Services for an assessment of their needs.

2. Roles and Responsibilities

Working Together to Safeguard Children (2015) states that:

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.

Each [Bexley Safeguarding Children Board](#) (BSCB) member organisation should identify a named senior officer with overall responsibility for:

- Ensuring that the organisation deals with allegations in accordance with this procedure;

- Resolving any inter-agency issues;
- Liaising with the BSCB on the subject.

The local authority should assign a Local Authority Designated Officer (LADO) or team to:

- Receive reports about allegations and to be involved in the management and oversight of individual cases;
- Provide advice and guidance to employers and voluntary organisations;
- Liaise with the Police and other agencies;
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process;
- 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 etc.

Within the London Borough of Bexley, the [Local Authority Designated Officer](#) (LADO) is a dedicated full-time post. For purposes of this guidance this role will be referred to throughout as the LADO.

Employers should appoint:

- A designated senior manager to whom allegations or concerns should be reported;
- A deputy to whom reports should be made in the absence of the designated senior manager or where that person is the subject of the allegation or concern.

The Police Detective Inspector on the child abuse investigation team (CAIT) will:

- Have strategic oversight of the local Police arrangements for managing allegations against staff and volunteers;
- Liaise with the BSCB on the issue;
- Ensure compliance with these procedures.

The Police should designate a Detective Sergeant to:

- Liaise with the LADO;
- Take part in safeguarding meetings;
- Review the progress of cases in which there is a Police investigation;
- Share information as appropriate, on completion of an investigation or related prosecution.

3. General Considerations Relating to Allegations Against Staff

Persons to be notified

All organisations, both statutory and voluntary, should follow the procedures laid down in the [London Child Protection Procedures](#).

If an organisation is in doubt as to whether to refer a matter for investigation, they should contact the LADO for advice.

The employer must inform the local authority designated officer (LADO) **within one working day** when an allegation is made and prior to any further investigation taking place, although it is acceptable for the employer to try to clarify the substance of the allegation in order to help them decide whether the threshold for a referral to the LADO has been met.

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

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

The employer should seek advice from the LADO, the Police and/or Children's Services about how much information should be disclosed to the accused person.

Subject to restrictions on the information that can be shared, the employer should, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g. disciplinary action, and dismissal or referral to the [Disclosure and Barring Service](#) (DBS) or regulatory body).

The accused member of staff should:

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved;
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;
- If suspended, be kept up to date about events in the workplace.

Ofsted should be informed by the employer of any allegation or concern made against a member of staff in any day care establishment for children under 8 or against a registered child minder. They should also be invited to take part in any subsequent safeguarding meeting.

Children's Services should inform Ofsted of all allegations made against a foster carer, prospective adopter, or member of staff in a residential child care facility.

The LADO will inform the Head of School Improvement about all referrals that concern a school or an Early Years provider, including nurseries and child minders, in the London Borough of Bexley.

Confidentiality

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.

The Police should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances (e.g. an appeal to trace a suspect). In such cases, the reasons should be documented and partner agencies consulted beforehand.

[Section 13 of the Education Act 2011](#) introduced restrictions on the publication of any information that would identify a teacher who is the subject of an allegation of misconduct. That would constitute a criminal offence, where the alleged victim of the offence is a registered pupil at the school. See Section 7, Restrictions on Identifying Teachers Against Whom Allegations of Criminal Misconduct Have Been Made.

Support

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

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

Suspension

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

- There is cause to suspect a child is at risk of harm; or
- The allegation warrants investigation by the Police; or
- The allegation is so serious that it might be grounds for dismissal.

The possible risk of harm to children should be evaluated and managed in respect of the children involved and any other children in the accused member of staff's home, work or community life.

If a safeguarding meeting is to be held or if Children's Services or the Police are to make enquiries, the LADO should canvass their views on suspension and inform the employer. Only the employer, however, has the power to suspend an accused employee and they cannot be required to do so by a local authority or Police.

If a suspended person is to return to work, the employer should consider what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor), and also how best to manage the member of staff's contact with the child concerned, if still in the workplace.

Resignations and 'compromise agreements'

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.

Compromise agreements' must not be used (i.e. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed). A settlement/compromise agreement which prevents the employer from making a DBS referral when the criteria are met for so doing would likely result in a criminal offence being committed for failure to comply with the duty to refer.

Organised abuse

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

Whistle-blowing

All staff should be made aware of the London Borough of Bexley's [Whistle Blowing Policy and Procedure](#) and feel confident to voice concerns about the attitude or actions of colleagues.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the LADO.

Timescales

It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided. All allegations should be investigated as a priority to avoid any delay. For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week. The time taken to investigate and resolve an individual case depends on a variety of factors including the nature, seriousness and complexity of the allegation, but 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.

4. Direct Referrals to Children's Services

Where a referral is made directly to Children's Services, they will consult with the LADO, the Police and the senior manager in the relevant agency or organisation.

5. Cross Boundary Issues

Generally, where a child makes an allegation in a setting or placement which is outside of the Bexley area, the lead responsibility for action lies with the local authority for the area where the alleged abuse occurred.

In those circumstances, the LADO and, where appropriate, the child's social worker will liaise with the relevant local authority and agree a joint strategy.

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 is organisational learning required? For example, an agency worker may have only worked in a school for a day, but if the school did not follow good practice with the worker and this contributed to the incident, the greatest learning might be with the school.

Checks should be made as to whether there are any other children in the setting or placement. If so, the child's social worker and manager must be informed, and the LADO should consult with them about the action required.

Where the referral relates to a Looked After Child from another local authority temporarily placed in an establishment in the Bexley area, for example in a residential unit, the LADO should liaise with the child's home authority about the roles and responsibilities in carrying out these procedures.

Foster carers are often subject of allegations because of their high level of contact with children and young people.

If the foster carer concerned is a Bexley Carer, whether resident in the borough or outside then the above procedures apply. If however the foster carer lives within another Local Authority then a referral also needs to be made to the Children's Service in the Local Authority of residence. If the foster carer is resident in Bexley but employed by an Independent Fostering Agency (IFA) then the authority in which the IFA is based also needs to be informed, and may require a joint investigation with Bexley leading on any investigation into the child and the host authority for the IFA leading on matters relating to the foster carer. For guidance and clarification the LADO should be contacted.

6. Action

An allegation against a member of staff may arise from a number of sources (e.g. a report from a child, a concern raised by another adult in the organisation, or a complaint by a parent). It may also arise in the context of the member of staff and their life outside work or at home.

Initial action by person receiving or identifying an allegation or concern

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

They should not:

Investigate or ask leading questions if seeking clarification;

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

They should:

- Make a written record of the information (where possible in the child/adult's own words), including the time, date and place of the incident, persons present and what was said;
- Sign and date the written record;
- Immediately report the matter to the designated senior manager, or the deputy in their absence or; where the designated senior manager is the subject of the allegation report to the deputy or other appropriate senior manager.

Initial action by the designated senior manager

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

They should:

- Obtain written details of the concern/allegation, signed and dated by the person receiving (not the child or adult making the allegation);
- Approve and date the written details;

- Record any information about times, dates and location of incident/s and names of any potential witnesses.
- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

The designated senior manager should report the allegation to the LADO and discuss the decision in relation to the agreed threshold criteria in Section 1, Introduction and Criteria within one working day. Referrals should not be delayed in order to gather information and a failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.

If an allegation requires immediate attention, but is received outside normal office hours, the designated senior manager should consult the Children's Services Emergency Duty Team (EDT) or local Police and inform the LADO as soon as possible.

Initial consideration by the designated senior manager and the LADO

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

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

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

If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO should consider whether it is necessary to immediately refer the child to Children's Services, so that an assessment of their needs may be undertaken, refer to the Police (CAIT) and convene an immediate safeguarding meeting:

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

7. Restrictions on Identifying Teachers Against Whom Allegations of Criminal Misconduct Have Been Made

The Education Act 2011 prevents the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. Breaching the reporting restrictions is a criminal offence.

When an allegation is made, the employer should take advice from the LADO, Police and Children's Services to agree the following:

- Who needs to know and, importantly, exactly what information can be shared;
- How to manage speculation, leaks and gossip;
- What, if any information can be reasonably given to the wider community to reduce speculation; and
- How to manage press interest if and when it should arise.

Please note that this provision applies only to teachers, not to other staff in educational establishments.

It is an offence to publish any information in breach of these restrictions. Publication includes any communication, in whatever form, which is addressed to the public at large or any section of the public.

8. Procedures in other organisations

Education

[Keeping children safe in education, Department of Education](#) offers schools clear guidance on managing allegations against staff.

In addition there is detailed guidance (see [Use of reasonable Force: Advice for headteachers, staff and governing bodies](#)) issued by the government around the use of restraint in classrooms. All schools and educational establishments should ensure that they have robust recording systems to log any incidents that have resulted in the use of restraint. All schools should have physical intervention policies that are in line with the Department for Education guidance.

Foster Carers and prospective adopters

See [Allegations against Foster Carers, Prospective Adopters and Adopters Procedure](#).

Health

Oxleas NHS Foundation Trust have policies and procedures in place, which identify action to be taken in case of allegations against staff, for example: [Managing Safeguarding Allegations Against Staff](#) . This covers directly employed staff as well as independent contractors (e.g. GP practices, dentists and optometrists).

In addition the Trust have a responsibility, where there is concern that the individual may have broken their code of conduct, to refer to the member of staff to their respective professional body.

9. Safeguarding Meeting

The LADO will need to ensure that the relevant people are invited to an Safeguarding Meeting and any follow up meetings to ensure that the full scope of the enquiry can be effectively addressed. This will include an invitation to the employer's senior manager unless there is good reason not to do so.

The employer should notify [Ofsted](#) of allegations regarding day care and child-minders, residential staff, foster carers and prospective adopters.

Attendees at the safeguarding meeting should include:

- The designated senior manager of the organisation in question or an appointed delegate;
- A representative from the HR section of the organisation in question (where the allegation may result in a decision to start a conduct investigation or to suspend the staff member);
- Police Child Abuse Investigation Team (CAIT);
- An investigating social worker from the Referral and Assessment Team;
- Early Years Service worker in the cases involving a nurseries or Child Minder;
- Those responsible for regulation and inspection where appropriate (e.g. Ofsted).

The Safeguarding Meeting will be chaired by the LADO and will be minuted.

Those present will need to:

- Share all relevant information about the person who is the subject of the allegation and about the alleged child victim;
- Plan the investigation/enquiries and set timescales for tasks to be undertaken or receive information about enquiries and investigations that have been already agreed prior to a meeting between the LADO and senior manager;
- Consider whether any other children are affected by the allegations e.g. the persons own children or other children in the agency setting for example children placed with foster carers, child-minders, a youth club, grandchildren;

- Determine any action that needs to be taken in respect of any other children identified including a child protection investigation under [S47 Children Act 1989](#);
- Decide how regular information and support will be provided to the child and family and by whom;
- Ensure that the person who is the subject of the allegation is kept informed and supported;
- Plan all interviews and agree who should undertake them so that there is no confusion between a criminal investigation, child protection investigation/children and families assessment and disciplinary processes;
- Consider whether the circumstances suggest that the person who is subject to the allegation should be suspended from contact with children, so as to inform the employers decision about this issue (including whether a foster carer's approval should be suspended and the implications for other children in the placement); this may change as the investigation progresses and should be reviewed regularly;
- Consider the need to develop a media strategy and whether it is necessary to inform senior managers about the situation by completing a serious incident notification (SIN).

The progress of the investigation and enquiries needs to be reviewed by the LADO and the senior manager fortnightly or, at a maximum, monthly depending on the complexity of the case.

10. Monitoring progress

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 Safeguarding Meetings or direct liaison with the Police, Children's Services, or the employer, as appropriate.

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 BSCB to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the Department for Education as required.

If a police investigation is to be conducted, the Police should set a date for reviewing its progress and consulting the CPS about continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than four weeks after the Safeguarding Meeting. Dates for further reviews should also be agreed, either fortnightly or monthly depending on the complexity of the investigation.

11. Outcomes

To conclude the LADO process the senior manager and LADO should 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.

The professionals involved should take in to account the following definitions when determining the outcome of allegation investigations:

- 1 **Substantiated:** there is sufficient evidence to prove the allegation (*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'*);
- 2 **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- 3 **False:** there is sufficient evidence to disprove the allegation;
- 4 **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation; the term therefore does not imply guilt or innocence;
- 5 **Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances. There was no evidence that a

child/children had been harmed but there were concerns regarding performance/conduct and these should be addressed by the employer.

All relevant professionals must keep their senior manager and the LADO informed of any developments in the case. The senior manager must ensure that the LADO is aware of the outcomes of the actions within the allegations management process, and the LADO and senior manager must ensure the child/young person and any other professionals who have been involved are aware of the outcome. In cases of dismissal, the DBS must be informed by the senior manager.

The LADO will formally write to the member of staff or volunteer at the end of the process outlining the findings of the investigation and the outcome of the LADO process. The LADO will also formally write to the child, depending on their age and understanding, and the child's parents or carers, informing them of the outcome of the LADO process.

In addition, the LADO will inform the Director of Children's Services about all cases where an outcome is substantiated following the notification of serious incident protocols.

The minutes of safeguarding meetings are not usually widely distributed because of confidentiality issues, both with regard to staff members and of service users or members of the public. In certain circumstances it may be appropriate for the chair of the meeting to summarise the findings of an investigation for the purposes of a disciplinary investigation.

12. Disciplinary process

The members of the safeguarding meeting should discuss whether disciplinary action is appropriate or necessary. The final decision about disciplinary action would always lie with the employer of the member of staff concerned.

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

- Information presented by the police and/or Children's Services;
- The result of any investigation, including the outcome of the LADO process, or trial;
- The different standards of proof in disciplinary and criminal proceedings.

Where the workers concerned are supply, contract or volunteer workers, normal disciplinary procedures do not apply. In these circumstances the providing agency (if any) should be involved in the safeguarding meeting.

13. Post Investigation

At the end of any investigation, the LADO will consider whether it is necessary to convene a post investigation meeting, for example, in particularly complex cases.

This meeting must ensure that:

- All the original allegations have been addressed;
- The investigation has been clearly recorded;
- All strands of the investigation have been concluded;
- All those involved have been informed of the outcomes appropriately;
- The children have been safeguarded and services have been provided;
- The recommendations and decisions of the post investigation meeting are reviewed within an agreed timescale to ensure that they are followed through;
- 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.

14. Unsubstantiated and False Allegations

Where it is concluded that there is insufficient evidence to substantiate an allegation, the members of safeguarding meeting should consider what further action, if any, needs be taken.

False allegations are rare and may be a strong indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO, should consider referring the matter to Children's Services to determine whether the child is in need of services, or might have been abused by someone else.

If it is established that an allegation has been deliberately invented, the Police should be asked to consider what action may be appropriate.

15. Confidentiality and Record Keeping

The LADO and senior manager may need to liaise with legal services and information governance when making decisions and advising on the sharing of relevant information.

During the investigation the Police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the employer and/or [Regulatory Authority](#), for disciplinary purposes. This will enable the Police and the Crown Prosecution Service (CPS) to share relevant information without delay at the conclusion of the investigation or any court case.

Children's Services should also obtain consent when making enquiries so that any information that is relevant to a disciplinary case can be passed on to the employer or Regulatory Authority.

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being considered or investigated.

The Police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless or until the person is charged with a criminal offence. In exceptional circumstances where the Police might make an appeal to trace a suspect, the reasons for this action should be documented and partner agencies should have been consulted beforehand.

The child and parents or carers can be informed about the outcome of any disciplinary process but they do not have access to the deliberations of a disciplinary hearing nor the information taken into account in reaching the decisions in the hearing.

Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for ten years if longer.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference if the person has moved on. It will provide clarification where a future DBS request reveals non convicted information, and will help to prevent unnecessary reinvestigation if an allegation re-surfaces after a period of time. In this sense it may serve as a protector to the individual themselves, as well as in cases where substantiated allegations need to be known about to safeguard future children.

Details of allegations that are found to be malicious should be removed from personnel records. For Education services see [Keeping Children Safe in Education](#).

16. Action Following a Criminal Investigation or a Prosecution

The Police should inform the employer's senior manager and the LADO straight away when a criminal investigation and any subsequent trial are completed, or if it is decided to close an investigation without charge, or not to prosecute after the person has been charged.

In all circumstances the LADO should discuss with the employer's senior manager what further action is appropriate and agree how to proceed. The information provided by the Police and/or Children's Services should inform that decision.

Substantiated allegations

If an allegation is substantiated and the person is dismissed or the employer ceases to use the person's service or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether a referral should be made to the Disclosure and Barring Service (DBS). In some circumstances there is a mandatory requirement to refer to the DBS. See the [DBS website](#) for further guidance and the referral form.

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

The LADO should always be informed in writing of any referrals that are made to the DBS.

Bodies with a legal duty to refer

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

[Regulated Activity](#) providers (employers and volunteer managers);

- Personnel suppliers;
- Groups with a power to refer.

Bodies with the power to refer

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

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

If the person being referred to the DBS is a teacher in England they should also be referred to the [National College for Teaching and Leadership](#).

If it is decided that a person who has been suspended from work can return, the employer must consider how best to facilitate that return. The employer must also consider how the persons contact with the child or children who made the allegation can best be managed if they are still in the work place.

17. Learning Lessons

At the conclusion of a case where the allegation has been substantiated, the senior manager, in consultation with the named senior officer and the LADO, should review the

circumstances of the case to determine whether there are any improvements to be made to the organisations procedures or practice to help prevent similar events for the future.

18. Reporting to the Bexley Safeguarding Children Board

The LADO will submit a written report on an annual basis to the Chair of the BSCB. This report will present summarised information that does not identify individuals.

In some cases, a [Serious Case Review](#) may be appropriate.