



**Suffolk Safeguarding  
Children Board**

# **Arrangements for Managing Allegations of Abuse against People Who Work with Children or Those who are in a Position of Trust**

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# **Audience**

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**Head teachers**

**Governing bodies of schools and academies**

**Management committees of pupil referral units**

**Principals of Further Education Institutions**

**Governing bodies of Further Education Institutions**

**Management committees of children's centres**

**Employment agencies and businesses that provide staff to schools**

**Independent schools**

**Governing bodies of independent schools**

**Suffolk County Council**

**District and Borough Councils within Suffolk Universal and specialist  
Health services Police**

**CAFCASS Probation**

**Sports organisations**

**Community, Voluntary and Faith organisations**

**Secure Estate**

**NSPCC**

**Armed Forces**

**Early Years and Child Care Settings, Management Committees**

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## 1. Summary

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- 1.1 It is essential that any allegation of abuse made against a person who works with children and young people including those who work in a voluntary capacity is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child, and at the same time supports the person who is the subject of the allegation. The framework for managing allegations is set out in statutory guidance contained in *Working Together to Safeguard Children 2015*.
- 1.2 All organisations which provide services for children, or provide staff or volunteers to work with or care for children should operate a procedure for handling such allegations which is consistent with this guidance, drawn from *Working Together 2015, Chapter 2*.
- 1.3 All procedures should also include the contact details for the Local Authority Designated Officer(s) (LADO) responsible for providing advice and monitoring cases. Contact details can be found in the back of this document.

## 2. Introduction and Scope

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- 2.1 The framework for managing cases set out in this procedure applies to a wider range of allegations than those in which there is reasonable cause to suspect a child is suffering, or likely to suffer, significant harm. It should be used in respect of all allegations that a person, in the course of their work (including volunteering) with children has:

- Behaved in a way that has harmed a child 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.

If concerns arise about the behaviour of a person who works with children, in regard to their own children, the police and/or Children and Young People's Service need to consider informing the person's employer and the LADO in order to assess whether there may be implications for children with whom the person has contact at work.

- 2.2 All organisations and places of employment should have procedures for dealing with allegations, and all staff and volunteers should understand what to do if they receive an allegation against or have concerns regarding the behaviour of another member of staff, volunteer or visitor. This information must be explicit in service procedures and made available to all members of staff, regular visitors, volunteers and service users.

All allegations should be reported within **one working day** to the senior manager or employer for the organisation with operational responsibility for dealing with allegations. That manager should then make an initial assessment and as appropriate, refer the allegation to the LADO, **again within one working day**. If

the outcome of subsequent discussion is that a referral to Children and Young People Specialist Services and police should be made then the LADO should inform the Multi-Agency Safeguarding Hub (MASH) via the Customer First Contact Centre that a referral is forthcoming. Likewise the referrer should note on their referral they have spoken to the LADO who has advised them to make the referral to CYPS.

**Detailed procedures are laid out from Section 10 onwards.**

- 2.3 There may be three strands in the consideration of an allegation:
- enquiries and assessment by Children and Young People's Service about whether a child is in need of protection or in need of services
  - a police investigation of a possible criminal offence
  - consideration by an employer of disciplinary action in respect of the individual all of which will inform the employer's final decision as to whether the individual is safe and suitable to continue working with children.

*NB. The term employer is used throughout this policy to refer to settings and organisations that have a working relationship with the individual against whom the allegation has been made. This includes organisations that use the services of volunteers or people who are self-employed, as well as service providers, voluntary organisations, employment agencies or business, contractors, fostering services, regulatory bodies such as Ofsted in the case of child-minders, and others that may not have a direct employment relationship with the individual but will need to consider whether to continue to use the persons services, to provide the person for work with children in the future, or to de register the individual. N.B. In some circumstances the term 'employer' for these purposes will encompass more than one organisation. For example, where staff providing services for children in an organisation are employed by a contractor, or where temporary staff are provided by an agency. In those circumstances both the contractor or agency, and the organisation in which the accused individual worked will need to be involved in dealing with the allegation.*

### **3 Supporting Those Involved**

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- 3.1 Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know about it. How this is done and by whom will be decided with the LADO during the initial discussion.

They should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. Note that the deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers should be told the outcome. In deciding what information to disclose, careful consideration should be given to duties under the Data Protection Act 1998, the Law of confidence and, where relevant the Human Rights Act 1998.

- 3.2 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, Children and Young People's Service, or the police as appropriate, should consider what support the child or children involved may need.
- 3.3 The senior manager or employer for the organisation should also keep the person who is subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. The individual's union or professional body, occupational health services or any other employee welfare arrangements, may provide this support. In any case, if the individual is a member of a trade union, they should be advised to make contact with their trade union at the outset of the investigation.

If the person has been suspended, the senior manager or employer for the organisation should also make their usual arrangements to keep the individual informed of developments.

## **4. Confidentiality**

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- 4.1 Every effort should be made to maintain confidentiality and guard against unwanted publicity whilst an allegation is being considered or investigated. In association with the Association of Chief Police Officers Guidance, the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional matters where the police may depart from that rule, for example an appeal to trace a suspect the reasons should be documented and partner agencies consulted beforehand). The system of self-regulation, overseen by the Press Complaints Commission, also provides safeguards against the publication of inaccurate or misleading information.

## **5. Resignations, Compromise Agreements and References**

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- 5.1 The fact that a person tenders their resignation, or ceases to provide services, must not prevent an allegation being followed up in accordance with this procedure. It is important that every effort is made to reach a conclusion in all cases of allegations that have a bearing on the safety or welfare of children. This includes any allegation whereby the individual refuses to co-operate with the process.
- 5.2 Wherever possible, the person should be given a full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available should continue even if the person does not co-operate. It may be difficult to reach a conclusion in those circumstances.
- 5.3 Disciplinary procedures and subsequent sanctions may not be possible if a person's notice period expires prior to the end of the investigation, but it is important that a conclusion is reached and recorded wherever possible.

- 5.4 Compromise agreements, by which the person agrees to resign from the organisation by mutual agreement in order to avoid disciplinary action, must not be used in situations where the individual is subject to investigation under child protection procedures. There must not be any agreement by which the employer agrees to the content of a future reference. In any event, any agreements which are reached will not prevent a thorough police investigation, where that course of action is appropriate, nor will it override the statutory duty to refer to the Disclosure and Barring Service.

## **6. Record Keeping**

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- 6.1 It is important that senior managers and employers keep a clear and comprehensive summary of any allegations made, details of how and who followed the allegation up and any resolution and conclusion. The record should include details of any action taken and all decisions reached.
- 6.2 These notes must be kept on the person's confidential personnel file with a copy given to the person concerned at the end of the process.
- 6.3 The purpose of the record is to ensure accurate information can be given in response to any future request for a reference. It will also be used to provide clarification in cases where a future DBS disclosure reveals information from the police about an allegation that did not result in a criminal conviction.
- 6.4 It may also be used to ensure unnecessary re- investigation if an allegation re-surfaces after a period of time.
- 6.5 The record should be retained at least until the person attains normal retirement age or for a period of 10 years from the date of the allegation if that is longer. This includes people who leave the organisation.
- 6.6 If the allegation results in a social care investigation into possible harm to a child, this will be recorded on the child's social care file, if one exists. If the child is not known to social care and no social care investigation takes place, a new record for that child should not be created on the social care database.
- 6.7 A record of allegations made will be maintained by each Safeguarding Team on behalf of partner organisations of Suffolk Safeguarding Children Board (LSCB). LADOs will record the progress and outcome of an allegation on the area-based recording system.
- 6.8 LADO's will retain a record of all advice and guidance given relating to concerns about any member of staff or volunteer which do not meet the threshold for a strategy discussion. This will be kept on a separate spreadsheet and the information will not be included in the allegations database.

Notes of all strategy discussions and outcomes will be maintained in the recording system. A record of only the individual's name, date of birth and address will be recorded on the social care database with a reference to the LADO for further information.

- 6.9 The County Safeguarding Manager responsible for the LADO service and Head of Safeguarding will monitor all allegations and report regularly to the LSCB as required.

## 7. Timescales

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- 7.1 It is in everyone's best interests to resolve cases as quickly as possible, consistent with a fair and thorough investigation. Every effort should be made to manage cases to avoid any unnecessary delay.

The employer should have regard to their organisation's disciplinary policies and procedures whilst aiming to resolve matters with minimum delay. They should take into account the circumstances of individual cases, including the nature, seriousness and complexity of the allegation. In any case where Children and Young People's Service has undertaken enquiries to determine whether the child or children are in need of protection, the employer or senior manager of the organisation should take into account any relevant information obtained through the course of those enquiries when considering disciplinary action.

Suffolk Safeguarding Children Board is committed to ensuring all allegations are managed efficiently and effectively and will use available data to monitor the recommended timescales in all allegations.

## 8. Oversight and Management

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### 8.1 Named Senior Officers

Suffolk Safeguarding Children Board member organisations should have a Named Senior Officer who has overall responsibility for:

- Ensuring that the organisation operates procedures for dealing with allegations in accordance with these LSCB arrangements;
- Resolving any inter-agency issues; and
- Liaison with the LSCB on this subject.

### 8.2 Senior Managers

All partner organisations in the children's workforce should have a Senior Manager within the organisation to whom allegations or concerns that a member of staff, volunteer or visitor may have abused a child should be reported. Employers' procedures should make sure that all staff and volunteers know whom the person is. Procedures should also include a named alternative person in the absence of the senior manager or in cases where that person is the subject of the allegation or concern.



## 9. Local Authority and Police Designated Officers

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9.1 **The Local Authority Designated Officers (LADO)** are involved in the management and oversight of individual cases. They provide:

- advice and guidance to all of the above agencies and services;
- liaison with the police and other agencies; and
- monitoring of the progress of the case to ensure that all matters are dealt with as quickly as possible, consistent with a thorough and fair process.

This role is currently fulfilled by two designated LADO's with the lead to develop the LADO role.

9.2 Suffolk Police has also identified officers to fulfil a similar role. There is a senior officer who has strategic oversight of the arrangements to ensure compliance.

9.3 Suffolk Police has identified a Civilian Manager in each Child Abuse Investigation Unit who, unless complex, a discussion is to take place between LADO and Civilian Manager (or dedicated DS) will:

- Liaise with the local authority designated officer (LADO),
- Takes part or ensures that a fellow police officer takes part in strategy meetings / discussions;
- Reviews the progress of cases in which there is a police investigation;
- Shares information as appropriate, on completion of an investigation or related prosecution.

## 10. Process of referrals and Initial Considerations

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10.1 When information is received that appears to meet the criteria listed in paragraph 2.1, Customer First should record the information on the child's file and process it as with any other referral and also immediately inform the LADO by emailing [LADO@suffolk.gov.uk](mailto:LADO@suffolk.gov.uk).

If the MASH becomes aware of information that appears to meet the criteria listed in paragraph 2.1 that has not been shared with the LADO, they must then inform the LADO by emailing [LADO@suffolk.gov.uk](mailto:LADO@suffolk.gov.uk).

If there is no child within the referral then this information should also be sent to the LADO central email account. If a Social Care Team becomes aware of a potential referral they should use the LADO central email box to inform the LADO.

10.2 Procedures need to be applied with common sense and judgement. Some allegations are so serious as to require immediate referral to social care and the 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 and Young People's Service. However, it is important to ensure that even apparently

less serious allegations are seen to be followed up by the employer, and that they are examined objectively by someone independent of the organisation concerned. Consequently, the LADO should be informed of all allegations that come to the senior manager's attention and **appear** to meet the criteria in paragraph 2.1 so that s/he can consult police and social care colleagues as appropriate. The LADO should also be informed of any allegations that are made directly to the police [which should be communicated via the police force's designated officer] or to Children and Young People's Service.

- 10.3 The employer should contact LADO Coordinator on 0300 1232044 and will be asked to complete an allegations management referral form. The LADO should then establish, in discussion with the employer, that the allegation is within the scope of these procedures [see paragraph 2.1]. If the parents/carers of the child concerned are not already aware of the allegation, the LADO will also discuss how and by whom they should be informed. In some circumstances a senior manager may need to advise parents of an incident involving their child straight away – e.g. if the child has been injured while in the organisation's care and requires medical treatment.
- 10.4 **No further action after initial consideration.** If the concern does not meet the threshold for an LADO Strategy meeting it is the responsibility of the employer to decide whether or how to follow up that concern further. Details of the individual will not be included in the statistics recorded for reporting to the LSCB although a record of the consultation with the LADO will be held in the central based recording system. The actions of the employer will not be followed up by the LADO but the employer must inform the LADO of the final outcome.
- 10.5 The senior manager should inform the accused person about the allegation as soon as possible **after** consulting the LADO. However, where a strategy discussion is needed, or it is clear that police or Children and Young People's Service may need to be involved, that should **not** be done until those agencies have been consulted and have agreed what information can be disclosed to the person. If the person is a member of a union or professional association, s/he should be advised to seek support from that organisation.
- 10.6 **Threshold in Para 2.1 is met after initial consideration.** The LADO will convene the LADO Strategy meeting within three days of the initial consideration or, if appropriate, following the joint S47/social care investigation/police investigation/statutory assessment. If there are ongoing police investigations or the person in a position of trust is suspended then a review meeting should be convened at the appropriate time. In cases where a police investigation is necessary, the meeting should also consider whether there are matters that can be taken forward in a disciplinary process in parallel with the criminal process, or whether any disciplinary action needs to wait for completion of the police enquiries and/or prosecution.

The LADO will record on the child's file when a strategy meeting has been held only if there are actions to be under-taken other than those by the employer/organisation. At this final meeting (which may be the only one held) the LADO will decide upon the outcome of the concern. The outcome will be one of the following:

- **Substantiated** – there is sufficient identifiable evidence to prove the allegation.
- **Unsubstantiated** – this is not the same as a false allegation. It means there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **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.
- **Malicious** – There is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.

For Education only: (*Keeping Children Safe in Education 2015*)

**False** – There is sufficient evidence to disprove the allegation.

The outcome of 'unfounded' will not be used for cases involving education professionals.

- 10.7 **S47 Strategy Meetings and LADO Strategy Meetings** If there is cause to suspect a child is suffering, or is likely to suffer, significant harm, a **Section 47** strategy discussion may be convened by the MASH to consider the actions needed to protect the child from harm. The LADO should be kept informed and should take account of any information the senior manager can provide about the circumstances or context of the allegation. In some circumstances it will be appropriate for the LADO to convene a LADO Strategy Meeting prior to a S47 strategy meeting. In some circumstances it will be the LADO who will chair the S47 Strategy meeting.
- 10.8 In cases where a Section 47 strategy discussion is not considered appropriate because the threshold of 'significant harm' is not reached – but a police investigation might be needed, the LADO should nevertheless convene an LADO Strategy meeting with the police, the employer, and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with. [**Note:** the police must be consulted about any case in which a criminal offence may have been committed.]
- 10.9 Where there are continuing police and/or social care investigations, the decisions of the LADO Strategy meeting will inform the employer's own investigations. Decisions relating to the continuing use of an employee, volunteer or visitor's services will be reliant on the outcome of investigations and subsequent information. A review LADO Strategy meeting will be set if the employee is suspended or there is an ongoing police investigation.

## 11. Suspension

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- 11.1 The possible risk of harm to children posed by an accused person needs to be managed and evaluated. The evaluation will be in respect of the child/ren involved in the allegation and any other children in the individual's home, work or community life. Some cases it will require consideration to be given to the use of suspension for the person involved in the allegation. This may be until the matter is resolved.
- 11.2 Suspension will be considered in any matter where there is cause to suspect that a child is at risk of significant harm, or the allegation warrants a police investigation. Suspension will also be considered if the allegation is of such a serious nature that the behaviour might be grounds for dismissal.
- 11.3 An employee, volunteer or visitor must not be automatically suspended without careful thought and consideration of the circumstances of the allegation. In making the decision, the senior manager for the organisation must consider whether the person should be suspended from contact with children for the duration of the investigation, or until resolution has been reached. In any case, alternatives to suspension should be explored and advice sought from the LADO whenever possible. If the allegation has been referred and a meeting is to be convened, it will be a task of the meeting to consider the facts of the allegation, and although a senior manager of the organisation cannot be directed to suspend, they will be supported in making the decision. For staff, volunteers and visitors to education settings, this responsibility is vested within the responsibility of the Head Teacher and Governing Body. This should be done after the views of the designated senior named officer from the police and Local Authority Designated Officer have been canvassed.

## 12. Case Subject to a Police Investigation

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- 12.1 If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible, consistent with a fair and thorough investigation, they will also monitor the progress of the case.
- 12.2 At the outset the police will set a review date to establish what progress has been made, this includes consultation with the Crown Prosecution Service about whether to proceed with the investigation, charge the individual or close the case. Wherever possible the review will **be within one month of** the initial meeting. If it is decided to continue to investigate the allegation, dates for subsequent reviews will be set at this point.

## **13. Action Following a Criminal Investigation or a Prosecution**

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- 13.1 The Police or Crown Prosecution Service should immediately inform the employer or senior manager of the organisation and LADO straightaway when:
- a criminal investigation and any subsequent trial has been completed;
  - a decision has been reached to close an investigation without charge or further action;
  - a decision has been reached to close an investigation without charge or further action;
  - or a decision not to prosecute following charges being made.
- 13.2 In those circumstances the LADO will discuss with the employer or senior manager of the organisation whether any further action, including disciplinary action is appropriate, and if so how to proceed. If the matter is within an educational establishment this discussion should also include the chair of the governing body or corporation. Any information disclosed by the police and Children and Young People's Service would be used during these discussions to inform the decision-making. The Police and Social Care wherever possible aim to pass relevant information for use in a disciplinary hearing within three days of a decision being made.
- 13.3 The options will depend on the circumstances and the consideration will take into account the result of the police investigation and any subsequent trial. However due regard must be paid to the standard of proof required in disciplinary and criminal proceedings.

If a person is convicted of an offence the police will inform the employer immediately.

## **14. Monitoring Progress**

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- 14.1 The LADO will regularly monitor the progress of the case and provide information, advice and support when required or requested. This will be done by convening review strategy meetings or by liaising directly with the senior named officer from the police, social care manager and the employer, or senior manager of the organisation. The frequency of the reviews will depend on the complexity of the case. All review information must be accurately recorded.

The employer is responsible for informing the LADO when their investigations are complete and the outcome of those investigations.

## 15. Information Sharing

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- 15.1 In a strategy discussion or initial consideration of the case the agencies concerned, including the employer will share all relevant information they have about the person who is subject to the allegation and about the alleged victim.
- 15.2 Wherever possible, the police will obtain consent from the individuals concerned to share the statements and evidence they obtain with the employer and/or regulatory body, for disciplinary purposes.
- 15.3 This should be done as the investigation proceeds rather than at its conclusion. This will enable the police and CPS to share relevant information without delay at the conclusion of their investigation or any court case.
- 15.4 Children and Young People's Service will adopt a similar procedure of seeking consent to share information for the purposes of potential disciplinary action during the course of their investigation so that this can be passed to the employer or regulatory body without delay.

## 16. Action at Conclusion of a Case

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### 16.1 Referral to the Disclosure Barring Service (DBS)

- If the allegation is substantiated **and**
- the person is dismissed or
- the local authority or employer ceases to continue using the person's services, or
- the person resigns or ceases to provide their services, the LADO should discuss with the employer whether a referral to the DBS is required or advisable and if so, agree the form and content of a referral. If a referral is appropriate it should be made **within 1 month**.

### 16.2 Referral to a regulatory body

If the individual is subject to registration or regulation by a professional body or regulator the LADO should advise on whether a referral to the appropriate body is required and the form and content of the referral.

### 16.3 Return to work

If the person has been suspended and on conclusion of the case it is decided the person can return to work, the work place, setting or educational establishment should consider how to facilitate this. It is likely that the person returning to work will require support for this to be successful. Depending on the circumstances a phased return may be appropriate and the provision of a mentor should the returning employee request this support. The senior manager of the organisation should also consider how the person's contact with children or the child involved in the allegation should be managed.

## 17. Learning the Lessons

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- 17.1 At the conclusion of a case in which an allegation is substantiated the LADO should review the circumstances with the senior manager representing the employer. The purpose of the review is to determine whether there are any improvements to be made to the organisation's procedures or practice to help prevent similar events in the future.

This should include issues arising from any decision to suspend a member of staff, the duration of the suspension and whether or not the suspension was justified.

## 18. Action in Respect of Unfounded or Malicious Allegations

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- 18.1 If an allegation is unfounded, the LADO should consider informing Children and Young People's Service to establish whether the child who has made the allegation is in need of services.
- 18.2 In the rare event that an allegation is shown to have been deliberately invented or malicious, the police can be asked to consider whether any action might be appropriate against the person responsible.
- 18.3 In the case of schools and education settings, the Head Teacher or Principal of a school, college or setting may also consider whether any disciplinary action against the child who made a malicious allegation is appropriate.

## Contact Details

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Local Designated Officers can be contacted via email on: [LADO@suffolk.gov.uk](mailto:LADO@suffolk.gov.uk)

or using the LADO central telephone number 0300 123 2044 for allegations against all staff and volunteers.

## Policy Version History

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Version	Date of LSCB Endorsement	Date of Review	Document Author/Reviewer
		Adopted Dec 2006	
6	November 2015	November 2018	
7	February 2016		