

**MANAGING ALLEGATIONS AGAINST
PROFESSIONALS POLICY**

**INCLUDING LOW LEVEL OF CONCERN AND THE MANAGEMENT OF
ALLEGATIONS THAT MAY INDICATE A PERSON WOULD POSE A RISK OF
HARM**

**FOR ALL SCHOOLS BASED STAFF IN LOCALLY
MANAGED SCHOOLS & ACADEMIES**

IMPLEMENTATION JANUARY 2022

Author: Schools HR Advisory Service

Version: 1

Date: September 2021

Document Control

Document Title: Procedure & Guidance in Managing Allegations

Summary

Publication Date	January 2022
Related Legislation / Applicable Section of Legislation	Various but predominantly Keeping Children Safe in Education 2021
Related Policies, Strategies, Guideline Documents	Disciplinary Policy, Whistleblowing Policy, Guidance for Safe Working Practice
Replaces	Procedure for Managing Allegations relating to Child Protection Matters
Joint Policy (Yes/No)	Yes
Name of Partner(s) if joint	Local Authority Designated Officer, Education Safeguarding Officer
Policy Owner (Name/Position)	Schools HR Advisory Service
Policy Author (Name/Position)	Gill Windsor, Schools Business Consultant
Applies to	All school based staff and school governors of, Community and Voluntary Controlled schools and where adopted by Voluntary Aided schools, Foundation schools and Academies

Review of Strategy

Last Review Date	2010
Review undertaken by	Schools HR Advisory Service, LADO & Education Safeguarding Officer
Next Review Date	2023

Document Approvals

This document requires the following approvals.

Name	Title	Date formally noted	Version Number
Service Consultative Group (SCG)		15/12/2021	
Teacher Associations		15/12/2021	

CONTENT

	Content	Page Number
1	Introduction	1
2	Using the Guidance	2
3	Practice Issues	3
4	The Process	4
5	Referral to the Disclosure and Barring Service	13
6	Referral to the Teaching Regulation Agency	14

APPENDICES

	Content	Page Number
1	Initial Consideration Form	15
2	Notification Recording Form	17
3	Management of Allegations Outcome Form	22
4	Scenarios	23

Procedures and Guidance in Managing Allegations against Professionals

1 Introduction

1.1 The school and Rochdale Borough Council are fully committed to the safeguarding and welfare of children, young people and expect all staff to share this commitment.

1.2 Equality

Schools HR Advisory Service aims to regularly review all the policies and procedures we operate to ensure there are no negative equality impacts. Consultation with our customers is an important part of how we achieve this. If you feel, on reading this policy that there may be a negative equality impact within your school, please tell us about this. Please also let us know if you need to access this policy in a different format.

1.3 This guidance is written as a supplement to the Greater Manchester Safeguarding Board Child Protection Procedures. It does not replace any part of those procedures but provides guidance if a member of staff within your school is faced with an allegation of abuse.

1.4 Any allegation is likely to cause a great deal of anxiety and concern. These guidelines are designed to enable your school to be as well informed as possible.

1.5 Once a referral has been made, the Local Authority Designated Officer and Senior Schools HR Advisers will work closely with schools to guide and advise on the detailed procedures around investigation, suspension and any disciplinary action.

1.6 Further information can be found in:

- School/LA and Area Child Protection Committee (Safeguarding) allegations against staff procedures
- School/LA disciplinary procedures

Information can also be found in:

- Keeping Children Safe in Education (2021) Ref: DfE-00146-2020
- Safeguarding and Child Protection in Schools – a Guide for schools (2017) updated September 2020
- Working Together to Safeguard Children (2018)
- Disclosure and Barring Service
- Safer Recruitment Consortium

1.7 It is essential that any allegation of abuse made against a professional who works with children and young people or other member of staff or volunteer in any setting is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child or children and at the same time supports the person who is the subject of the allegation.

1.8 Professionals who work with children as part of their employment or voluntary duties need to be aware that inappropriate behaviour in their private life may affect their suitability to work with children. Staff should at all times should be mindful of the schools Guidance for Safe Working Practice for those Working with Children in Education and Early Years Settings (Code of Conduct)

1.9 LADO is the abbreviation for the Local Authority Designated Officer. Each Local Authority has a Designated Officer in post to co-ordinate the management of allegations against those in a position of responsibility for children. In Rochdale the Local Authority Designated Officer can be contacted 0300 3030350 or e mail lado@rochdale.gov.uk.

What is an Allegation

“A suspicion or concern that a trusted individual within an organisation or establishment has mistreated or abused a child, or may be about to do so”.

2. USING THE GUIDANCE

Key Roles in Managing Allegations

2.1 Working Together 2018 and Keeping Children Safe in Education 2021 identifies key roles essential to an effective process for managing allegations: the Named Senior Officer (NSO), the Local Authority Designated Officer (LADO), the Senior Manager (Headteacher) and the Designated Safeguarding Lead (DSL)

Role of the LADO

2.2 Each Local Authority has a Designated Officer in post to co-ordinate the management of allegations against those in a position of responsibility for children. The LADO has the overall responsibility for:

- Providing advice and guidance to Senior Nominated Officers, Employers, and Voluntary Organisations who oversee those professionals that work with children.
- Liaising with the police
- Monitoring the progress of all cases to ensure that they are dealt with as quickly and consistently as possible through the use of a fair and thorough process.
- Providing management and oversight of individual cases to ensure the progress of an allegation is thorough, fair and dealt with in a timely manner.
- Initial considerations of allegations
- Chairing Allegation Management Strategy Meetings
- Retaining personal data in line with retention procedures

Role of the Nominated Senior Officer (School Support Services Manager)

2.3 All Local Safeguarding Children’s Board organisations should have a named senior officer with overall responsibility for:

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

This role relates to the management and oversight of individual cases.

Role of the Senior Manager (Headteacher)

2.4 The Senior Manager within the organisation is the senior person (Headteacher) to whom all allegations or concerns are reported and has overall responsibility for:

- Ensuring procedures are properly applied and implemented; and
- Providing advice, information and guidance for staff within the organisation.

Role of Designated Safeguarding Lead other than the Headteacher

2.5 The Designated Safeguarding Lead within organisation will be the first point of contact for reporting low level concerns

- Liaise with the Headteacher to inform them of issues – especially ongoing enquiries under section 47 of the Children Act 1987, police investigations and low level concerns relating to allegations made against members of staff
- As required, liaise with the “case manager” and the local authority designated officer [LADO] for cases that involve a member of staff that suggest risk or harm to children or question a member of staffs suitability to work with children

2.6 Where the Headteacher is the subject of an allegation the Chair of Governors will be the proprietor

2.7 The LADO should act independently of any organisation involved in the allegation concerned.

3. PRACTICE ISSUES

Confidentiality & Information Sharing

3.1 Information sharing is vital to safeguarding and promoting the welfare of children and young people

3.2 The Data Protection Act 2018 and the Human Rights Act 1998 are the two main legislative frameworks governing how, what and in what circumstances information may be shared.

3.3 GDPR guidance is additional to the Data Protection Act 1988 and makes some amendments to the existing Act that should be adhered to and followed when managing personal data and sharing information.

Record Keeping

3.4 Record keeping is an integral part of the management of allegations. In Rochdale there is an expectation that complete and accurate records will need to contain information which provides comprehensive details of:

- Events leading to the allegation or concern about an adult’s behaviour
- The circumstances and context of the allegation
- Professional opinions
- Decisions made and the reasons for them
- Action that is taken
- Final outcome

Records must be kept no longer than necessary and in compliance with GDPR and Data protection Act 2018

3.5 Employers, Headteacher’s and officers who are involved in the process of managing allegations should follow the principles of record-keeping contained within the Data Protection Act 1988, the Human Rights Act 1998 and the Freedom of Information Act 2002.

3.6 In Rochdale, Employers are responsible for keeping all accurate up to date records regarding any allegation involving and employee.

3.7 In Rochdale the LADO will keep accurate up to date records when an allegation meets the threshold for referral or when information is considered at initial consideration stage, the LADO will record any advice given to schools.

- 3.8 In Rochdale, information that DOES NOT meet any LADO criteria, the LADO may provide advice in conjunction with the Schools HR Advisory Service to schools however the LADO will not record this information in line with data protection requirements.
- 3.9 It is a Greater Manchester Safeguarding Partnership decision that records will be retained until a person reaches 100 years old, Rochdale LADO complies with this. Schools will be expected to retain information pertaining to safeguarding allegations for the same period

4. THE PROCESS

Allegation

Behaviour which indicates that an adult who works with children has:

- Behaved in a way that has harmed a child or may have harmed a child and/or;
- Possibly committed a criminal offence against, or related to a child and/or;
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children; and/or;
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

Low-Level Concern

Any concern – no matter how small, even if no more than a ‘nagging doubt’ – that an adult may have acted in a manner which:

- is not consistent with an organisation’s Code of Conduct, and/or
- relates to their conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult’s suitability to work with children.

Appropriate Conduct

Behaviour which is entirely consistent with the organisation’s Code of Conduct, and the law.

Responding to an Allegation – Low Level of Concern

- 4.1 Low level concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation.
- 4.2 The school has a whole school approach to safeguarding and promotes an open and transparent culture in which all concerns about all adults working in or on behalf of the school are dealt with promptly and appropriately.
- 4.3 The school promotes a culture in which all concerns about adults (including allegations that do not meet the harms threshold) are shared responsibly and with the Headteacher & Designated Safeguarding Lead
- 4.4 Staff should feel empowered to raise any low-level concern, whether about their own or a colleague’s behaviour, where that behaviour might be construed as falling short of the standards set out in the schools Guidance for Safe Working Practice document (Code of Conduct);

What is a low-level concern?

- 4.5 A low-level concern for this purpose is any concern, no matter how small and even if no more than a 'nagging doubt', that an adult may have acted in a manner inconsistent with the Guidance for Safe Working Practice document or simply – even if not linked to a particular act or omission – a sense of unease as to the adult's behaviour particularly towards or around children. From time to time an individual may find themselves in a situation which might appear compromising to others or which could be misconstrued.
- 4.6 Equally, an individual may for whatever reason have behaved in a manner which on reflection they consider that they have fallen below the standard set out in the Guidance for Safe Working Practice. Self-reporting in these circumstances is encouraged as it demonstrates both awareness of the expected behavioural standards and self-awareness as to the individual's own actions or how they could be perceived. As such, the school sees self reporting of low-level concerns as an important means of maintaining a culture where everyone aspires to the highest standards of conduct and behaviour.
- 4.7 If a member of staff has a low-level concern it should be reported immediately to the DSL or to Headteacher. The DSL will discuss all low level concerns they receive with the Headteacher as soon as possible and in any event within 24 hours of becoming aware of it. The Headteacher will in the first instance satisfy themselves that it is a low-level concern and should not be reclassified as an allegation and dealt with under the appropriate procedure below.
- 4.8 The circumstances in which a low-level concern might be reclassified are where:
- (a) the threshold is met for an allegation
 - (b) there is a pattern of low-level concerns which collectively amount to an allegation or
 - (c) there is other information which when taken into account leads to an allegation.

Where the Headteacher is in any doubt, advice will be sought from the Local Authority Designated Office.

- 4.9 Having established that the concern is low-level, the DSL or the Headteacher as appropriate will discuss it with the individual who has raised it and will take any other steps to investigate it as necessary.

What records will be kept?

- 4.10 Where a low-level concern has been communicated, a confidential record will be kept in a central file which logs all low-level concerns. This is necessary to enable any patterns to be identified. However, no record will be made of the concern on the individual's personnel file (and no mention made in job references) unless either:
- (a) the concern (or group of concerns) has been reclassified as an allegation; or
 - (b) the concern (or group of concerns) is sufficiently serious to result in formal action under the schools disciplinary procedure.

Examples of potential low level concerns can be found at Appendix 4

Responding to an Allegation – where a child/children may be at risk of harm

- 4.11 When allegations arise against a person working with children the employer should follow the procedures outlined in this document. The procedures should be followed where it is alleged that anyone working in the school or a college that provides education for children under 18 years of age, including supply teachers, volunteers and contractors, has:

- Behaved in a way that has harmed a child or may have harmed a child and/or;
- Possibly committed a criminal offence against, or related to a child and/or;
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children; and/or;
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

The last bullet point above includes behaviour that may have happened outside of school that might make an individual unsuitable to work with children, this is known as transferable risk.

If the answer is yes/possibly/unsure contact the LADO lado@rochdale.gov.uk or phone 0300 3030350. If the LADO is unavailable and the enquiry is urgent, contact Safeguarding Unit Manager 0300 3030350. A copy of the enquiry should be sent to Senior Officers within the Schools HR Advisory Service for information

4.12 When managing any allegation, the welfare of the child should remain paramount. Adults about whom there are concerns should be treated fairly and honestly and should be provided with support. It is the responsibility of all adults to safeguard and promote the welfare of children and young people. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children and young people.

The Headteacher's Initial response

4.13 It is helpful prior to contacting LADO to obtain basic information from the person that is making the allegation. These enquiries should be kept as simple as six basic questions:

- Who – who is the allegation against?
- What – what happened?
- When – when did the incident happen?
- Where – where did the incident occur?
- Where – where there witnesses to the incident
- Was – was there any CCTV footage

4.14 Headteachers need to understand which behaviours to address directly through their own complaints or disciplinary procedures and under what circumstances they should contact the LADO.

Initial Consideration

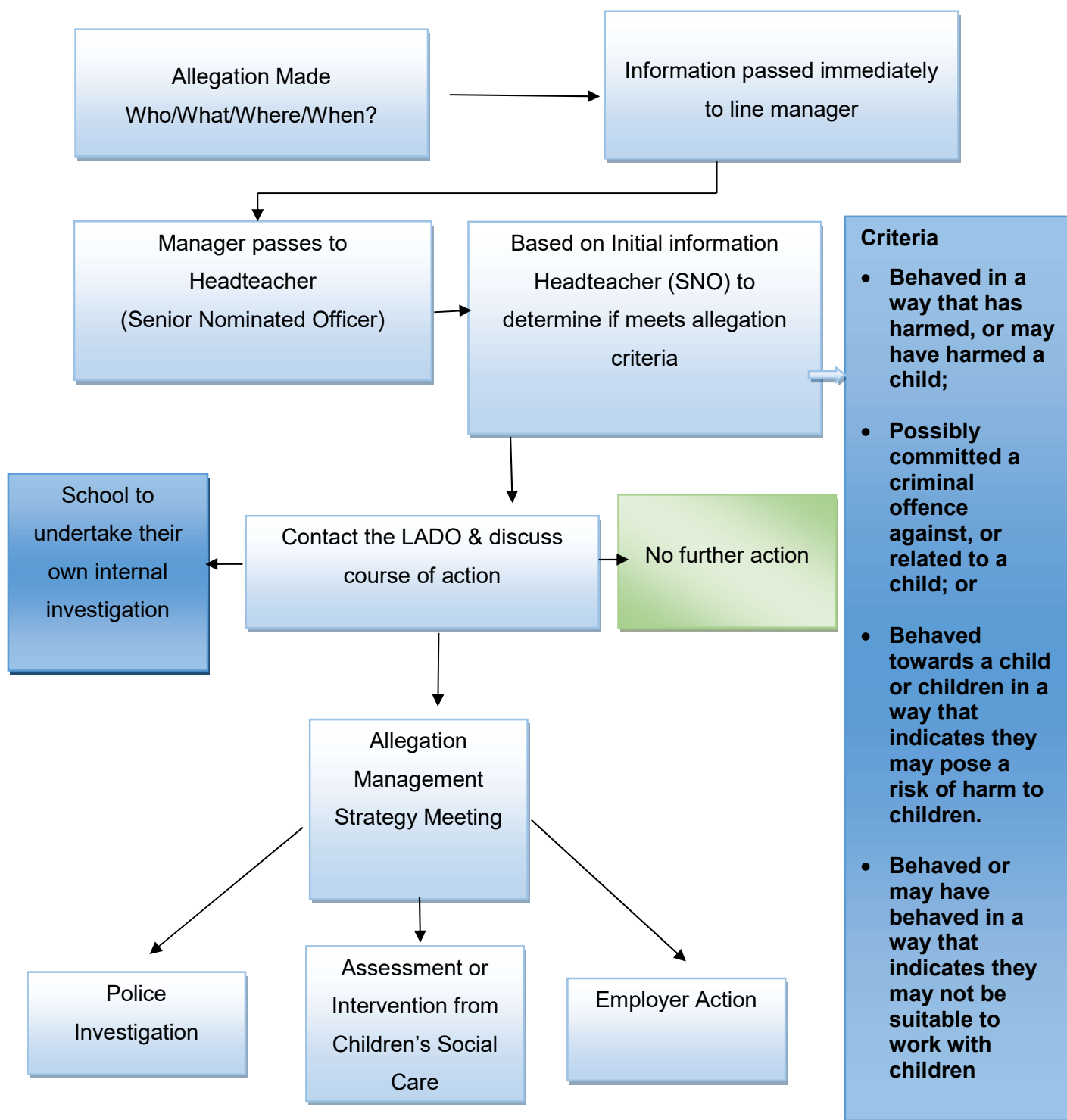
4.15 Initially this may be over the phone, via e mail or in some cases face to face between the Headteacher and the LADO. Any consultations face to face or over the phone should be followed up at the earliest opportunity in writing using the Initial Consideration Form or Referral Form if appropriate. A copy of the Initial Consideration Form or Referral Form should be sent to senior officers within the Schools HR Advisory Service.

There are three possible outcomes to an initial consideration:

- Allegation does not meet the threshold and a referral to LADO is not required
- The threshold is met and a strategy meeting is to be convened. LADO to inform Police, HR and Children's Social Care.
- Allegation is borderline. Further enquiries should be undertaken by the Headteacher and appropriate action is taken under internal disciplinary procedures. The LADO will liaise with School & HR on the outcome of their investigation and any disciplinary action taken.

- 4.16 To assist in making this decision, employers should use the initial consideration form, this can be forwarded to LADO in order to obtain a response and advice as to whether the action taken by the organisation is appropriate. The detail of the alleged perpetrator is not required at this stage just the detail of the allegation. This form can be sourced at Appendix 1.
- 4.17 If it is clear that an allegation meets the threshold for referral a referral form should be completed and sent to the LADO and Schools HR Advisory Service by the employer immediately. The Referral Form can be sourced at Appendix 2.
- 4.18 If another agency such as Children's Social Care identifies a person who works with children that poses risk of harm, they should alert LADO via e mail (lado@rochdale.gov.uk) outlining the risk the individual poses, the LADO will then share the information with the employer in order for them to make a risk assessment, and whether they feel a strategy meeting is required.

Process for managing allegations



- Criteria**
- 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.
 - Behaved or may have behaved in a way that indicates they may not be suitable to work with children

Allegations Management Strategy Meetings

- 4.19 An Allegations Management Strategy Meeting should take place within 5 days of receipt of a referral.
- 4.20 In Rochdale the LADO expects the referrer to provide the LADO with a list of key agencies that require an invite to the allegations management meeting. The alleged perpetrator does NOT attend an allegations management strategy meeting. Only key agencies should be invited to allegations management meetings. These may include:
- Police
 - HR
 - The Employer
 - The Headteacher
 - Manager from Children's Social Care
- 4.21 An invite will be emailed out to professionals
- 4.22 Minutes will be taken at the meeting and will be distributed within 10 days of the meeting taking place. The minutes will be distributed to those in attendance at the meeting
- 4.23 The alleged perpetrator is not entitled to a copy of the minutes as they contain third party information, they can however have a copy of the reason for the meeting and actions following the meeting.
- 4.24 In some cases an outcome is reached following the first allegations management strategy meeting. In other cases further investigation will be required from, Police, Children's Social Care, HR or the Employer in order to outcome the meeting and therefore the LADO will make recommendations as to what further action is required. The meeting will then be re-convened.
- 4.25 Following the meeting a decision will be made as to whether the threshold for a police investigation is met. If so it is good practice for the employer to await the outcome of the police investigation prior to undertaking their own internal investigation (This needs to be agreed with police). Once the police have concluded their enquiries, the outcome of the police investigation will be shared with the employer, this could be in the form of a follow up strategy meeting or in less complex cases the employer may be provided with the outcome in writing.

Disciplinary Investigation

- 4.26 In certain situations the investigation undertaken by the school may take place simultaneously, but it is more usual that any disciplinary investigation will be held in abeyance until the external agency investigations are complete. Whilst the above investigations should always be conducted as speedily as possible, they should also be balanced against the need for a thorough and fair process, in line with natural justice.
- 4.27 Statements gathered in external investigations may be used in subsequent disciplinary proceedings.

Supporting those involved

4.28 Employers have a duty of care to their employees. They should:

- manage and minimise the stress caused by the allegation;
- inform the individual as soon as possible, explaining the likely course of action, guided by the LADO, HR, and the police where necessary
- advise the individual to contact their trade union representative, or a colleague for support;
- appoint a named representative to keep the person informed about progress of the case and keep a record of the contact made
- provide access to counselling or occupational health arrangements; and
- not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence.

4.29 Parents or carers of the child or children involved should be:

- formally told about the allegation as soon as possible. The Headteacher should consult the LADO and where involved children's social care and/or the police on what information can be disclosed;
- kept informed about the progress of the case, only in relation to their child – no information can be shared regarding the staff member; and
- made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against staff in schools whilst investigations are in progress as set out in section 141F of the Education Act 2002 (see paragraphs 372-380).

Suspension

4.30 The provision for suspension is set out in the Education Act 2002 and accompanying regulations. Decisions regarding suspension can only be taken by the Headteacher or Governing Board. Action by the Chair of Governors (under chairs actions) in relation to the Headteacher must be notified to the full Governing Board.

4.31 A committee of the Governing Board must ratify the suspension in line with the Schools Disciplinary Policy

4.32 A member of staff should not be automatically suspended. The Headteacher should consult with Senior Officers within the School HR Advisory Service. A Strategy Meeting may also make recommendations regarding suspension; however the final decision lies solely with the Headteacher or Chair of Governors and should be undertaken in line with the School's Disciplinary Procedure.

4.33 An Employer may consider suspending an alleged perpetrator to safeguard both the child/ren and the employee.

4.34 Suspension should be considered in every case where:

- There is cause to suspect a child is at risk of significant harm
- The allegations warrant investigation by police, or
- the allegations are so serious that a dismissal for gross misconduct is possible
- a suspension is necessary to allow the conduct of the investigation to proceed unimpeded

- 4.35 A comprehensive risk assessment should be undertaken prior to a suspension of an employee and advice should be sourced from Schools HR Advisory Service. The risk assessment should record the rationale and justification of any decision taken
- 4.36 Alternatives to suspension can be considered if available and deemed suitable, this may be achieved by:
- redeployment within the school so that the individual does not have direct contact with the child or children concerned;
 - providing an assistant to be present when the individual has contact with children;
 - redeploying to alternative work in the school so the individual does not have unsupervised access to children;
 - moving the child or children to classes where they will not come into contact with the member of staff, but this decision should only be made if it is in the best interest of the child or children concerned and takes accounts of their views. It should be made clear that this is not a punishment and parents have been consulted; or
 - temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or work for the Local Authority where available,

Who will be notified?

- 4.37 Various people will need to be informed that an allegation has been made, regardless of whether a suspension has taken place or not. Decisions will be based on who needs to know and taking into consideration, as far as possible, the issues of confidentiality.
- 4.38 The following individuals will be informed that an allegation has been made and the likely course of action:
- a) The child or young person concerned
 - b) The “parents/carer” child or young person concerned
 - c) Any party making an allegation
 - d) The member of staff – at the appropriate time
 - e) The Chair of Governors
 - f) The LADO for Allegations Management
 - g) Schools HR Advisory Service

There may be occasions when the police will need to decide the appropriate timing for the above individuals to be notified. Children’s Social Care may also need to be notified if the member of staff has children of their own and are deemed to be a risk.

- 4.39 If an individual has been suspended, in addition to the above, it will be necessary to inform the following:
- i) Governing Board (with minimal information to ensure that any future process is not prejudiced)
 - ii) Senior teachers / other staff, so far as is necessary, as determined by the Headteacher (or Chair of Governors where appropriate)

Where, unfortunately, the matter becomes common knowledge or subject to speculation it may also become necessary to issue a brief and accurate statement for parents, children and the public. This will be determined by the appropriate individuals following consultation.

The Investigation

- 4.40 Following discussion with the LADO if the case is deemed to be able to be dealt with under the schools disciplinary procedures the Headteacher/Chair of Governors should appoint an Investigating Officer to carry out a detailed investigation into the allegations made against the member of staff. The aim of this investigation is to obtain, as far as possible, a fair and balanced picture through a written record. The aim is not to prove, or disprove, an allegation. The investigation outcome will determine if there is a case to answer or not.
- 4.41 It should be noted that even if the police have investigated and a criminal threshold is not met the employer may still have a duty to undertake an internal investigation regarding the individuals suitability and whether there are any risks associated with them.
- 4.42 Undertakings of confidentiality should not be given to either a person making the allegations or of those being interviewed. Evidence compiled in the investigation should be made available to the parties in any subsequent disciplinary proceedings and those giving evidence in the investigation should be so informed. It may be necessary for any person who has given evidence in the investigation to be required to attend any subsequent proceedings i.e. hearings.
- 4.43 Children or parents making allegations should be interviewed to record their allegations in the form of signed and dated statements. If these statements are made in the course of an internal investigation then they may be passed to the police should the matter become the subject of a police investigation. As a matter of good practice, the authors of the statements should be informed before the statements are provided to the police. In the case of statements made to the police, they can only be provided to the school as part of a disciplinary investigation with the consent of the authors.
- 4.44 The person undertaking the investigation should seek specialist advice as necessary, for example, from Schools HR Advisory Service, and should familiarise themselves with any relevant procedures and guidelines.
- 4.44 The person investigating should:
- (a) define the areas to be investigated;
 - (b) draw up a provisional list of those to be interviewed and a list of topics to be discussed during the investigation;
 - (c) check collaborative evidence;
 - (d) assess the credibility of the person making the allegation;
 - (e) have sight of relevant documentary evidence including the minutes of allegation management strategy meetings (if applicable)
- 4.45 Interviews should be carried out as soon as possible in line with the schools disciplinary procedure. A suitable venue and time should be selected to encourage co-operation and the opportunity to be accompanied should be offered. At the beginning of the interview, a general explanation of the purpose of the investigation should be provided. The member of staff being investigated and any witnesses should be given the opportunity to also submit a written statement which should be signed and dated.
- 4.46 If, at any stage during the investigation, new evidence emerges immediate contact should be made with the LADO and the Schools HR Advisory Service. A referral may be necessary under local child protection procedures or to the police. The investigation should be held in abeyance immediately following such a referral. Consideration should also be given as to whether suspension is appropriate in such circumstances.

- 4.47 The member of staff who is the subject of an allegation should be informed of the allegation and invited to respond and to make a statement. The member of staff has the right either to respond or decline to respond.
- 4.48 The member of staff should be informed of his/her rights under the school's disciplinary procedures, including the right to representation.
- 4.49 Notes should be taken of the interview and then a copy of the notes should be sent to the member of staff inviting them to read and sign them as true record.
- 4.50 The member of staff should be invited to identify any persons who may have information relevant to the investigation. These names should be added to the list of those to be interviewed.
- 4.51 Once all the relevant persons have been interviewed and all the relevant issues have been explored, the investigation is complete. The details obtained and the statements taken should then be compiled.
- 4.52 Consideration should again be given as to whether there are matters which should be referred under local child protection procedures or to the police and whether suspension is appropriate. If there is such a referral, further proceedings at school level should be held in abeyance.

Disciplinary Hearing

- 4.53 The school should conduct the hearing in accordance with their Disciplinary policy and make a decision on the 'balance of probability' whether the allegations made against their employee is:
- Substantiated: there is sufficient evidence to prove the allegation;
 - Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation
 - False: there is sufficient evidence to disprove the allegation;
 - Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;
 - Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.
- 4.54 The School/Employer will be expected to update LADO as to the outcome of their enquiries by completing the outcome form (Appendix 3). They will need to provide the LADO with a clear outcome, along with rationale as to why decisions were made and what further action was taken, including to any referrals to the DBS or the TRA. If the employer would like for LADO to reconvene a strategy meeting or seek advice from LADO prior to making this decision, this can be arranged.
- 4.55 It is the responsibility of the Employer or Governing Board to keep the LADO informed of the progress of the internal investigation and within agreed time scales. Following completion of the internal investigation it is the responsibility of the employer to complete the agreed outcome form and return this to LADO in order to conclude the Allegation Management process.

5. REFERRAL TO DISCLOSURE & BARRING SERVICE

- 5.1 If an Allegation is substantiated the LADO should discuss during the Allegation Management Strategy Meeting, (If appropriate) whether a referral should be made to the DBS (Disclosure and Barring Service). If it is decided that a follow up meeting is not

required the employer should inform LADO in writing if they intend to make a referral to the DBS. It is the responsibility of the Employer to refer to the DBS.

- 5.2 The DBS hold responsibility in making decisions about barring individuals from regulated activity with children and updating and maintaining this list.
- 5.3 When a referral is made to the DBS the investigatory information will need to be provided to the DBS. The DBS can have a copy of the actions from the strategy meeting however the minutes contain third party information and therefore should not be automatically sent to the DBS. The DBS may share all documentation with the alleged perpetrator and therefore information within the minutes may need to be redacted prior to sending this to the DBS.

6. REFERRAL TO THE TEACHING REGULATION AGENCY

- 6.1 If an Allegation is substantiated the school has a statutory duty to consider referring the case to the Teaching Regulation Agency (TRA).
- 6.2 The agency is responsible for regulating the teaching profession on behalf of the Secretary of State for Education. This means investigating and, where appropriate, progressing allegations of serious teacher misconduct to hearing.
- 6.3 When a referral is made the investigatory information will need to be provided to the agency. The can have a copy of the actions from the strategy meeting however the minutes contain third party information and therefore should not be automatically sent to the TRA. The TRA may share all documentation with the alleged perpetrator and therefore information within the minutes may need to be redacted prior to sending.

INITIAL CONSIDERATION/ENQUIRY FORM

Reference no. (Internal Schools HR):

Date of referral:	Name of referrer:
Position of referrer:	
Contact number:	
Email Address:	
Name & Address of School:	

PLEASE KEEP INFORMATION CLEAR & CONCISE

(For data protection purposes at this stage please do not provide details of the child or alleged perpetrator)

DETAIL OF: ALLEGATION/INCIDENT/ENQUIRY (date and time of allegation)

--

CHILD'S ACCOUNT OBTAINED (Preferably with parent or carer present)
 (Note: no leading questions should be asked, questions should be kept open and to a minimum, i.e., what was the incident, and how did they feel, did anyone witness this?)

--

PARENTS/CARERS VIEW (what was their response and what action would parents like to see taken)

--

ANY WITNESSES?
 (Note: if so do not discuss what the child has said, ask only if they are aware on any incident that has occurred involving the child and ask that they make a note of their account, sign and date)

--

IS THERE ANY CCTV FOOTAGE TO PROVE OR DISPROVE THE ALLEGATION?
 (Please check this first and ensure a copy is kept)

--

HAVE THERE BEEN ANY HISTORIC ALLEGATIONS MADE BY THE CHILD?

(dates and outcomes)

HAVE THERE BEEN ANY HISTORIC ALLEGATIONS OR CONCERNS IN RELATIONS TO THE MEMBER OF STAFF?

(dates, what the allegation was and outcome)

Office Use Only:

LADO ADVICE OR RESPONSE

POLICE ADVICE OR RESPONSE

SCHOOLS HR ADVICE OR RESPONSE

CHILDREN'S SOCIAL CARE ADVICE OR RESPONSE

Office use only:

Completed by: _____

Signed by: _____

Position: _____

For Office Use Only Ref:

CONFIDENTIAL
NOTIFICATION – RECORDING FORM
ALLEGATION/ADVICE/CONCERN REFERRAL FORM

1. Initial Information

Date Referral sent to LADO:		Time: if known	
Date LADO informed:		Time: if known	
Name of Person completing form:			
Name of informant:			
Position of informant:			
Agency of informant:			
Contact details of informant Telephone No: E-mail address: Secure e-mail address:			

2. Information about the allegation or concern

Date of alleged incident:	
Where did alleged incident take place:	
Date allegation/concern received by LADO:	
Who did the Young Person first make the concern known to (also state relationship)?	

3. Information about the person against whom the allegation has been made

Name:	
Sex:	
Date of Birth:	
Address:	
Job Title/Role:	
Length of service in current post:	
Employer:	

What basis is person employed; Permanent, Temporary, Fixed Term, Agency Worker, Other	
Have any allegations or concerns been made against this person previously? Yes/No	
If yes – please provide details:	
Date of last CRB:	
Disclosure No:	
Does the person have any dependent Young Persons or access to any Young Persons under the age of 18? If yes please provide details	

4. Information about the young person making the allegation/raising the concern

Name:	
Sex:	
Date of Birth:	
Address:	
School:	
Is the Young Person Looked After?	
Legal Status of Young Person:	
Is the Young Person subject of a CP Plan?	
Does the Young Person have Special Educational Needs? If so, please state level of support:	
Has the Young Person raised previous concerns? If yes – please provide details:	
Does this concern more than one Young Person?	

Ethnicity

Ethnicity of Adult		Ethnicity of Child	
White		White	
White British		White British	
White Irish		White Irish	
Any other white		Any other white	
Mixed		Mixed	
White and black Caribbean		White and black Caribbean	
White and black African		White and black African	
White and Asian		White and Asian	

Any other mixed		Any other mixed	
Asian or Asian British		Asian or Asian British	
Indian		Indian	
Pakistani		Pakistani	
Bangladeshi		Bangladeshi	
Any other Asian		Any other Asian	
Black or Black British		Black or Black British	
Caribbean		Caribbean	
African		African	
Any other black		Any other black	
Other ethnic groups		Other ethnic groups	
Chinese		Chinese	
Any other ethnic group		Any other ethnic group	

5. Employment sector of member of staff and primary abuse category

Employment sector of member of staff and primary abuse category					
Employer	Physical	Emotional	Sexual	Neglect	Risk of Harm
Social Care:					
Health:					
Education:					
Foster Carers:					
Connexions					
Police:					
YOT:					
Probation:					
CAFCASS:					
NSPCC:					
Voluntary Youth Organisations:					
Residential:					
Faith Groups:					
Armed Forces:					
Immigration/Asylum Support Services:					
Early Years:					
Childminders:					
Sports:					
Other					

6. Brief description of alleged incident/concern

Authorised Restraint used?	Yes / No
-----------------------------------	----------

7. Outcome of LADO consultation

NFA as threshold not met:	
More info required from:	
Strategy Meeting to be held:	

8. People to be invited to the meeting

	Tick if req.	Name of Representative from agency	Position
Police			
Human Resources (HR)			
School			
Health			
Social Worker			
Family Placement			
Legal			
SNO (Senior Nominated Officer)			
Other			

9. Further details of person completing the form

Name:	
Designation:	
Team:	
Date:	

Contact Details:	
------------------	--

Management of Allegations Outcome Record

Name of Adult	Date :				
Outcomes - was the allegation concluded as (please tick) : -					
<input type="checkbox"/> <u>Substantiated</u> A substantiated allegation is one which is supported or established by evidence or proof.	<input type="checkbox"/> <u>Unsubstantiated</u> An unsubstantiated allegation is not the same as a false allegation. It simply means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.	<input type="checkbox"/> <u>Deliberately Invented or Malicious</u> This implies a deliberate intention to deceive. A malicious allegation may be made by a child following an altercation with a member of staff or a parent who is in dispute with the organisation. For an allegation to be classified as malicious, it will be necessary to have evidence which proves this intention.	<input type="checkbox"/> <u>False</u> There is sufficient evidence to disprove the allegation.	<input type="checkbox"/> <u>Unfounded</u> There is no evidence or proper basis to support the allegation.	
<u>Reasoning & Rational</u>					
Please provide full reasoning for making the decision above (this section must be completed).					
Date Parent / Social Worker advised on the outcome:					
Any noted comments on conclusion from Parent / Social worker / Child's view					
Date Employee advised on the outcome:					
Any noted comments on conclusion from Employee / Subject of Allegation					
<u>Lessons Learnt & Action Taken</u>					
Please provide detail of changes in practice / procedure that have been actioned as a consequence of this matter					

Appendix 4

Below are examples of potential low level concerns however these will need to be discussed with the Headteacher prior to any conclusion being made

Case scenario 1

Appropriate professional response to incident

You see a colleague on their mobile phone in an empty classroom during lesson time. School policy states that personal phones must only be used during non-contact times and in the staffroom or offices. The colleague is quite new to school and only started this term.

The member of staff is highly apologetic and states that they have an ongoing personal situation and needed to quickly check their messages. They become quite upset about having breached school policy and state that they would never do so intentionally. The children they work with are out doing PE and have an instructor and TA with them and they didn't realise their actions could be problematic.

You sensitively advise that they cannot use their phone outside of school policy to protect them from allegations as well as to keep the school environment safe. You inform the DSL, who arranges for the staff member to have training on safe working practice and advises that if they need support or have personal issues affecting them, they must make the Headteacher aware of this. This is the first time the staff member has ever done this and her conduct has never been questioned prior to this incident. The matter is recorded appropriately.

Low level concern

You see a colleague using their mobile phone in an empty classroom during lesson time. School policy states that personal phones must only be used during non-contact times and in the staffroom or offices. The colleague is quite new to school and only started this term.

The member of staff appears dismissive when you speak to them about it and says that they are only checking their bank account and that people always did it at their previous school. You report this to the DSL.

The DSL arranges to speak to the member of staff, to clarify school expectations and why adherence to mobile phone policy is vital to the schools safeguarding culture. The staff member is advised that any repeated behaviours would be considered to be of concern and could result in disciplinary action. The matter is recorded appropriately.

Inappropriate response that could lead to allegation or disciplinary action

You see a colleague using their mobile phone under their desk in class with children during lesson time. School policy states that personal phones must only be used during non-contact times and in the staffroom or offices. The colleague is quite new to school and only started this term.

The member of staff is highly confrontational when you challenge them and states that they have personal issues and need to stay in contact with family. You feel really uncomfortable, especially because you see them do the same thing again later on in the lesson. You report your concerns to the DSL. They are aware that the member of staff has been spoken to about the schools mobile phone policy on a previous occasion. They feel that their actions give consideration to a pattern of emerging behaviour where the staff member is not taking their safeguarding responsibilities seriously. They refer to the Headteacher for consideration of whether this should be referred to LADO and/or whether disciplinary action may be appropriate.

Case Scenario 2

Appropriate professional response

One of your colleague's own children attends your school. The colleague and their child have social contact with parents and children from their class at sporting activities, groups and clubs outside of school and the children attend each other's birthday parties, play dates etc. This means that on occasion, your colleague needs to message other parents to make arrangements, accept invitations etc.

The colleague is mindful of their professional role and maintaining appropriate boundaries and speaks to the Headteacher for advice about keeping safe. They never engage in electronic communication with other children and only do so with parents when necessary, which they notify the Headteacher of. They take appropriate steps to keep themselves safe when attending events with other children from school e.g. not escorting other children to the toilet etc.

Low level Concern

One of your colleague's own children attends your school. The colleague and their child have social contact with parents and children from their class at sporting activities, groups and clubs outside of school and the children attend each other's birthday parties, play dates etc. This means that on occasion, your colleague needs to message other parents to make arrangements, accept invitations etc.

The colleague hosted a birthday party for their child at the weekend, which was attended by other children from their class and their younger siblings. One of the younger children needed help in the bathroom and your colleague assisted them. There is no suggestion of any inappropriate behaviour and there are no previous concerns about conduct. Your colleague advised the child's parent when they came to collect that they had helped the younger sibling in the bathroom and the parent was thankful for this. However, the staff member is mindful of the need to maintain appropriate professional/personal boundaries and self-reports to the Headteacher what happened. They are given advice about keeping themselves safe and advised that they could leave themselves open to allegations through social contact with children from school and need to reflect on how to minimise this risk. The matter is recorded appropriately.

Inappropriate response that could lead to allegation or disciplinary action

One of your colleague's own children attends your school. You know that colleague and their child have social contact with parents and children from their class at sporting activities, groups and clubs outside of school and the children attend each other's birthday parties, play dates etc. This means that on occasion, your colleague needs to message other parents to make arrangements, accept invitations etc.

The colleague hosted a birthday sleepover for their child at the weekend, which was attended by other children from their class. At school the following week, one of the children tells you that your colleague walked in repeatedly when the children were getting undressed for bed and had made comments that made them feel uncomfortable. The staff member has not made anyone aware that they were having social contact with children from school and is challenging when you suggest this would be inappropriate saying "it's none of school's business, why shouldn't my kid have a birthday party same as everyone else".

You report your concerns to the DSL. They are aware that the member of staff has been spoken to about maintaining appropriate boundaries on a previous occasion. They consider that their actions give consideration to a pattern of emerging behaviour where the staff member is not taking their safeguarding responsibilities seriously. They refer to the Headteacher for consideration of whether this should be referred to LADO and/or whether disciplinary action may be appropriate.

Case scenario 3

Appropriate professional response to incident

Two members of staff escort a class of children from the classroom and through an outdoor courtyard into the hall. Because the door leads to an outdoor area the school's procedure is that all external doors are locked for safeguarding purposes.

A member of staff is at the front of the children leading them into the hall and the member of staff at the back is responsible for locking the door, however forgets to do this.

On the way back to the classroom the member of staff at the front realises the door has not been locked by the member of staff at the back. The door leads to an outdoor courtyard and no child has exited the door or realised the door was unopen.

The member of staff is apologetic and admits she must have forgotten to lock the door, this is the first time she has ever done this and her conduct has never been questioned prior to this incident. The matter is reported to the Head and DSL and recorded appropriately

Low level Concern

Two members of staff escort a class of children from the classroom and through an outdoor courtyard into the hall. Because the door leads to an outdoor area the school's procedure is that all external doors are locked for safeguarding purposes.

A member of staff is at the front of the children leading them into the hall and the member of staff at the back is responsible for locking the door, however forgets to do this.

On the way back to the classroom the member of staff at the front realises the door has not been locked by the member of staff at the back. The door leads to an outdoor courtyard and no child has exited the door or realised the door was unopen.

The member of staff admits she must have forgotten to lock the door, this is now a second incident where the member of staff has forgotten to lock the door. Neither member of staff records the incident however the member of staff mentions in passing to another member of staff who advises it should be shared with the DSL.

The DSL arranges to speak to the member of staff, to clarify school expectations and why adherence to the school procedures are vital to the schools safeguarding culture. The staff member is advised that any repeated behaviours would be considered to be of concern and could result in disciplinary action. The matter is recorded appropriately.

In-appropriate response that could lead to allegation or disciplinary action

Two members of staff escort a class of children from the classroom and through an outdoor area into the hall. Because the door leads to an outdoor area the school's procedure is that all external doors are locked for safeguarding purposes.

A member of staff is at the front the children leading them into the hall and the member of staff at the back is responsible for locking the door, however forgets to do this.

On the way back to the classroom the member of staff at the front realises the door has not been locked by the member of staff at the back.

The member makes excuses that it was not their responsibility to lock the door and does not record the information and asks that the other member of staff does not pass the information to the Head or DSL as they will get in trouble as this is now the second time she has forgotten to lock the door and she is already on an action plan for conduct.

You report your concerns to the DSL. They are aware that the member of staff has been spoken to on a previous occasion. They consider that their actions give consideration to a pattern of emerging behaviour where the staff member is not taking their safeguarding responsibilities seriously. They refer to the Headteacher for consideration of whether this should be referred to LADO and/or whether disciplinary action may be appropriate

Case Scenario 4

Appropriate professional response to incident

A year 8 child is sat on their seat during lesson, they ask if they can get a cup of water. The teacher agrees and the child goes to the water dispenser to get the water. There is a TA at the dispenser at the time who does not see the child and as they turn round they elbow the child accidentally in the face causing the child's nose to bleed. They apologise and alert the class teacher. The child is taken to first aid and the child's parents are contacted and informed. The matter is recorded by both the TA and the class teacher.

Low level Concern

A year 8 child is sat on their seat during lesson, they ask if they can get a cup of water. The teacher agrees and the child goes to the water dispenser to get the water. There is a TA at the dispenser at the time who does not see the child and as they turn round they elbow the child accidentally in the face causing the child's nose to bleed. They apologise and alert the class teacher. The child is taken to first aid and the child's parents are contacted and informed. The matter however is not recorded internally.

The DSL arranges to speak to the member of staff, to clarify school expectations and why adherence to the school procedures are vital to the schools safeguarding culture. The staff member is advised that any repeated behaviours would be considered to be of concern and could result in disciplinary action. The matter is recorded appropriately.

Inappropriate response that could lead to allegation or disciplinary action

A year 8 child is sat on their seat during lesson, they ask if he can get a cup of water. The teacher agrees and the child goes to the water dispenser to get the water. There is a TA at the dispenser at the time who does not see the child and as they turn round they elbow the child accidentally in the face causing the child's nose to bleed. The TA tries to cover up what has happened blaming the incident on the child, they do not alert the class teacher that the injury was caused by them. They do not call the child's parents or record the incident internally. The child is given a tissue and told to sit down. The child informs their parent when they return home and their parent contacts the school to make a formal complaint.

Matter referred to Headteacher. Headteacher to complete an initial consideration form and send to the LADO for consideration and advice.

**Copyright Rochdale Borough Council
September 2008, Revised September 2010, Revised September 2021**