

Bolton  
Safeguarding  
Children

**Bolton**  
**Council**

# Bolton Safeguarding Children Board

Procedures for  
Managing Allegations  
against people who work with  
children and young people

September 2013

<b>CONTENTS</b>		<b>Page</b>
1.	<b><u>Introduction</u></b>	4
1.1	Duty placed upon Local Safeguarding Children Boards	4
1.2	Duty placed upon organisations	4
1.3	What is an allegation?	4
2.	<b><u>Principles</u></b>	5
2.1	What do we mean by professional?	5
2.1	Who is the procedure for?	5
3.	<b><u>Key roles</u></b>	5
4.	<b><u>The Process</u></b>	6
4.1	The criteria for referral to LADO	6
4.2	When to contact the LADO	6
4.3	Initial considerations with the LADO	6
4.4	When immediate action is required	7
4.5	Initial Consideration Meetings	7
4.6	Professional Strategy Meeting	7
4.7	Who attends the meeting?	8
4.8	What happens at the meeting?	8
4.9	Burden of proof required	8
5.	<b><u>Confidentiality</u></b>	9
5.1	Data protection	9
5.2	Information Sharing	9
5.3	Confidentiality agreement	9
5.4	Requests for minutes of meetings	9

6.	<b><u>Record Keeping</u></b>	10
6.1	Purpose of records	10
6.2	What records should Senior managers make?	10
6.3	What records should the employer keep?	10
6.4	What records does the LADO keep?	10
6.5	What is included in PSM minutes?	10
6.6	How long are records retained?	10
6.7	References	11
7.	<b><u>Consideration of suspension</u></b>	11
7.1	Duty of employer	11
7.2	What should be recorded?	12
8.	<b><u>Actions on conclusion of the case</u></b>	12
8.1	Categorising the Allegation	12
8.2	Disciplinary proceedings	12
8.3	Referral to professional/regulatory body or DBS	12
8.4	Specialist assessments	13
8.5	Lessons learned	13
9.	<b><u>Challenging practice</u></b>	13
10.	<b><u>Historical abuse</u></b>	13
11.	<b><u>Further Information</u></b>	13
Appendix A	Links to other documents	15
Appendix B	Key BSCB agencies	16
Appendix C	Process Flowchart	17
Appendix D	First Five Minutes	18
Appendix E	Possible Professional Strategy Group	19

Appendix F	Guidance for staff attending a professional abuse strategy meeting	20
Appendix G	Consideration of alternatives to suspension	22
Appendix H	Definitions	24
Appendix J	Clarification of actions regarding references (schools only)	26

# 1

## INTRODUCTION

The vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment that secures the wellbeing and very best outcomes for children and young people in their care; however children can be subjected to abuse by those who work with them in any and every setting.

We also know that some professionals may feel vulnerable to false allegations. The length of time taken to deal with cases, plus the widespread publicity some cases attract can have very damaging effects on children, the adults involved, their families and their carers. It is in everyone's interest to have a rigorous, fair and timely system for dealing with allegations of abuse.

There are three main guidance documents which relate to Managing Allegations, Safeguarding and Safer Recruitment in Education 2007, Dealing with Allegations against Teachers and School Staff 2012 and Working Together 2013 (WT2013 replaced WT2010); however this includes little guidance around managing allegations. This policy document is intended therefore to bring together existing guidance, together with good practice examples from WT2010.

This document provides practice guidance for employers and Local Authority Designated Officers (LADOs) when allegations are made. It does not replace or take priority over any aspect of employment law and should be used in conjunction with Bolton Safeguarding Children Board procedures

### 1.1 **Duty placed upon Local Safeguarding Children Boards**

Working Together 2013 (which reinforces Section 11 Children Act 2004) places a duty on the Local Safeguarding Children Board (LSCB) to have a clear policy for managing allegations against those who work with children and young people and for its partner agencies to have clear policies in line with that of the LSCB.

### 1.2 **Duty placed upon organisations**

All organisations that provide services for children; or provide staff or volunteers to work with or care for children should operate a procedure for handling such allegations and should identify a senior manager (or chair of governors if the Head Teacher is subject of the allegation themselves) within the organisation to whom all allegations or concerns are reported.

### 1.3 **What is an allegation?**

An allegation may relate to a person who works with children who has:

- Behaved in a way that has harmed, or may have harmed, a child
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children

## 2

## PRINCIPLES

Bolton Safeguarding Children Board believes that the welfare of the child is paramount and that allegations against professionals should be investigated with the same thoroughness as allegations against parents and carers.

These procedures need to be applied using common sense and reasoned judgement.

This is intended as a policy document that should complement existing professional procedures, protocols and guidance which relates to specific roles, responsibilities or professional practices. It should be read in conjunction with the documents listed in **Appendix A**.

### 2.1

#### What do we mean by professional?

The term professional is used throughout to refer to people acting on behalf of an agency whether in a paid, professional or voluntary capacity, this includes foster carers.

It is not possible in a single document to differentiate between the many different providers of services to children. Individual organisations or professionals may need to adapt the terminology used when applying this guidance to their own circumstances.

### 2.2

#### Who is the procedure for?

*It is important to remember that statutory guidance and legislation relating to managing allegations is directed at the employer. It is the employer's duty to adhere to the guidance and to seek the advice of the LADO. Where there is no 'obvious' employer the allegations should be brought to the attention of the LADO.*

## 3

## KEY ROLES

### Case Manager

Each agency should have a senior manager at local level or designated case manager who is acting on behalf of the most senior manager. In the case of a school a Senior manager could act as case manager on behalf of the Head Teacher.

### Senior nominated officer (SNO)

All LSCB member organisations should have a named senior officer with overall responsibility for ensuring that their organisation operates procedures for dealing with allegations.

### Local Authority Designated Officer (LADO)

The LSCB should have in place a LADO to be involved in the management and oversight of individual cases. The LADO should provide advice and guidance to employers and voluntary organisations, liaising with the police and other agencies and monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process. The LADO role covers any individual working

with children in Bolton and from all agencies and sectors.

Child Protection Unit

Officers, who may advise, deputise for LADO in their absence.

Bolton Safeguarding Children Board (BSCB)

A statutory partnership responsible for making sure that children and young people in Bolton are safe. BSCB members include representatives from Bolton Council, Health agencies, Police, Probation, local Schools, Children and Family Court Advisory Support Service (CAFCASS), the faith and voluntary sector. Contacts for BSCP partners can be found at Appendix B.

## 4 THE PROCESS

### 4.1 The criteria for referral to LADO

All those involved in the management of allegations should be familiar with the process (**see Appendix C for Process flowchart**).

All staff should be aware of the first five minutes process (Appendix D) and should inform their line manager, at the earliest opportunity (immediately for schools), when a concern arises where an adult working with children may have:

- *Behaved in a way that has harmed, or may have harmed a child*
- *Possibly committed a criminal offence against or related to a child*
- *Behaved towards a child in a way that indicates they may pose a risk of harm to children*

### 4.2 When to contact the LADO

The LADO should be informed within one working day of all allegations that come to an employer's attention, which appear to meet the criteria.

### 4.3 Initial considerations with the LADO

The LADO should first establish, in discussion with the employer, that the allegation is within the scope of these procedures and may have some foundation.

The LADO will discuss the matter with the employer (case manager acting on behalf of the organisation) and, where necessary, obtain further details of the allegation and the circumstances in which it was made.

Any tasks to gather information such as statements etc. are then under advice from the LADO, who is independent of the organisation and objective.

Once all relevant information is gathered the employer and LADO would consider whether the allegation is, on the balance of probability, false or unfounded and would therefore require only a single agency response i.e. no other agencies need become involved. (**See Appendix D First Five Minutes**).

Recommendations may be made to the employer at this stage regarding their next steps.

All information would be recorded and the case would be filed as a 'no further action' for the LADO i.e. one that does not require a professional strategy meeting.

#### **4.4 When immediate action is required**

Some allegations are so serious as to require immediate referral to social care and to police for investigation. Others are much less serious, and at first sight may not seem to warrant consideration of a police investigation or enquiries by children's social care. However, it is important to ensure that even apparently less serious allegations are seen to be followed up, and that they are examined objectively by someone independent of the organisation concerned.

#### **4.5 Initial Consideration Meetings**

Occasionally an allegation/concern is referred which is complex in nature and many agencies are involved in providing information, however it has not been established that the criteria for a professional strategy meeting has been met i.e. it is not known if harm was caused by a particular professional. In simpler cases, as above, this could be resolved by LADO and employer, however in complex cases it is beneficial to bring all those who may be able to add information or further investigate the case together. In these cases the LADO may call an 'Initial Consideration Meeting'. This meeting would often be able to establish information, generate discussion and would make recommendation and decisions about who would gather what information. If information is established that the allegation then meets the criteria, a professional strategy meeting would then be called.

#### **4.6 Professional Strategy Meeting(PSM)**

A professional strategy meeting will be arranged by the LADO and professionals will be invited who can provide information, in respect of the subject of the allegation or the alleged victim, or may be able to action any recommendations, this would normally include Police, Social Care, employer or senior manager (case manager). In the case of a Head Teacher this would be the Chair of governors. All those invited will help form part of the Strategy group (**See Appendix E**).

The Strategy Meeting Group (SGM) will be chaired by the LADO and will discuss the allegation and cover the following areas:-

- Consider whether a Section 47 Enquiry (Children Act 1989) has been carried out or is required and/or police investigation and consider the implications.
- Ensure that arrangements are in place to protect the child/ren involved and any other child/ren affected.
- Review any previous concerns or allegations regarding the conduct of the subject of the allegation.

- Consider what support should be provided to all children who may have been affected directly and indirectly.
- Make arrangements to inform the child's parents/carers or the parents/carers of any other children involved, and consider how to provide them with support and information during enquiries.
- Consider what support should be provided to the subject of the allegation and others who might have been affected.
- Where the allegation is against a foster carer independent support should be offered.
- Where the allegation is for physical contact the group should take into account legislation relating to reasonable restraints and the use of reasonable force (**see Linked documents Appendix A**).
- Review the case against three criteria: criminal, child protection and disciplinary.
- Consider whether any parallel disciplinary process can take place.
- Determine what information can be shared, with whom and when.
- Make recommendations, where appropriate, regarding suspension, or alternatives to suspension to the employer.
- Agree protocols for reviewing and consider the need to share information with the employer or voluntary organisation.
- Formulate actions in regards to the above.

#### 4.7 Who attends the meeting?

This would normally include Police, Social Care, employer or senior manager (case manager). In the case of a Head Teacher this would be the Chair of governors.

See guidance for staff attending a professional strategy meeting (**see Appendix F**).

#### 4.8 What happens at the meeting?

It is imperative that any child who is the subject of an investigation is interviewed by identified members of the investigation team, in line with BSCB procedures. It is not expected that the Professional who is subject of the allegation nor the child/family making the allegation attend the PSM.

#### Burden of proof required

#### 4.9

*It is important that all agencies understand that action to protect children or disciplinary proceedings is not dependent upon a police prosecution (as beyond reasonable doubt). The group will consider all information available on **'the balance of probability'**.*

## **5 CONFIDENTIALITY**

### **5.1 Data Protection**

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

The Data Protection Act 1988 and the Human Rights Act 1998 are the two main legislative frameworks governing how and what and in what circumstances information may be shared. However disclosure of any confidential information should always be appropriate for the purpose and only to the extent necessary to achieve that purpose.

Information sharing: guidance for practitioners and managers 2008 supports those who have to make decisions about information sharing on a case by case basis.

### **5.2 Information Sharing**

Professional strategy meetings are held under strict confidentiality agreements between the group, and the meeting is held on behalf of Bolton Safeguarding Children's Board.

The information being discussed is of a highly confidential nature and reports should not be copied without the prior consent of the author of the report or the chair. Any information discussed verbally should not be passed onto anybody outside the meeting without first obtaining the permission of the person who provided that information, or the chair.

### **5.3 Confidentiality agreement**

All those invited to PSM will receive minutes, which also carry this confidentiality agreement.

All information relating to the subject of the allegation and the alleged victim should be shared at PSM. Police and Social Care should seek permissions to share statements etc., where relevant.

### **5.4 Requests for minutes of meetings**

The minutes of the professional strategy meeting are extremely confidential. Agencies and regulatory bodies may request a copy of the minutes but these may not be shared without the permission of the chair.

For Disclosure and Barring Services (DBS) purposes this may be requested under section 40 of the Safeguarding Vulnerable Groups Act (SVGA) 2006 and the SVGA regulations 2008 and falls within schedule one. Advice should be first sought from LADO or legal team before sharing.

Where a request is submitted under Subject Access Request under the Data Protection Act 1998 or Freedom of Information request to the Local Authority this would not be provided.

*A redacted version, prepared by the employer or relevant member of the professional strategy group, may be shared under certain circumstances, **only** after approval by LADO.*

## **6. RECORD KEEPING**

### **6.1 Purpose of Records**

The purpose of keeping records of allegations managed is to enable accurate information to be given in response to future requests for references. It will provide future clarification where DBS disclosures reveal information from the police about an allegation, that did not result in a criminal conviction and it will help prevent unnecessary reinvestigation if, as sometimes happens, an allegation resurfaces after a period of time.

### **6.2 What records should Senior Managers make?**

The senior manager or employer should ensure that a factual account of the allegation is initially recorded, dated and signed. A chronology of events initiated and key information identified.

### **6.3 What records should the employer keep?**

It is important that employers then keep a clear and comprehensive summary of any allegations made, details of how the allegations were followed up and resolved and of any action taken and decisions reached. These should be kept in the subject's confidential personnel file and a copy given to them.

### **6.4 What records does the LADO keep?**

The LADO should keep an accurate record of all referral discussions, recommendations made and any outcomes which are resolved at Initial consideration stage (i.e. resolved by a single agency without the need for a PSM). The LADO records and retains all relevant information on behalf of BSCB.

### **6.5 What is included in PSM minutes?**

It is important that comprehensive minutes are taken of PSM discussions together with professional opinions, events leading to the allegation, with context of any incidents and a clear rationale for decisions and recommendations made. The LADO case file should record actions taken and final outcomes.

### **6.6 How long are records retained?**

Records should be retained at least until the subject has reached normal retirement age or for a period of 10 years from the date of the allegation, if that is longer.

The LADO should report managing allegations data to BSCB quarterly

and annually. This includes identifying themes and making recommendations to further safeguard children.

## 6.7 References

The guidance for Schools 2012 gives clear directions with regards to information to be retained and shared in response to references with respect to Teachers and School staff which differs significantly to that of all other professionals. (**See Appendix G** for clarification in relation to Teachers and School staff **only**).

*For all other agencies and professionals, records relating to those which have been found to be 'substantiated', as well as those 'without substance', must also be retained. (Refer to BSCB procedures and information sharing guidance).*

## 7. CONSIDERATION OF SUSPENSION

The possible risk of harm to children posed by the subject of an allegation should be evaluated and managed in respect of the child/ren involved in the allegations. In some cases that will require the case manager to consider suspending the subject of the allegation until the case is resolved. However suspension must not be an automatic response. Suspension should be considered only in a case:

- Where there is cause to suspect a child or other children is/are at risk of significant harm or
- The case is so serious that it might be grounds for dismissal.

A person should not be suspended automatically. The case manager must consider carefully whether the circumstances warrant suspension from contact with children or until the allegation is resolved, and may wish to seek advice from their personnel adviser and the LADO.

*The PSM will seek advice from Police and Social Care colleagues; however, the group can only make recommendations. The decision to suspend lies purely with the employer.*

### 7.1 Duty of employer

The employer should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. (**See Appendix G**).

### 7.2 What should be recorded?

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the case manager and the LADO. This should also include what alternatives to suspension have been considered and why they were rejected.

## 8 ACTIONS ON CONCLUSION OF THE CASE

Whilst guidance urges that cases are resolved as quickly as possible, some cases which require protracted police investigation and /or court proceedings can become lengthy. The LADO should review the case at regular intervals and update the group on any progress. It is vital therefore that the group has access to all information and are involved/informed of the resolution of the case.

The group or LADO may make recommendations to support the subject of the allegation should they return to work from any suspension.

### 8.1 Categorising the Allegation

The Professional Strategy Group will be asked to consider and give a rationale to categorise the allegation as:

- Substantiated
- False
- Malicious
- Unfounded
- Unsubstantiated
- 

(*See Appendix H for definitions of categories*)

It is not the role of the LADO to make decisions but is the PSG as a whole make recommendations relating to the case.

### 8.2 Disciplinary proceedings

Any police investigation would normally take precedent and the LADO should liaise with police to ensure that any disciplinary does not breach rules of sub judice (*see Appendix H*).

The LADO would seek police consent to run parallel proceedings were possible.

The LADO should seek permissions for police to share information with disciplinary hearings.

### 8.3 Referral to professional/regulatory body or DBS

The duty to refer to the Disclosure and Barring Service (DBS) lies purely with the employer. If an organisation removes an individual (paid worker or unpaid volunteer) from work, or would have done had the person not left first, because the person poses a risk of harm to children, **the organisation must make a referral to DBS**. It is an offence to fail to make a referral without good reason.

Information relating to making a referral to DBS can be found at **Appendix A**.

The DBS however will only consider referrals for those working in 'regulated activity' or in 'regulated environments'. Therefore the employer should consider guidance provided by DBS and liaise with the LADO and/or their personnel advisor.

If the subject is regulated by a professional body or regulator e.g. GMC, Ofsted, The Teaching Agency, then consideration should be given by the employer of referral to that body within one month.

#### **8.4 Specialist assessments**

Very rarely a specialist assessment is required of an adult's behaviour which is deemed inappropriate and should be commissioned by the employer in order to assess any risk posed to children.

#### **8.5 Lessons learned**

At the conclusion of a case the LADO should review the circumstances with the employer or case manager. This is to determine whether there are any improvements to be made to procedures or practice to help prevent similar events or allegations in the future. This should also include consideration of suspension, whether this was justified, and whether any lessons can be learned for future practice.

### **9 CHALLENGING PRACTICE**

The managing allegations process and the role of the LADO is statutory within WT2013 and sits within the BSCB framework.

Information under these procedures is gathered on behalf of and retained by the BSCB, information is given voluntarily and is retained by the agencies and professionals providing it.

Any issues regarding the process of Managing Allegations should first be discussed with the LADO. Should an issue remain unresolved then the matter should be referred to Head of Service, Child Protection Unit, Paderborn House, Bolton who should consider all information and advise next steps.

### **10 HISTORICAL ABUSE**

Historical allegations should be responded to in the same way as contemporary concerns. In these cases it is important to find out if the subject of the allegation is still working with children, in a paid or voluntary role. Often Historical allegations are complex and require protracted Police and/or Social care investigations

### **11 Appendices**

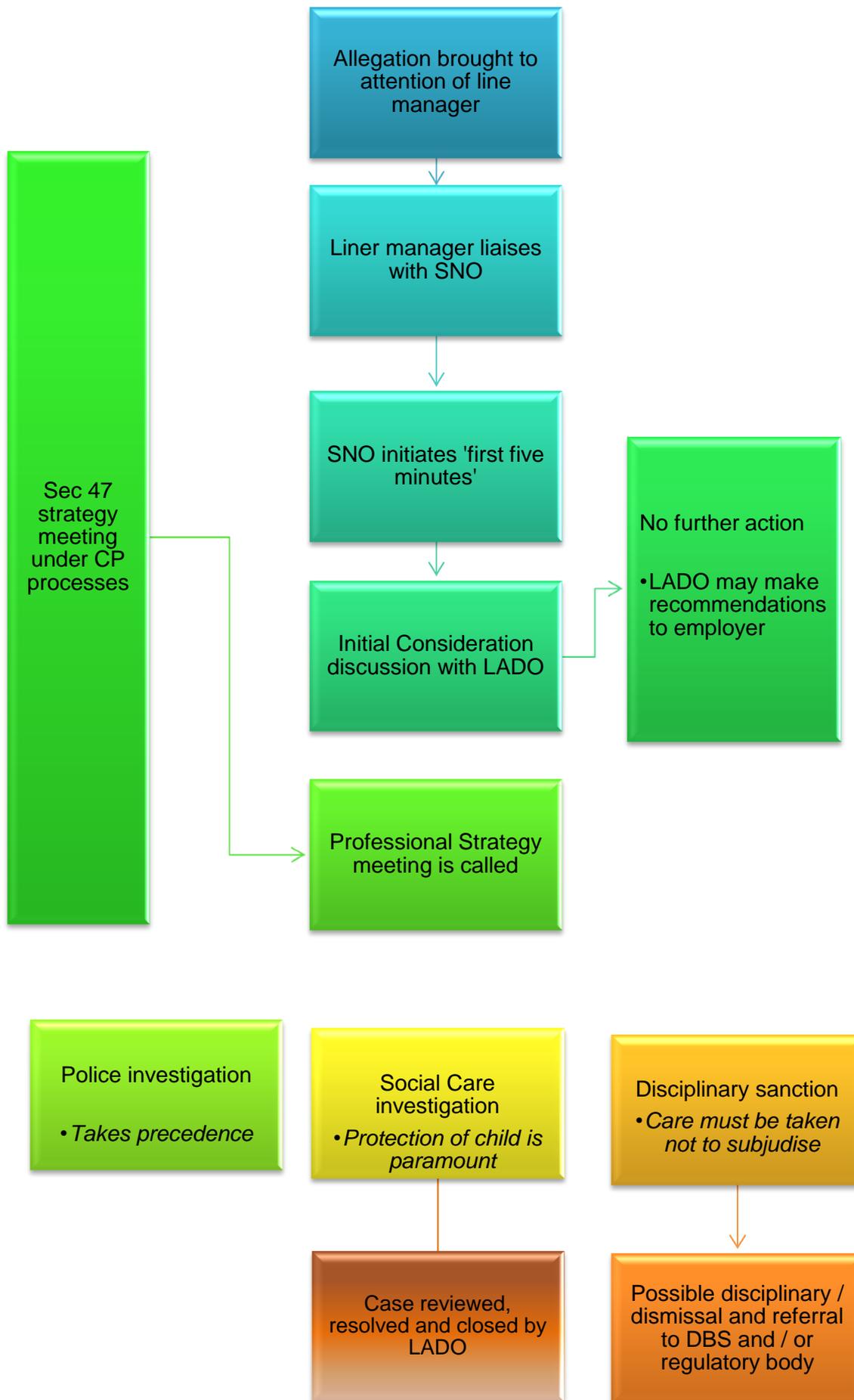
This page has been intentionally left blank.

### Links to other documents

1. [Working Together to Safeguard Children \(2013\)](#)
2. [Dealing with Allegations of Abuse against teachers and other school staff \(2012\)](#)
3. [Dealing with allegations against foster carers](#)
4. [Safeguarding and Safer Recruitment in Education \(January 2007\)](#) (under review)
5. [Guidance for Safer Working Practices for Adults who work with Children and Young People \(2007\)](#)
6. [Bolton Safeguarding Children Board procedures and protocols](#)
- 7.. [The Children Act 2004](#)
8. [Educations Act 2002](#)
9. [Information sharing: guidance for practitioners and managers \(2008\)](#)
- 10 [Disclosure and Barring Service](#)
- 11 [Use of reasonable force](#)

**BSCB contacts****Appendix B**

Key Agency	Role	Contact
Children's Services	Head of Service Child Protection Unit	01204 337470
Bolton Council of Mosques	Executive member Vice Chair Asif Patel	07711 735292
Education settings	Safeguarding in Education Officer Child Protection Unit Paderborn House Bolton	01204 337472
Clinical Commissioning Group	Associate Director Safeguarding Pam Jones Ground floor St Peters House Silverwell St, Bolton	01204 463389
Bolton NHS Foundation Trust	Senior nominated officer Helen Clarke  Named Nurse Child Protection, Fiona Farnworth  Safeguarding children Team Ingrid Derbyshire, HR dept	01204 390390  01204 390263  01204 463388 01204 390390
Probation Service	District Manager Joanne Hickey	3000 478416
Greater Manchester Police	Superintendent Public protection and Investigations unit (PPIU)	0161 856 6583
LADO	Paula Williams LADO Child Protection Unit Paderborn House Bolton	01204 337474



# Managing allegations against those working with children

## “THE FIRST FIVE MINUTES”

What to do if an allegation or incident against a staff member is received.

Manager/Person in Charge receives complaint.

Make sure children are safeguarded  
Refer to Advice & Assessment (if required)

At this stage **do not** question the victim or alleged perpetrator or witnesses.

Ring Senior Nominated Officer

Senior Nominated officer will discuss with LADO and agree course of action.

3 Possible Courses of Action

Action by School or Establishment

No Further Action

Strategy Meeting

Paula Williams  
LADO  
Tel: 01204 337474



The LADO considers which professionals, agencies, employers and regulators to invite to the Professional Strategy Group and takes advice on who would be able to bring information to the meeting and /or action any recommendations and further support the process. These would make up the Professional Strategy Group.

### Checklist for staff attending a professional abuse strategy meeting

A professional invited to provide information, in respect of the subject of the allegation or the alleged victim, will help form part of the Strategy group. This checklist is aimed to assist and offer support when invited to a strategy meeting. It is important that attendees are able to participate fully.

	<b>Ask yourself</b>	<b>X / ✓</b>
	Am I able to bring along relevant information?	
	Am I able to action or feedback tasks?	
	Is this person known to my service?	
	Am I familiar with the case notes?	
	Do I feel there may be a conflict of interest? Do I know the subject personally/work in closely with the subject?	
	Has a section 47 enquiry been carried out? Is one required prior to the professional strategy meeting	
	<b>Please bring along (where app.)</b>	
1	Name, address, DOB of alleged victim(s)	
2	Name, address, DOB of subject(s)	
3	Chronology of recent events	
4	What you know about the incident	
5	What you know about the victim	
6	What you know about the subject(s) of the allegation	
7	Any record/ notes of interviews	
8	Any record/ notes of assessments	
9	Historical information about the alleged victim	
10	Historical information about the subject(s) of the allegation	

### **Guidance for staff attending a professional abuse strategy meeting**

The vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment that secures the wellbeing and very best outcomes for children and young people in their care; however children can be subjected to abuse by those who work with them in any and every setting.

We also know that some professionals may feel vulnerable to false allegations. The length of time taken to deal with cases, plus the widespread publicity some cases attract can have very damaging effects on children, the adults involved, their families and their carers. It is in everyone's interest to have a rigorous, fair and timely system for dealing with allegations of abuse.

Occasionally an allegation may be so serious that child protection concerns will need to be addressed by a section 47 enquiry by police and social services prior to the professional abuse strategy meeting.

### **What happens at a strategy meeting?**

The Strategy Meeting Group will discuss the allegation and cover the following areas:-

- Review the case against three criteria: criminal, child protection and disciplinary.
- Review any previous concerns or allegations regarding the conduct of the accused person.
- Consider whether a Section 47 Enquiry (Children Act 1989) has been carried out or is required and/or police investigation and consider the implications.
- Consider whether any parallel disciplinary process should take place.
- Consider whether a complex abuse investigation is applicable.
- Determine what information can be shared, with whom and when.
- Ensure that arrangements are in place to protect the child/ren involved and any other child/ren affected.
- Consider what support should be provided to all children who may have been affected directly and indirectly.
- Make arrangements to inform the child's parents/carers or the parents/carers of any other children involved, and consider how to provide them with support and information during enquiries.
- Make recommendations, where appropriate, regarding suspension, or alternatives to suspension.
- Agree protocols for reviewing and consider the need to share the statements and evidence with the employer or voluntary organisation.
- Consider what support should be provided to the subject of the allegation and others who might have been affected.
- Formulate actions in regards to the above

**Consideration of alternative to suspension**

The possible risk of harm to children posed by an the subject of an allegation should be evaluated and managed in respect of the child/ren involved in the allegations. In some rare cases that will require the case manager to consider suspending the accused until the case is resolved. Suspension must not be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step. If the case manager is concerned about the welfare of other children in the community or the Teacher's family, those concerns should be reported to the LADO or police. But suspension is highly unlikely to be justified on the basis of such concerns alone.

Suspension should be considered only in a case where there is cause to suspect a child or other children is/are at risk of significant harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the case manager must consider carefully whether the circumstances warrant suspension from contact with children or until the allegation is resolved, and may wish to seek advice from their personnel adviser and the LADO.

The case manager should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the LADO, police and children's social care services have no objections to the member of staff continuing to work during the investigation, the case manager should be as inventive as possible to avoid suspension. Based on assessment of risk, the following alternatives should be considered by the case manager before suspending a member of staff:

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the case manager and the LADO. This should also include what alternatives to suspension have been considered and why they were rejected.

**Consideration of alternative to suspension**

Name

Date

Alternatives discussed with and advice sought from –

Recommendation made;

To:

Date/Time:

Redeployment within the organisation 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 so the individual does not have unsupervised access to children;

Moving the child or children to a place 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;

Temporarily redeploying the member of staff to another role in a different location eg. to an alternative school or college or work for the local authority or academy trust.

## Definitions

### **Adult**

Refers to anyone who has attained the age of 18 years and who is employed on a paid or unpaid voluntary basis or contracted to work with or on behalf of children and young people.

### **Allegation**

Information which comes to light which suggests an employee, volunteer or contractor may have Behaved in a way that has harmed, or may have harmed, a child, possibly committed a criminal offence against or related to a child or behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

**BCSB** - Bolton Safeguarding Children Board.

**Case manager** – This term was introduced by the ‘Dealing with Allegations against Teachers and School staff’ guidance 2012. It is used throughout this policy to describe the senior manager nominated by the employer to manage an allegation on their behalf.

### **Children and Young People**

These terms refer to children who have not yet reached their 18<sup>th</sup> birthday.

### **DBS**

Disclosure and Barring Service. Previously ISA and CRB which combined in December 2012.

### **Employer**

Refers to the organisation which employs, contracts, uses services of or in the absence of an employer the regulatory body e.g. Ofsted for Child minders.

### **LADO**

Local Authority Designated Officer for managing allegations against those who work with children in Bolton.

**PPIU** - Public Protection and investigations Unit (Police).

### **Professional**

The term professional is used throughout to refer to people acting on behalf of an agency whether in a paid, professional or voluntary capacity, this includes foster carers.

**PSG** - Professional Strategy Group.

**PSM** - Professional Strategy Meeting.

### **Redacted**

To edit or revise something in preparation for publication.

### **Regulatory body**

Body who is responsible for the regulation of an organisation or profession such as Teaching agency, Ofsted, Charities Commission.

## **Safeguarding Children**

The action we take to promote the welfare of children and protect them from harm.

### **Sub judice**

Under judicial consideration and therefore prohibited from public discussion elsewhere.

## **Categories of allegations**

### **Substantiated**

There is sufficient identifiable evidence to prove the allegation.

### **False**

There is sufficient evidence to disprove the allegation.

### **Malicious**

There is clear evidence to prove there has been a **deliberate act to deceive** and the allegation is entirely false.

### **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.

### **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.

## Dealing with allegations against Teachers and school staff

Clarification of actions regarding references  
What information can and should be retained and by whom

Category recorded	HR/ Personnel files	References	LADO/CPU files	Sanctions which can be applied to pupil	
Substantiated	A clear & comprehensive summary of the allegation, how this was followed up and resolved, what action was taken and how this was resolved	Should appear	All allegations should be recorded and retained for 25 years		
Unsubstantiated		Should NOT appear			
Unfounded		Should NOT appear			
False		Should NOT appear			
Malicious		Should NOT appear		Should NOT appear	May consider whether disciplinary action is appropriate (if this appears in behaviour policy)
		Even if repeated allegations			
Record keeping	Records should be retained until retirement age or 10yrs, whichever is longer				