

Doncaster Safeguarding Children's Partnership Responding to Allegations Against Staff, Carers or Volunteers

SCOPE OF THIS CHAPTER

This guidance deals with allegations against staff (including supply staff), volunteers and foster carers, it is for employers and organisations responsible for providing services to children and young people, and to adults who are parents or carers.

The aim of the procedure is to:

- Ensure that allegations are dealt with expeditiously and in a fair manner;
- Ensure that where staff are not suitable to work with children that they are prevented from doing so by notification to relevant bodies.

Each local authority / Children's Service Trust has to appoint a designated officer (Local Authority Designated Officer - LADO) to oversee the investigation of all allegations and to maintain detailed records of their investigation and the outcomes. The Local Authority Designated Officer (LADO) is responsible for this work and can be contacted to answer general enquiries about these procedures and their implementation.

Advice and guidance, in respect of individual cases, can be accessed by contacting the Local Authority Designated Officer at the Doncaster Safeguarding Children Partnership:

LADO

Doncaster Children's Services Trust

Mary Woollett Centre

Danum Road

Doncaster

DN4 5HF

LADO Administrator Tel: 01302 737332

Email: LADO@dcstrust.co.uk

[LADO Referral Form](#) - This form must be completed WITHIN 24 HOURS and sent to the Local Authority Designated Officer (LADO) in Doncaster Children's Service Trust.

AMENDMENT

In August 2020, this guidance was reviewed and updated as required to reflect current practice for responding to allegations against staff or volunteers.

1. Introduction

These procedures should be used by all organisations providing services for children, including those who provide staff or volunteers to work with or care for children. This can be in a direct capacity, or their role may bring them into contact with children. For example, bus driver.

For convenience the term employer is used throughout these procedures to refer to organisations that have a working relationship with the individual against whom the allegation is made.

This procedure refers to organisations that use volunteers, or people who are self employed, as well as service providers, voluntary organisations, employment agencies or businesses, contractors, fostering services, regulatory bodies such as Ofsted in the case of child minders. It also includes others that may not have a direct employment relationship with the individual, but will need to consider whether to continue to use the person's services, look to end their employment and to de-register the individual.

In some circumstances the term 'employer' for these purposes will encompass more than one organisation. For example where staff providing services for children in an organisation are employed by a contractor, or where temporary staff are provided by an agency. This may also include persons employed by more than one employer, either in a paid or voluntary capacity. In

those circumstances both the contractor or agency, and the organisation in which the accused individual worked will need to be involved in dealing with the allegation.

The procedures should be applied when there is an allegation 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 that indicates that they may pose a risk of harm to children;
- Behaved, or may have behaved, in a way towards a child or adult that indicates they may pose a risk of harm to children.

The issue could also be about the behaviour of an individual outside of their work environment and which would raise concerns about their suitability to work with children. For example where a domestic abuse incident has taken place or where there are concerns about the individual's own children.

There may be up to 3 strands in considering a concern or an allegation:

- A Police investigation of a criminal offence;
- Enquiries and assessment by the Children's Services Trust to ascertain whether a child or young person is in need of protection or is in need of services;
- Consideration by an employer of disciplinary action in respect of the individual.

If an allegation relating to a child is made about a person who undertakes paid or unpaid care of vulnerable adults, consideration should be given to the possible need to alert those who manage them in that role.

The LADO will oversee the investigation of all allegations that are made where the accused adult undertakes paid or unpaid work on behalf of organisations providing services for children, where those services are provided by the accused adult within the Doncaster area. This is regardless of where the alleged incident took place, the home address of the accused adult or the office base of the organisation.

- Allegations should be managed by the LADO in the area where the most risk to children currently exists. This would usually be the LADO in the area where the person of concern is predominantly working even if this was a non-recent allegation;
- Where there are reasonable grounds to recognise that the effective management of an individual case may be undertaken by a LADO located in another local authority, e.g. potentially where an allegation happened on a trip but the adult and child are both from a different local authority area, then a discussion should be instigated between LADOs with clear agreement reached and recorded;
- If the person of concern has more than one position of trust with children and agreement regarding LADO responsibility cannot be reached, the LADO for the area in which the person of concern spends the majority of their time engaged with children should escalate to senior management for agreement regarding who will be the responsible LADO;
- Cases, including those which are non-recent, for example cases of historical concern, must not be left without LADO oversight;
- To ensure that every case has LADO oversight, clear lines of communication must be maintained between LADOs.

Compliance with these procedures should help ensure that allegations of abuse are dealt with expeditiously and consistently with a thorough and fair process.

The [LADO Referral Contact Form](#) should be used to report allegations to the LADO.

2. Roles and Responsibilities

2.1 Member Organisations of Doncaster Safeguarding Children Partnership

Doncaster Safeguarding Children Partnership has responsibility for ensuring there are effective inter-agency procedures in place for dealing with allegations against people who work with children and for monitoring and evaluating the effectiveness of those procedures. In order to do this, each Safeguarding Children Partnership member organisation should identify a named senior officer with overall responsibility for:

- Ensuring that the organisation operates these procedures for dealing with allegations;
- Resolving any inter-agency issues;
- Liaising with the Safeguarding Children Partnership on the subject.

2.2 The Local Authority / Children's Services Trust

The Local Authority (via the Children's Services Trust) will appoint a designated officer (LADO) who will:

- Be involved in the management and oversight of individual cases;
- Provide advice and guidance to employers and voluntary organisations and agencies;
- Liaise with the Police and Children's Social Care 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.

2.3 Other Employers

Other employer's should:

- Put in place and operate arrangements for handling allegations in accordance with these procedures;
- Identify a senior manager to whom allegations or concerns should be reported to, and a deputy in their absence or if they are the subject of the allegation or away from the workplace.

2.4 South Yorkshire Police

South Yorkshire Police should identify a senior officer to:

- Have strategic oversight of the arrangements;
- Liaise with Doncaster Safeguarding Children Partnership;
- Ensure compliance with these procedures within their organisation.

Identify a designated officer to:

- Liaise with the LADO;
- Take part in LADO Allegations Meetings (see [Section 9, LADO Allegations Meeting and Initial Evaluation Discussion](#));
- 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. Recognising and Responding to an Allegation

There are a number of sources from which a complaint or an allegation might arise including from:

- A child or an adult;
- A parent;
- A colleague;
- A member of the public;
- A disciplinary investigation.

Agencies should have in place their own policies, procedures and guidance relating to the conduct of their employees and they should be used to ensure compliance with these procedures.

4. Responding to a Complaint or an Allegation Made to an Employer

The designated senior manager should not investigate the matter by interviewing the accused person, the child or potential witnesses, but should only gather sufficient information to establish whether there is enough credible information to proceed further, which would support the decisions whether the concerns meet the threshold to proceed through the LADO process. This is known as a 'fact find'. This will include:

- Obtain written details of the allegation, signed and dated by the person receiving the complaint, or allegation and any other relevant person at the point the allegation has been made;
- Countersign and date the written details;
- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions;
- Decide whether any immediate action needs to be taken to safeguard any child or whether an urgent referral needs to be made to either the Children's Services Trust and/or the Police;
- The accused adult must not be informed of the allegations before consideration has been given to the implications this may have on any subsequent investigation.

4.1 Timescales for making a referral to LADO

At the point that an employer becomes aware of a concern or incident that meets the above criteria, they must make a referral to the LADO within 24 hours or one working day. The LADO will respond to the referral within one working day. If the concerns are more urgent in regards to the safety of a child, the referrer must contact either the police or Children's Social Care out of hours duty team on 01302 737777.

If the allegation meets any of the criteria the designated senior manager should report it to the LADO within 1 working day using the [LADO Referral Contact Form](#).

The referral should not be delayed in order to gather information. Overall compliance with the procedures will be monitored and evaluated by the Safeguarding Children Partnership. Instances of non-compliance will be identified and followed up.

5. Responding to a Complaint or Allegation Made to the Police

If a Police Officer receives an allegation they should report it immediately to the designated liaison officer who should inform the LADO straight away (or ensure that the LADO is informed within 24 hours of them becoming aware of the allegation if it is received out of hours).

6. Responding to a Complaint or Allegation Made to Doncaster Children's Services Trust

If the allegation is received by the Children's Services Trust the person receiving the allegation should report it to the LADO within 24 hours. The referral to the LADO must be made by a Team Manager or above.

If an allegation is received out of hours it should be shared with the LADO without delay.

7. Initial Consideration by a Designated Senior Manager and the Local Authority Designated Officer

The LADO will make a determination on next action within 1 working day of receiving the referral form.

Next actions will include:

- If further information is required from the employer or person making the referral
- If an evaluation meeting should be convened;
- If a LADO allegations meeting should be convened;

- If the case can be managed at consultation stage and advice provided only.

The LADO and designated senior manager should also:

- Establish that the allegation is within the scope of these procedures;
- Verify whether there is evidence or information that establishes that the allegation is false;
- Consider whether further details are needed;
- Consider the potential risk that the accused adult may pose to children and whether any action should be taken.

The LADO will notify the Employer/Designated Manager of reports made via the Police and the Children's Services Trust.

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

The Education Act 2011 introduced reporting restrictions preventing 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. 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. The case manager should take advice from the LADO, Police and the Children's Services Trust 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.

(Note that this provision applies only to teachers, not to other staff in educational establishments.)

9. LADO Initial Evaluation Discussion, Allegations Meeting and Section 47 Child Protection Procedures

If the allegation is not patently false and there is cause to suspect that a child is suffering or is likely to suffer significant harm the LADO should immediately (or within 1 working day if out of hours) refer to Doncaster Children's Services Trust Front Door, or if an open case, the Team Manager allocated to the child, and ask them to initiate Child Protection Procedures.

The Police must be informed about any case in which a criminal offence involving a child may have been committed.

If the Significant Harm threshold is not reached, but a Police investigation might be required, the LADO should inform the Police immediately and initiate an Initial Evaluation Discussion with the Police, employer and other agencies involved with the child to evaluate the complaint or allegation and decide how it should be dealt with.

If an Initial Evaluations Meeting or Allegations Meeting is required, this should be convened at the earliest opportunity, and within 5 working days.

An Initial Evaluation Discussion can be conducted by way of a series of telephone calls where necessary, but LADO Allegations Meetings should take the form of a face-to-face meeting with a dedicated minute taker.

The LADO will normally chair the meeting and the participants should be sufficiently senior to contribute all relevant available information about the allegation child and accused person and make decisions on behalf of their agencies.

They may include:

- Relevant social worker;
- Social Work Team Manager;
- Independent Reviewing Officer;
- Child Protection Conference Chair;
- Supervising social worker and their manager when an allegation is made against a foster carer;
- Fostering Independent Reviewing Officer;
- Designated liaison officer from the Police;
- Designated senior manager for the employer/establishment concerned;
- Senior representative of the employment agency or voluntary organisation if the member of staff or volunteer has been placed by them, unless it is alleged that they have colluded or failed to respond to previous complaints;
- Those responsible for regulation and inspection where applicable e.g. OFSTED;
- Human Resources representatives as appropriate;
- A medical practitioner with an appropriate area of specialist knowledge;
- Where a child is placed by or resident in the area of another local authority, a representative of that authority;
- Complaints officer if the concern has arisen from a complaint or a complaint investigation is in progress;
- A representative of the legal department of the local authority.

The LADO will, in consultation with the referrer and other key persons, determine who needs to be invited to the meeting.

The LADO Allegations Meeting or Initial Evaluation, as appropriate, should also:

- Consider the three possible strands set out in Section 1, Introduction above;
- Review any previous concerns or allegations about conduct of the accused person;
- Request that the Team Manager refer to the Child Protection Procedures in regards to Section 47 Enquiries and strategy meetings where this has not happened;
- Request that the Police consider if a Police investigation should be initiated;
- Consider whether any parallel disciplinary process should take place;
- Consider whether a complex abuse investigation is applicable;
- Scope and plan enquiries;
- Allocate tasks;
- Set time-scales;
- Decide what information can be shared, with whom and when;
- 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 have been affected directly and indirectly;
- Consider what support should be provided to the person against whom the complaint or allegation has been made and others who might have been affected;
- Ensure that investigations are sufficiently independent;
- Consider the arrangements to inform the child's parents, and consider how to provide them with support and information during enquiries;
- Make recommendations where appropriate regarding suspension, or alternatives to suspension, of the subject of the complaint or allegation. Suspension should not be automatic or considered as a default option, but should be used where there is no reasonable alternative. Where a suspension is deemed appropriate, the reasons and justification should be recorded and the individual notified of the reasons (See Keeping Children Safe in Education – Statutory Guidance for Schools and Colleges (DfE));
- Identify a lead contact manager within each agency;
- Agree protocols for reviewing investigations and monitoring progress by the LADO, noting the target timescales;
- Agree dates for future LADO Allegations Meetings or Section 47 Strategy Meetings;

- Consider obtaining consent from the individuals concerned by the Police and the Children's Services Trust to share the statements and evidence they obtain with the employer and/or regulatory body for disciplinary purposes.

If the allegation is about physical contact, the LADO Allegations Meetings / Evaluation Discussion should take account of any entitlement by staff in certain professions to use reasonable force to control or restrain children in certain circumstances e.g. Section 550A Education Act 1996 in respect of teachers and authorised school staff.

10. Reviewing Progress

The LADO should regularly monitor the progress of cases either by:

- Convening a Review LADO Allegations Meetings;
- Contacting agencies via a series of phone calls to request an update;
- By liaising with the Police and/or Doncaster Children's Services Trust.

Monitoring timescales should be agreed at the Evaluation or Allegations meeting, and should be either fortnightly or monthly depending on the complexity of the case.

A final LADO Allegations Meeting or Evaluation Discussion should be held at the end of enquiries to ensure that all tasks have been completed and where appropriate to agree an action plan for learning lessons in order to inform future practice.

11. Outcomes

To conclude an Allegations management episode the line 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;
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 either prove or disprove the allegation; the term therefore does not imply guilt or innocence;
5. **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

All relevant professionals must keep their relevant senior officer with responsibility for allegations and the LADO informed of any developments in the case. Children's Social Work Services should not close a case in which the LADO is involved without consulting them. The senior officer with responsibility for allegations must ensure that the LADO is aware of the outcomes of the actions within the allegations management process, and the LADO and senior officer with responsibility for allegations 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 officer with responsibility for allegations.

12. Resignations and 'Compromise Agreements'

The fact that a person tenders their resignation or ceases to provide their services must not prevent an allegation from being followed up in accordance with these procedures and a conclusion reached.

A so called "compromise agreement" by which a person agrees to resign, the employer agrees not to pursue disciplinary action and both agree a form of words to be used in any future reference must not be used in situations which are relevant to these procedures. 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 the Children's Services Trust and/or the LADO or team of officers. It is an offence to fail to make a referral without good reason.

In any event, such an agreement will not prevent a thorough Police of Child Protection Investigation where appropriate.

Wherever possible the person should be given a full opportunity to answer the allegation and make representations about the allegation. The investigation should continue to a conclusion even if the person or employer refuses to cooperate.

13. Disciplinary Process or Assessment Regarding Suitability

The LADO and the designated senior manager should discuss and agree what action is appropriate in all cases where:

- It is clear at the outset or decided by a LADO Allegations Meeting / Evaluation Discussion that investigations by the Police or enquiries by the Children's Services Trust are not necessary;
- The employer and LADO is informed by the Police or the Crown Prosecution Service (CPS) that a criminal investigation and any subsequent trial is complete or that an investigation is to be closed without charge or a prosecution discontinued.

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

- Information provided by the Police and/or the Children's Services Trust;
- The result of any investigation or trial and the different standard of proof in disciplinary and criminal proceedings.

The options will range from no further action to summary dismissal or not using the person's services in future.

Where the Evaluation Discussion decides with the Police that the allegation does not involve a possible criminal offence it will then be dealt with by the employer who should institute appropriate action within 3 working days.

If a disciplinary hearing is required and it can be held without further investigation, the hearing should be held within 15 working days.

Where further investigation is needed to decide upon disciplinary action, the employer and the LADO should discuss who should undertake this.

In some circumstances it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the employer or person's line management to ensure objectivity.

In any case the investigating officer should aim to provide a report within 10 working days.

On receipt of the report, the employer should decide within 2 working days whether a disciplinary hearing is needed and if so it should be held within 15 working days.

14. Sharing Information for Disciplinary Purposes

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.

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

15. Record Keeping

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 in accordance with the employer's record retention procedures.

The record will provide accurate information for any future reference and provide clarification if a future Disclosure and Barring Service disclosure reveals an allegation that did not result in a prosecution or a conviction. It will prevent unnecessary re-investigation if the allegation should resurface.

Details of allegations that are found to be malicious should be removed from employer personnel records.

Each agency/organisation must take great care to ensure that the records they keep respect the confidentiality of the alleged victim and/or the accused adult i.e. the child's file should only contain limited information about the accused adult and the accused adult's file should only contain limited information about the alleged victim.

Upon completion of the case all agencies other than the employer will review their need to keep any of the information. It is preferable for agencies only to keep minimal information so that signposting can take place if necessary at a later stage in order for further information to be sought from the LADO.

Only minimal information will be put on the child's file so that signposting can take place if necessary at a later stage for further information to be sought from the LADO if required. If there is a specific file relating to the accused adult then information including minutes of meetings can be put on the accused adult's file.

The LADO will keep confidential records of all referrals to the LADO and copies of all LADO Allegations Meeting minutes and the outcome of all cases will be kept securely by the LADO for a period of 75 years after the LADO Allegations Meeting was held.

16. Monitoring Progress

The LADO will 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 assist the Safeguarding Children Partnership to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the Department of Education as required.

The Police can consult the Crown Prosecution Service (CPS) at any stage about the evidence needed to charge a person, but they should also set target dates for reviewing the progress of the investigation and consulting the CPS about charging, continuing or closing the investigation. This should be no later than 4 weeks after the Evaluation Discussion wherever possible and fortnightly or monthly thereafter, if the investigation continues.

17. Action in Respect of Unsubstantiated Allegations

Where there is insufficient evidence to substantiate an allegation the employer should consider what further action, if any, should be taken.

18. Action in Respect of False Allegations

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

If an allegation has been deliberately invented or is malicious, the Police should be asked to consider whether any action might be appropriate against the person responsible. (In an educational establishment, the headteacher/proprietor should consider whether any disciplinary action is appropriate against the pupil who made the allegation). Any action the school decides to take should not discourage others in the future who may have genuine concerns from coming forward.

19. Referral to the Disclosure and Barring Service

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide their services, the LADO will discuss with the employer whether to refer the case to the Disclosure and Barring Service for consideration of inclusion on the barred lists; or to refer to their professional registered body. There is a legal requirement for employers to make a referral to the Disclosure and Barring Service (DBS) where they think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child or if a person otherwise poses a risk of harm to a child, now or in the future. In such circumstance, the duty to refer an

individual to the DBS arises when an employer has removed the individual from relevant work with children or the person has chosen to cease relevant work in circumstances where they would have been removed had they not done so. The referral should be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person's services.

Professional misconduct cases should be referred to the relevant regulatory body, e.g. Social Work England, the Health and Care Professionals Council, the Teaching Regulation Agency and the General Medical Council.

Where it is decided on the conclusion of a case that the individual can be considered for return to work with children, the employer must consult with the LADO about any required safeguarding measures.

Flowchart: Allegations/Concerns Against Staff

[Click here to view the Allegations / Concerns Against Staff Flowchart.](#)