

INTRODUCTION:

The aim of this guide is to explain the processes involved and the support and guidance available, if it is alleged that you have:

- Behaved in a way that has harmed a child or may have harmed a child, or
- Possibly committed a criminal offence against or related to a child, or
- Behaved towards a child or children in a way that indicates you may pose a risk of harm to children
- *Behaved or may have behaved in a way that indicates that they may not be suitable to work with children (ONLY for schools)*

SECTION A: INITIAL ACTION

Your manager or agency 'Designated Safeguarding Lead' will consider initial action(s), taking advice from the Local Authority Designated Officer (LADO). That person will consult with Children's Social Care (CSC) and the Police as necessary. The Police may advise that you are not told immediately about the allegation in order not to compromise any potential investigation. However, in other circumstances you will be informed as soon as possible of the allegation.



The LADO will advise one, or a combination of the following:

- a) The child / young person requires inquiries and assessment by CSC about whether they need protection or services.
- b) A police investigation of a possible criminal offence.
- c) Consideration by the employer, or organisation, of disciplinary action (or of advice and training if appropriate). If you volunteer for the organisation, a decision may be taken to cease using your services.
- d) After any initial enquiries, the allegation is without foundation and no further action is necessary.

If a) or b) is being considered a child protection strategy discussion may take place. This will be chaired by CSC and include the Police, Health, the LADO, and normally a senior representative of your organisation and Human Resources (HR). You will not be invited.

The discussion will focus on the needs of the child or children who may be at risk and draw together actions under the three strands a) to c) above. It will determine what actions will be taken but this discussion is not part of any disciplinary procedure. It is effectively a risk assessment.

If c) is considered an investigation will be initiated under your organisation's disciplinary and / or capability procedures (where relevant).

If d) is considered, you will be told verbally and in writing by your organisation that the

allegation is without foundation and that no further action will be taken.

SECTION B: TYPES OF POSSIBLE INVESTIGATION

- **Child protection enquiries** by Children's Social Care (under section 47 of the Children Act, 1989).
- **Criminal investigation** by the police
- **Disciplinary / Capability investigation** by your organisation (where relevant).

A disciplinary investigation is usually held in abeyance until external agency investigations are complete (unless prior agreement is reached with the police, Children's Social Care and the LADO). Whilst these investigations should be conducted as quickly as possible, they should also be balanced against the needs to be thorough and fair. Statements taken in external investigations e.g. by the police, may be used in subsequent disciplinary proceedings.

SECTION C: TIMESCALES

The timescales for the investigative processes, mentioned in Section B, are difficult to determine e.g. the length of time to complete a criminal investigation.

However, it is the role of the LADO to monitor progress in relation to any investigation and ensure that it is concluded as quickly as possible.

SECTION D: SUSPENSION

A decision to suspend rests solely with your organisation. Suspension is a neutral act and should not be automatic. Where possible, the decision to suspend should be informed by the strategy discussion or consultation with the LADO.

Suspension should only occur when:

- A child or young person may be at risk.
- The allegations are so serious that dismissal for gross misconduct is a possibility.
- Suspension is necessary to allow the conduct of the investigation to proceed unimpeded.

Alternatives to suspension should always be considered e.g. leave of absence; transfer of duties; additional supervision etc.

Where suspension is being considered, a meeting with you will normally be arranged by your organisation. The policy of many organisations will likely allow you to be accompanied by a trade union / professional association representative or a work colleague.

You are advised to seek the support of your trade union / professional association representative, wherever possible. If you are suspended, one of his / her roles will be to promote your interests and raise issues that may be of concern to you.

In certain circumstances due to the seriousness of the allegation a meeting to

consider suspension may not take place, in which case your employer will notify you directly.

You will be notified in writing of the suspension with as much detail as possible for the reason for this decision (provided that in doing so it would not compromise police and / or Children's Social Care investigations).

SECTION E: WHO WILL BE NOTIFIED

People, including other staff / volunteers, should only be told about the allegation on a 'need to know basis'. Notification may be delayed if police think this would prejudice an investigation. Those who will be told of the allegation and likely course of action include:

- You
- The child/young person concerned,
- The parent / carer,
- The person making the allegation,
- Your manager, and the HR representative of your organisation - where appropriate.
- If you are suspended and a governing body is involved e.g. in the case of a teacher, they will be given limited information, so any potential future disciplinary process is not prejudiced.
- If the matter becomes common knowledge, particularly in the case of a school, it may be necessary to issue a brief statement, agreed by the agencies concerned, to parents / carers and the public.

SECTION F: SUPPORT

You should be:

- **Advised to contact your trade union / professional association representative.**
- **Given a workplace contact who will update you about the progress of the investigation(s) and consider support for you.**
- **Social contact with colleagues should not be precluded unless detrimental to the investigation(s).**
- **The type of information and frequency of contact should be agreed, but colleagues should not comment or discuss the investigation (including the concern / allegation itself).**
- **Offered support e.g. counselling service, occupational health support (if available) etc.**
- **If you have been suspended and it is decided that you should return to work, your trade union / professional association can assist in negotiating and planning your return**

This will be a stressful time and you are strongly advised to see your GP if you feel your health might be affected.

SECTION G: RESIGNATION

If you make the decision to resign before the process is concluded the organisation will still continue with its investigation and reach a conclusion.

This could lead to a barring referral to the DBS.

SECTION H: RECORD KEEPING

Your employer is required to keep a comprehensive summary of the allegation, details of how the allegation was managed including any actions taken or decisions reached. This is kept securely and confidentially on your personnel file and a copy of this documentation made available to you.

Unless the allegation is found to be malicious, this information will be held until you reach normal retirement age, or 10-years if that is longer. The LADO will also keep a central record of all allegations. Other agencies, if involved, will keep its own records.

Possible outcomes which will be recorded include: substantiated, unsubstantiated, unfounded, false or malicious.

SECTION I: REFERENCES AND THE DISCLOSURE & BARRING SERVICE (DBS)

Where the outcome of an investigation into an allegation is false, unsubstantiated or malicious your employer should not include

this in a reference. However, if the outcome is substantiated your employer should refer to this if it is relevant and appropriate to do so.

If you are dismissed for misconduct (for safeguarding related reasons) or otherwise considered unsuitable to work with children, or you resign but may have been dismissed if you had not, your employer must report the case to the DBS for consideration of barring you or restricting future employment with, children. If referred, the DBS should inform you and will give you the right to make representation.

If you are a teacher the matter will be reported to the Teaching Regulation Agency.

SECTION J: FURTHER INFORMATION

For more detailed information about the process see:

[South West Child Protection Procedures Working Together to Safeguard Children'](#)

Education staff refer to DfE guidance: ['Keeping Children Safe in Education'](#), 2020, Part 4, p.56.



The process for managing allegations

(part 4, 'Keeping Children Safe in Education', 2020 & the South West Child Protection procedures)



A summary for Employees / volunteers

Version 1, October 2020