

**Managing Allegations of Abuse Made  
Against Adults Who Work with Children  
and Young People Policy**

**Ref: HR10**

<b>Document Control</b>	
Title	HR10 Managing Allegations of Abuse Made Against Adults Who Work with Children and Young People policy
Date	January 2020
Supersedes	Previous Trust Code of Conduct Policies
Amendments	n/a no significant changes
Related Policies/Guidance	<ul style="list-style-type: none"> <li>• Keeping Children Safe in Education</li> <li>• Working Together to Safeguard Children</li> <li>• Guidance for safer working practice for adults</li> <li>• Whistle Blowing Policy</li> <li>• Trust Disciplinary and Dismissal Policy</li> <li>• Trust Grievance, Bullying and Harassment policy</li> <li>• Trusts Gifts, Hospitality and Bribery Policy</li> <li>• Digital Learning Policy / Guidance on Acceptable Use of ICT</li> <li>• School Dress Code Policies</li> <li>• Manchester Safeguarding Children Board procedures and protocols</li> </ul>
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Prosperre Learning Trust is a Multi Academy Trust  
Registered in England and Wales number 10872612  
Registered Office: Firbank Road, Manchester, M23 2YS

The Prosperre Learning Trust has a number of Trust-wide policies which are adopted by all schools/academies in the Trust to ensure an equitable and consistent delivery of provision.

The Trust Board has responsibility for the operational of all schools/academies and the outcomes of all students however responsibility is delegated to the Local Governing Body of each school via the Scheme of Delegation.

Within our policies reference to:

- Governing Body / Governors relates to the members of the Local Governing Body representing the Trust Board.
- School includes a reference to school, academy or free school unless otherwise stated
- Headteacher includes a reference to Headteacher, Principal or Head of School of a school, academy or free school.

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## 1. Introduction

The Prospere Learning Trust is committed to operating under the inter-agency procedures for safeguarding that are agreed by the Manchester Children's Safeguarding Board (MSCB), through the wider Greater Manchester Safeguarding Partnership (GMSP). This procedure is adapted from the current guidance published by the GMSP. All employees and representatives of the Trust must strictly adhere to this guidance when handling allegations of abuse made against adults who work with children.

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.

This policy should also be used when allegations are made against a person who works with children and they or their children have been subject to a child protection investigation.

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. This is emphasised in the Trust guidance HR11 Guidance for Safer Working Practice for Adults that Work with Children and Young People.

This policy is applicable to all employees, trustees, governors and individuals working on behalf of the Trust. It is also applicable to volunteers, individuals working for service providers / contractors and any individual engaged by the Trust to provide any help, support or services to its schools.

Where an individual is not employed directly through the Trust the contractor or agency, and the organisation(s) in which the accused individual works will need to be involved in dealing with the allegation.

## 2. Overview

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When allegations arise against a person working with children (including volunteers) the Trust should follow the procedures outlined in 'Working Together to Safeguard Children'. The procedures should be used when an allegation is made that an adult 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; or
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

This document provides additional practice guidance to the when allegations are made and/or management concerns arise. It does not replace or take priority over any aspect of employment law and should be used in conjunction with Greater Manchester Safeguarding Partnership safeguarding procedures and the Trusts own Safeguarding and Personnel policies.

### 2.1 Statutory Framework

Working Together to Safeguard Children covers cases of allegations that might indicate that a person may pose a risk of harm to children in his or her present position, or in any capacity.

The Prospere Learning Trust must operate a procedure for handling such allegations that is consistent with guidance provided by the GMSP and should identify a senior manager within the organisation to whom all allegations or concerns are reported. See **Appendix 2: Managing Allegations Flowchart**.

In our schools allegations or concerns relating to adults should be made using our standard safeguarding procedures and **must be notified to the Headteacher**, or most Senior Leader on the school premises, **immediately** a concern is raised.

'Working Together' states that local authorities should ensure that allegations against people who work with children are not dealt with in isolation. Any action necessary to address corresponding welfare concerns in relation to the child or children involved should be taken without delay and in a coordinated manner.

Local Authorities therefore have a particular Designated Officer (Often referred to as the LADO: Local Authority Designated Officer), or team of officers, to be involved in the management and oversight of allegations against people that work with children. The Trust must work swiftly to involve the LADO to ensure that information about any allegations about those who work with children are passed to the LADO without delay. The LADO is responsible for ensuring that there are appropriate arrangements in place to effectively liaise with the police and other agencies to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

## 2.2 Underlying Principles

- The welfare of the child is 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.

## 3. Application of the Policy

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### 3.1 Target Audience

This policy is applicable to all employees, trustees, governors and individuals working on behalf of the Trust. It is also applicable to volunteers, individuals working for service providers / contractors and any individual engaged by the Trust to provide any help, support or services to its schools. It is intended to assist the Trust with the management of allegations against staff.

A list of definitions used in this guidance is contained in **Appendix 1: Definitions**.

### 3.2 Key Roles

**The Designated Officer (LADO) should:**

- Provide advice and guidance to the Trust;
- Liaise with the police; and

- Monitor 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.

**The Headteacher:**

The Headteacher of the school is the person 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.
- Liaising with the LADO

In the absence of the Headteacher, the most senior member of the school's Leadership Team will undertake this responsibility.

Where an allegation refers to an individual that may work across more than one school within the Trust the matter will be referred to the Chief Executive Officer (CEO) or Executive Headteacher.

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

## 4. Practice Issues

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### 4.1 Confidentiality and Information-sharing

Information sharing is vital to safeguarding and promoting 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, what and in what circumstances information may be shared.

### 4.2 Record-keeping

Record keeping is an integral part of the management of allegations. 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.

The Trust will 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.

It is a Greater Manchester Safeguarding Partnership decision that records will be retained until a person reaches 100 years old.

## 5. The Process

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### Using the Procedures

All those involved in the management of allegations should be familiar with the process which must be followed for considering information arising from an allegations or concern about the behaviour of an adult working with children.

The process of managing allegations starts where information comes to the attention of a manager which suggests that an adult working with children may have:

- 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 he/she may pose a risk of harm to children.

Concerns or allegations about the behaviour of an adult may be brought to the attention of a manager in a variety of ways. For example:

- An allegation made directly by a child or parent;
- An allegation made by a colleague or member of staff;
- Information from police or local authority social care team;
- Information from a third party or the general public;
- Information disclosed anonymously or online; or
- Concerns generated through an employment relationship.

The procedures allow for consideration of the adult's behaviour at the earliest opportunity when a concern or allegation arises and is brought to the managers attention. In our schools allegations or concerns relating to adults should be made using our standard safeguarding procedures and **must be notified to the Headteacher**, or most Senior Leader on the school premises, **immediately** a concern is raised.

Where the individual is not employed by the school, the allegation should nevertheless be brought to the attention of the Headteacher and the process described below be followed.

### 5.1 Stage 1: The Headteacher's Initial Response

Headteachers need to understand which behaviours to address directly through their complaints or disciplinary procedures and under what circumstances they should contact the Local Authority Designated Officer (LADO).

What constitutes appropriate or inappropriate behaviour will vary depending upon the context and nature of the work undertaken. The Prospere Learning Trust sets personal and professional boundaries for our staff and are explicit about what behaviours are illegal, inappropriate or unacceptable through our Code of Conduct for Staff and the Guidance for Safer Working Practice for Adults that Work with Children and Young People (P003).

The Headteacher should seek guidance from the Trust's HR provider if at any point during the process they feel this is appropriate.

The Headteacher may assign a designated member of staff to manage the initial allegation ensuring that:

- Children are properly safeguarded
- A written account has been prepared by the person to whom the allegation has been made
- A record of potential witnesses is drawn up
- Following advice from the LADO any action regarding a member of staff is fully implemented

### 5.1.1 When to contact the Local Authority Designated Officer (LADO)

When allegations arise against a person working with children (including volunteers) the Trust should follow the procedures outlined in 'Working Together to Safeguard Children'. Schools and Colleges should follow the statutory procedures set out in Part 4 of **Keeping Children Safe in Education** when allegations of abuse are made against teachers or other school staff.

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

In all cases all the general principles outlined below will apply.

#### The Headteacher

##### Should:

Confirm children are safeguarded

Obtain the written account which has been prepared by the person to whom the allegation was made

Record details of potential witnesses

Record the details of any discussions and the rationale for any decisions that have been made about the child/ member of staff

##### Should not:

Investigate the allegation

Interview the child

Interview the subject  
Interview potential witnesses

The LADO should be informed of all allegations that come to an employer's attention **and** appear to meet the criteria outlined above, so that they can consult other statutory agencies as appropriate.

**The referral to the LADO MUST be made within 1 working day of an allegation being made.**

All referrals need to be made using the **LADO referral form (Appendix 3)**. It is essential that all sections of the referral are completed.

**The completed referral needs to be sent to [qualityassurance@manchester.gov.uk](mailto:qualityassurance@manchester.gov.uk)**

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.

Discussion should always take place between the Headteacher and the LADO when the concern or allegation meets the criteria.

#### **What to record**

At this stage the Headteacher should ensure that a factual account of the allegation is recorded, dated and signed, a chronology of events initiated and any other key information identified. No attempts should be made to investigate further before discussion with the LADO.

The Headteacher may also seek the advice of the LADO where an employee's behaviour is a matter for concern to his/her manager because it compromises or may be seen to compromise the reputation and ability of the organisation to safeguard children and young people. Some examples of this may be where an individual has:

- Contravened or has continued to contravene any safe practice guidance given by his/her organisation or regulatory body;
- Exploited or abused a position of power;
- Acted in an irresponsible manner which any reasonable person would find alarming or questionable given the nature of work undertaken;
- Demonstrated a failure to understand or appreciate how his or her own actions or those of others could adversely impact upon the safety and well-being of a child;
- Demonstrated an inability to make sound professional judgements which safeguard the welfare of children;
- Failed to follow adequately policy or procedures relating to safeguarding and promoting the welfare of children;
- Failed to understand or recognise the need for clear personal and professional boundaries in his or her work;
- Behaved in a way in her or her personal life which could put children at risk of harm;
- Become the subject of criminal proceedings not relating to a child;
- Become subject to enquiries under local child protection procedures and/or child subject to **Child Protection Plan**;
- Behaved in a way which seriously undermines the trust and confidence placed in him or her by the employer.

## 5.2 Stage 2: Discussion with LADO

### 5.2.1 Initial Discussion

The purpose of an initial discussion is for the LADO and the Headteacher to consider the nature, content and context of the allegation and agree a course of action.

The LADO may ask the Headteacher to provide or obtain any additional information which may be relevant, such as previous history, whether the child/family have made similar allegations and current contact with children.

This initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, and the Headteacher will then decide how best to proceed within their organisation.

For all other cases, the discussion will then focus on agreeing a course of action including deciding whether the information meets agreed thresholds to hold a **Strategy Meeting** under child protection procedures, and whether suspension of the adult is appropriate. The LADO should ascertain the views of police and/or children's social care as to whether the member of staff should be suspended from contact with children. **The decision to suspend rests with the Trust** alone and it cannot be requested by another agency, although the Headteacher should have regard to the views of investigative agencies if involved. Suspension should be seen in this context as a neutral act.

### 5.2.2 Use of Suspension

Suspension should be considered in every case where:

- There is cause to suspect a child is at risk of **Significant Harm**;
- The allegation warrants investigation by the police; or
- The allegation is so serious that it might be grounds for dismissal.

Suspension **should not be** seen as an automatic response to an allegation or imposed as a 'knee jerk action'. A decision to suspend without careful thought could impede a police investigation. In some cases it will not be immediately obvious that suspension is appropriate and the need for this course of action may only become clear after information has been shared with, and discussion had, with other agencies and the Trust's HR provider.

### 5.2.3 Alternatives to Suspension

While weighing the factors as to whether suspension is necessary, alternatives to suspension should be considered if available and deemed suitable. This may be achieved by:

- The individual undertaking duties which do not involve direct contact with the child concerned or other children e.g. office work;
- Providing an assistant/colleague to be present when the worker has contact with children.

It may be appropriate to use an alternative to suspension when an allegation is first made. This would allow time for an informed decision regarding suspension to be made and possibly reduce the initial impact of the allegation. This will however depend upon the nature of the allegation.

#### 5.2.4 Agreeing Next Actions

In some cases further consultation by the LADO will take place. The LADO may decide to consult with police and social care colleagues to determine the next course of action.

If the information given about an adult's behaviour does not require a Strategy Meeting under **Section 47**, a similar meeting should be called to evaluate jointly the level of concern and to determine whether the person's suitability to continue working with children in his or her current position has been called into question.

If, following consultation, it is decided that the allegation does not meet any of the criteria above, then it may be dealt with by the employer at organisational level.

The LADO will retain overall management of the process (including the monitoring of cases which have been referred back to the employer for internal resolution) until the case reaches its conclusion and will ensure that accurate records are kept.

#### 5.2.5 Confidentiality During Investigations

During an investigation, the Trust and LADO have a responsibility to safeguard confidentiality as far as is possible. Sensitive information must only be disclosed on a need to know basis to other professionals involved in the investigative process. Confidentiality should be maintained by those professionals dealing with the allegation, but if other people become aware of the allegation they may not feel bound to maintain confidentiality. Therefore consideration should be given as to how best to manage this, particularly in relation to who should be told, what information can be disclosed, when and how.

#### 5.2.6 Section 47 Strategy Meetings

If from the information received the LADO considers that the threshold for harm has been met, then the LADO will liaise with the Children's Social Care team manager to organise a Section 47 **Strategy Meeting**. The team manager will chair the Section 47 Strategy Meeting and the LADO will attend where possible. If the arranged Strategy Meeting has all the relevant agencies round the table, then once the child's needs have been discussed the second consecutive meeting/allowing people to leave or arrive, should be used to discuss what should happen to the alleged member of staff rather than setting up a separate meeting for this at a later date, this is to minimise delays.

The Trust should consider carefully and, together with the LADO, should keep under review decisions as to who else should be informed of any suspension and/or investigation, e.g. senior members of staff, and to what extent confidentiality can or should be maintained according to the circumstances of a particular case. The LADO should seek advice from the police and children's social care as appropriate.

#### What to record

In reaching a judgement on an allegation the Headteacher and LADO, in consultation with other professionals as appropriate, should specify and record their concerns clearly indicating why the behaviour may be inappropriate and identifying any potential risk to a child. A written record of this discussion and the agreed outcomes should be made by the LADO and shared with the Headteacher. The employee should be informed of the outcome in writing subject to any multi-agency recommendations to the contrary.

**Strategy Meeting – minimising delays**

If the arranged Strategy Meeting has all the relevant agencies round the table, then once the child's needs have been discussed, the second part of the meeting (or a second consecutive meeting, allowing people to leave) should be used to discuss what should happen to the alleged member of staff, rather than setting up a separate meeting for this at a later date.

**5.3 Stage 3: Role and Function of Multi-Agency Meetings****5.3.1 Initial Consideration Meeting**

If the information about an adult's behaviour does not require a Strategy Meeting under Section 47 to be held, then a similar meeting should nonetheless be called to evaluate jointly the level of concern and to determine whether, and if so how, the behaviour has called into question the person's suitability to continue working with children in her or her current position.

If from the information received the LADO decides that the threshold for harm has been met, or that a criminal act has taken place, or that the person's behaviour may indicate that he/she is unsuitable to work with children or young people, the LADO will liaise with key agencies to organise an Initial Consideration Meeting.

If an Initial Consideration Meeting is to be held, then it should take the form of a face-to-face meeting wherever possible. It is important that the Trust is represented. Other than in exceptional cases, this would normally be the Headteacher and the meeting should include a representative from the Trust's HR service (where applicable). It is also recommended that police, social care and any other agencies or organisations involved should be present.

The discussion should:

- Share all relevant information about the allegation in question;
- Discuss any previous allegations or other concerns;
- Review the need for involvement of children's social care or the police;
- Consider whether the person's suitability to continue working with children in his or her current position has been called into question;
- Plan any enquiries needed, allocate tasks and set timescales;
- Identify a lead contact manager within each agency;
- Decide what information can be shared with whom and when;
- Agree timescales for actions and/or dates for further meetings;
- Consider what advice and support should be made available to the member of staff and child/family;
- Consider any other factors that may affect the management of the case e.g. media interest, managing confidentiality;

- Where the allegation relates to an individual who is not an employee, the meeting should determine who will take the lead in any subsequent action;
- Date to reconvene if necessary.

Those invited to participate in the strategy meeting are advised to bring all relevant information including:

- Relevant details of the employee and the child and their family;
- Information and contact details of any possible witnesses;
- Any other relevant concerns or employment issues regarding the employee.

#### **What to record**

It is important that comprehensive minutes are taken of all the discussions and agreed outcomes.

The meeting should ensure that, where there is a decision not to pursue any police or social care enquiries, specific consideration is given as to why the alleged behaviour is of concern to those present. This discussion should be clearly recorded.

The chair should decide to whom the minutes should be distributed. This should include participants in the Strategy Meeting and those invited but not attending. All parties should be reminded of the need to maintain confidentiality in accordance with local and national procedures and guidance.

In consultation with the LADO the Headteacher will decide whether further disciplinary investigation is necessary and whether there is a need to suspend the adult, or whether suitable alternatives to suspension should be used.

Where the allegation relates to an individual who is not an employee, the meeting should determine who will take the lead in any subsequent action.

#### **Agreeing on confidentiality at meetings**

In allegation management it is vital to maintain confidentiality for the family and the staff member. Using a set agenda for strategy meetings which includes consideration of confidentiality and support services for family and members of staff can be a good way of ensuring the need for confidentiality is discussed for every case.

Professionals should be asked to sign up to the confidentiality clause at the start of the meeting.

## **5.4 Stage 4: Trust Actions**

### **5.4.1 When is Trust Action Necessary?**

Further action by the Trust will always be required in circumstances where:

- A LADO meeting has concluded that disciplinary action should be considered by the Trust;
- The matter has been referred to the Trust after the police or Crown Prosecution Service (CPS) has determined that a charge or prosecution may not be appropriate; or
- Following the conclusion of legal proceedings.

### **5.4.2 The Decision to Undertake a Disciplinary Investigation**

The decision to instigate disciplinary procedures will be based upon the nature and seriousness of the behaviour which has been brought to the multi-agency discussion for consideration and, additionally, in those circumstances where a child has made a direct allegation, upon the child's account of the adult's behaviour. In such cases, it may be necessary to gather further information from the child or other child witnesses to establish the need for an investigation and this should be arranged to be undertaken by a professional experienced in conducting interviews with child witnesses.

### **5.4.3 The Disciplinary Investigation**

The disciplinary investigation is the responsibility of the Trust and they have a duty to keep the LADO informed of progress and agreed timescales.

### **5.4.4 Support for Child/Family**

Children and families involved in the allegation should be made aware of services that exist locally and nationally which can offer support and guidance by the local social care team. They should be provided with any necessary information regarding independent and confidential support, advice or representation.

Parents or carers of the child should always be kept informed of the process of an investigation. This will be by social care team social worker or by allocated social worker or a nominated professional.

Parents or carers, and the child where appropriate, should be told appropriate details of the outcome as soon as possible after the decision of the panel has been reached. HR guidance and advice should be sought to ensure that such information is relevant and appropriate.

### **5.4.5 Support for the Individual**

The Prospere Learning Trust has a duty of care to our employees and should act to manage and minimise the stress inherent in the allegations and disciplinary process. Support to the individual is key to fulfilling this duty.

Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by social care or police.

They should be advised to contact their trade union representative, if they have one, and given access to welfare counselling or medical advice where this is provided by the Trust.

Particular care needs to be taken when employees are suspended to ensure that they are kept informed of both the progress of their case and current work-related issues. Social contact with colleagues and friends should not be discouraged except where it is likely to be prejudicial to the gathering and presentation of evidence. A member of staff from within the school should be appointed to act as a contact for the individual throughout the process.

Throughout the process the individual should be aware of the concerns and why his or her suitability to work with children is being questioned and given the opportunity to state his or her case.

When an employee returns to work following a suspension, or on the conclusion of a case, arrangements should be made to facilitate his or her reintegration. This may involve informal counselling, guidance, support, re-assurance and help to rebuild confidence in working with children and young people.

**What to record**

Records should be kept of the investigation, including all discussions, meetings, panel hearings and decisions relating to the case. A record should also be made of any disciplinary sanction which has been imposed. This will be crucial information for any subsequent referral.

It is a Greater Manchester Safeguarding Partnership recommendation that records will be retained until a person reaches 100 years old.

**Support and Aftercare**

It is important for the Trust to take into account the emotional effects that allegation investigations can sometimes bring to a workplace (regardless of the outcome or whether staff are involved or not) and to consider that staff may have unresolved feelings and will need support.

**This may mean a referral to Occupational Health.**

## 6. Referral to the Disclosure and Barring Service (DBS)

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### 6.1 The Duty to Refer

If an organisation removes an individual (paid worker or unpaid volunteer) from work such as looking after children (or would have, had the person not left first) because the person poses a risk of harm to children, the organisation must make a referral to the Disclosure and Barring Service. It is an offence to fail to make a referral without good reason.

### 6.2 The Disclosure and Barring Service (DBS)

The primary role of the Disclosure and Barring Service (DBS) is to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups including children.

Their statutory responsibilities are:

- Processing requests for criminal records checks for applications made in England and Wales;
- Deciding whether it is appropriate for a person to be placed or removed from a barred list;
- Maintaining the DBS children's barred list and the DBS adults barred list for England, Wales and Northern Ireland.

If the Trust has concerns that an individual has caused harm or poses future risk or harm to vulnerable groups including children it must complete a DBS referral form.

The DBS referral form can be downloaded from the **DBS website**. On the website you can also view the additional information form and find further guidance.

Under the provisions of the Safeguarding Vulnerable Groups Act 2006, as agreed by the Protection of Freedoms Act 2012, the following groups have the power to make a referral to DBS:

**Duty to refer:**

- Regulated Activity suppliers;
- Personnel suppliers;
- Employers and voluntary managers.

**Power to Refer**

- Local authorities (safeguarding role);
- Education and library boards;
- Health and social care;
- Keepers of registers (GMC etc.);
- Supervisory authorities (e.g. CQC, Ofsted).

**Penalties**

An employer or volunteer manager is breaking the law if they knowingly employ someone in a **Regulated Activity** with a group from which they are barred from working.

A barred person is breaking the law if they seek, offer or engage in Regulated Activity with a group from which they are barred from working, be it paid or voluntary.

**Referring a Teacher in England to the National College for Teaching and Leadership**

If a person you are referring to the DBS is a teacher in England you should also refer the case to the **Teaching Regulation Agency (TRA)**.

**Who should make the referral?**

**Employers in local authority children's services** have a statutory duty to make a report to the Department if they cease to use a person's services, in other words dismiss them from work as a teacher or in a role involving regular contact with children, on grounds that the person has committed misconduct which harmed a child or placed at risk of harm a child, on grounds relating to their misconduct (for example if they falsely claim qualifications they do not possess), or on grounds relating to the person's health, where this raises an issue relating to the safety and welfare of children.

**All registered childcare organisations** have a statutory duty to refer the names of those individuals who occupied a child care position that they consider to be guilty of misconduct which harmed or placed at risk of harm a child.

**How to make a referral**

It is important that full information about the behaviour of the person and how the judgement of the panel was informed is given to the Department. The referral form contained on the **website**, together with attached notes of meetings and details gained from the disciplinary investigation, should be completed and sent to the DBS. Reports should be made promptly, preferably within a month of the person's dismissal or resignation.

**When there is no employer,** a decision should have been taken at the beginning of the process as to who would carry out the employers' functions. This person would be responsible for making any referral.

To contact the DBS:

**Email:** [customerservices@dbs.gsi.gov.uk](mailto:customerservices@dbs.gsi.gov.uk)

**By telephone:** 0870 90 90 811

**By Post:**

P.O. Box 110  
Liverpool  
L69 3ET

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## Appendix 1: Definitions

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### Allegation

Information which comes to light which suggests an employee, volunteer or contractor may have hurt or harmed a child, committed a criminal offence against a child or has behaved in such a way towards a child or young person that they may be considered as unsuitable to continue in their current employment or in any capacity which involves working with children.

### Concern

Behaviour which is of concern to a manager or employer, identified through the normal employer/employee relationship.

### Children and Young People

Throughout this document references are made to "children and young people". These terms are interchangeable and refer to children who have not yet reached their 18th birthday.

### Adults

References to 'adults' or 'volunteers' refer to any adult who is employed, commissioned or contracted to work with or on behalf of, children and young people, in either a paid or unpaid capacity.

### Manager

The term 'manager' refers to those adults who have responsibility for managing services including the supervision of employees and/or volunteers at any level.

### Employer

The term 'employer' refers to the organisation which employs, or contracts to use the services of individuals in pursuit of the goals of that organisation. In the context of this document, the term 'employer' is also taken to include 'employing' the unpaid services of volunteers.

### Safeguarding

Process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully.

### Duty of Care

The duty which rests upon an individual or organisation to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity or interaction for which that individual or organisation is responsible. Any person in charge of, or working with children and young people in any capacity is considered, both legally and morally, to owe them a duty of care.

### Substantiated

A substantiated allegation is where there is sufficient evidence to prove an allegation.

### **Unsubstantiated**

An unsubstantiated allegation means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

### **Unfounded**

The term 'unfounded' means that there is no evidence or proper basis which supports the allegation being made, or there is evidence to prove that the allegation is untrue. There is the possibility that the allegation may be malicious (see below), but it might also indicate that the person making the allegation had misinterpreted the incident or was mistaken about what he/she saw, or was not aware of all the circumstances.

### **Malicious**

The term 'malicious' implies that an allegation, either wholly or in part, has been made with a deliberate intent to deceive or cause harm to the person subject to the allegation. For an allegation to be classified as malicious, it will be necessary to have evidence to prove the intention to cause harm. Care should be taken in dealing with such allegations as some facts may not be wholly untrue. Some parts of an allegation may have been fabricated or exaggerated but elements may be based on truth.

Great care should be taken in dealing with allegations that might appear to be unfounded or malicious. For example, with allegations considered unfounded:

- A child or young person may make an allegation in an attempt to draw attention to abuse emanating from another source within his/her family or community;
- A parent may make an allegation against a nursery worker in an attempt to evade responsibility for an injury to his/her child;
- A pupil may make an allegation against a teacher in order to deflect attention away from an incident of behaviour management;
- A parent, in dispute with a school, may make an allegation against a member of staff in order to strengthen their case.

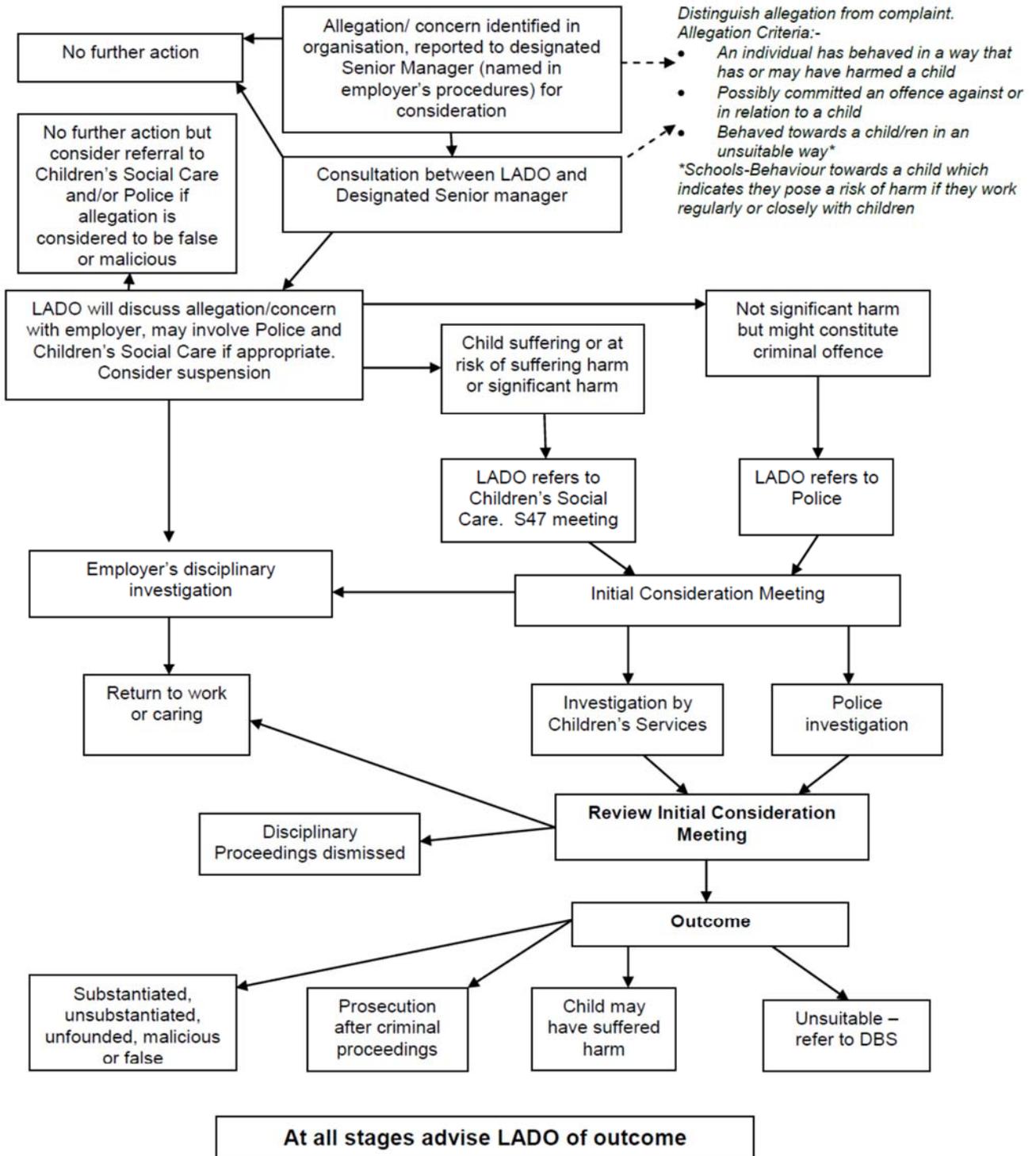
Malicious allegation:

- A colleague may make a malicious allegation in an attempt to discredit a member of staff.

Complaints and allegations against members of staff should always be viewed objectively. The circumstances leading up to the complaint can often be complicated and the outcome far from certain. Completely malicious allegations are rare, but such descriptions, along with terms such as unfounded, unsubstantiated and malicious are often used in the same context. The meanings, however, are very different and it is important for staff to understand the distinction between them and avoid using generalisations that might be incorrect or misleading.

Appendix 2: Managing Allegations Flowchart

**Managing Allegations Flowchart**



Appendix 3: LADO Referral Form

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## LADO Referral

Email to [quality.assurance@manchester.gcsx.gov.uk](mailto:quality.assurance@manchester.gcsx.gov.uk)

### Referrer Details

Date of referral:

Person Name:

Referrer Position:

Referrer Service:

Telephone no:

E-Mail Address:

### Subject Adult

Full Name:

Date of Birth:

Gender:

Address:

Disabled:

Employment Sector:

Occupation / Job Title / Role:

Workplace Address:

Employment Start Date:

Reason for Referral:

--

Any other Role with Children:

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Child Details:

Name	Date of Birth	Reason for Contact

Actions taken by employer to date:

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**Alleged Victim(s)**

Child's details if Applicable:

Name	Date of Birth	Gender	Ethnicity (if known)	Disabilities (if known)	Address	Legal Status and whether looked after child	Details of Parents/ Guardians

Date of Incident:

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Brief Description of allegation or concern:

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Any other professional involvement:

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## Appendix 4: Suspension

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### Alternatives to Suspension

While weighing the factors as to whether suspension is necessary, alternatives to suspension should be considered if available and deemed suitable. This may be achieved by:

- The individual undertaking duties which do not involve direct contact with the child concerned or other children e.g. back office work;
- Providing an assistant/colleague to be present when the worker has contact with children.

It may be appropriate to use an alternative to suspension when an allegation is first made. This would allow time for an informed decision regarding suspension to be made and possibly reduce the initial impact of the allegation. This will however depend upon the nature of the allegation.

### Suitability

You may wish to make recommendations to the employer or registered provider or agency and you may wish to comment on the suitability of the person to continue to work with children. In some cases it will be apparent that someone is unsuitable i.e. wanted for sex offence against children in their care. In some more subtle cases this may require elaboration or you may come to the view that an individual has harmed a child through their actions but this is unintended or as a result of inexperience. You must also make recommendation about training or change in policy/ procedure. Always be mindful that the employer makes the ultimate decision to take the person through their own disciplinary process or not.

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Appendix 5: Stages to Managing Allegations Parents Flow Chart Guidance

Appendix 5

**Stages to Managing Allegations  
Parents Flow Chart Guidance**

