

Managing Allegations Policy



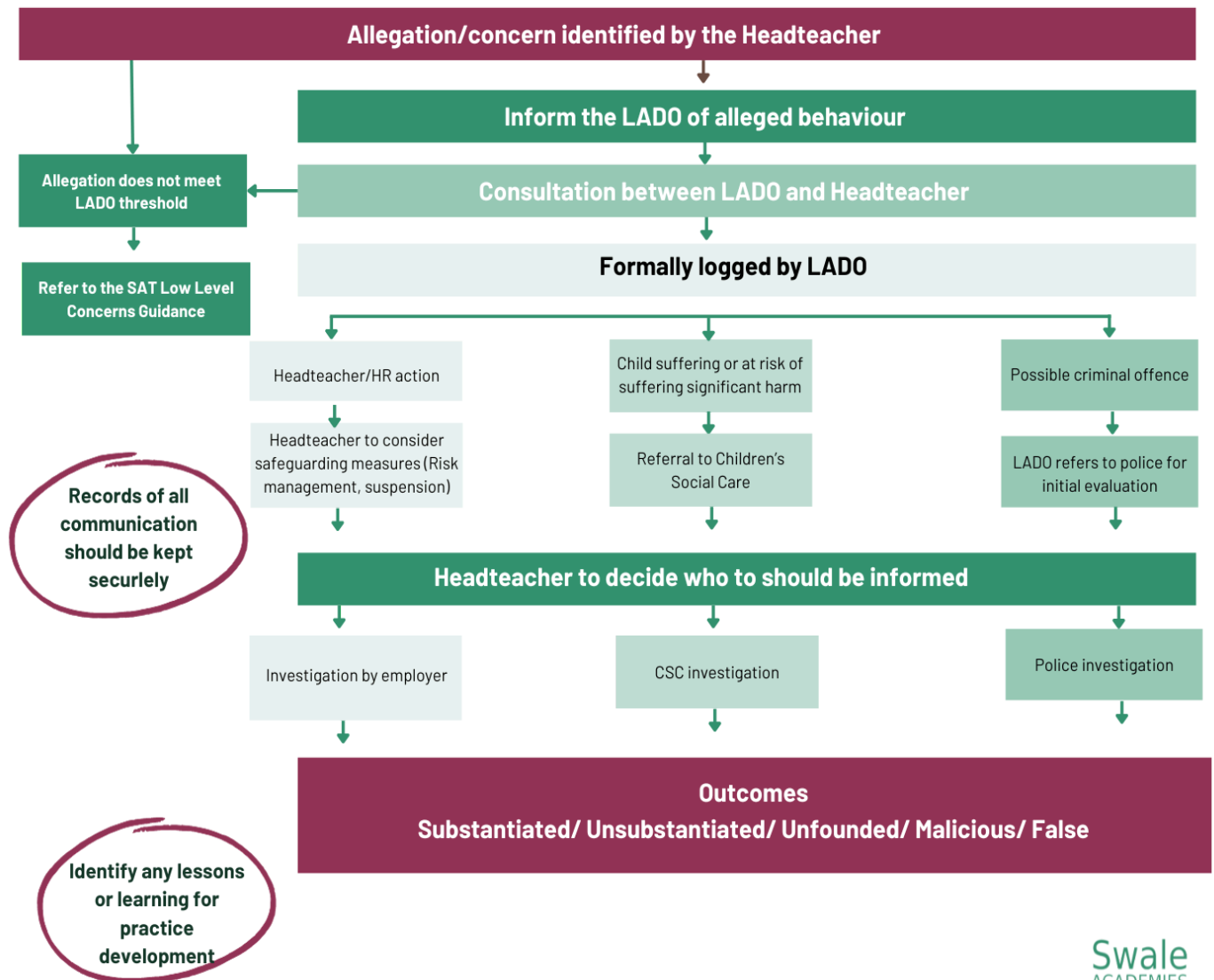
Equalities Statement

In our Trust we work to ensure that there is equality of opportunity for all members of our community who hold a range of protected characteristics as defined by the Equality Act 2010, as well as having regard to other factors which have the potential to cause inequality, such as socio-economic factors. For further information, please see our Equalities Policy.

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Policy Revision Log	
Date	Version No. Brief Detail of Change
November 2023	V1. N/A
October 2024	V2. Updates for referring to LADO. New links to updated Working together to Safeguard Children and KCSIE guidance.




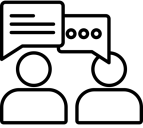

Managing Allegations Flowchart








- SAT [Low Level Concerns Protocol](#) sets out guidance based on 'Section 2: Concerns that do not meet the harm threshold' in part 4 of Keeping Children Safe in Education.

In preparation for a referral or consultation please prepare the following information for adults and children:

- full names, dates of birth and addresses for member of staff and child or children involved
- relevant employment history including any previous disciplinary investigations, allegations, or complaints you are aware of details of any employment in another local authority area where applicable
- details of any secondary role

	<p>Trust employees have a responsibility to report all allegations of child abuse and to alert others where appropriate if they suspect that child abuse may have occurred. The specific arrangements for reporting such concerns are set out within each school. An appropriate request for support from the Children, Young People & Education (CYPE)/ Children, Young People's Trust will ensure that the statutory agencies can fulfil their child protection responsibilities.</p>
	<p>If an allegation of abuse is made against a member of staff, a referral must be made to the local authority LADO service ideally the same day but in any event within 24 hours. This referral and or contact with the LADO service must take place prior to any form of investigation being undertaken by the school or service and before the member of staff is made aware of the allegation. Any allegation against an employee should lead to careful consideration of the possibility of abuse and of a referral being made of any concerns to the statutory agencies if it is considered that the harm threshold has been reached and a person who works with children has:</p> <ul style="list-style-type: none"> ● 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 he or she 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 (known as transferable risk). ● If the concern is not connected to the person's employment or work activity, this policy may also apply.
	<p>Staff also need to be aware that if their own child/children come to the attention of the statutory agencies for child protection, then issues of transference of risk will need to be considered by the Trust. This is outlined with other suitability criteria under the Disqualification Regulations (Child Care Act 2006) and the Childcare (Disqualification) Regulations 2018 which applies to those working within the Early Years Foundation Stage (EYFS) and any supervised 'childcare' activity for a child aged under eight that is provided outside of school hours, including breakfast clubs and after school care.</p>
	<p>It is the responsibility of the Headteacher to ensure that all employees are aware of their duty to report any allegation or possible concern of a child protection nature. Failure to report may:</p> <ol style="list-style-type: none"> (a) put a child at risk and (b) imply a breach of the employee's contractual duty.
	<p>Staff must be aware of this procedure, understand their responsibilities and know where in the school/service a copy of the procedure is to be found.</p>

	<p>A child who reports that he/she may have been abused by an employee of the school must be carefully listened to in all circumstances so that their voice is clearly recorded. Staff should only use open questions in seeking clarity and write down the child's words, explanations and questions raised accurately. Staff should not interpret what the child is saying as this could compromise any investigation.</p>
	<p>Staff cannot promise confidentiality to pupils who disclose allegations. Staff should make this clear to children who approach them, whilst also offering reassurance that they have a right to be heard and that their allegation will be taken seriously.</p>
	<p>All Trust employees have a duty to assist the statutory child protection investigation agencies by ensuring any possible allegation or concern is reported to an appropriate person and by cooperating with any investigative process, if/when required.</p>
	<p>Employees must be aware of the need to avoid impeding an investigation, e.g., by publicising the allegation or providing the opportunity for evidence to be obscured or destroyed. In cases where the Police or the Crown Prosecution Service have decided against a criminal prosecution, staff employed by the Trust must continue to cooperate fully with any internal disciplinary investigation that may follow.</p>
	<p>All risk assessments and responses to concerns undertaken as part of this procedure will be conducted in a reasonable, proportional and transparent manner. The procedure will be applied fairly and transparently in line with Swale Academies Trust's equality of Opportunity Policy and Disability Discrimination Legislation.</p>

1. Reporting an Allegation or A Concern - Who To Report To and The Procedure To Follow

1.1 All members of staff who are required to manage allegations must complete appropriate training.

1.2 When an allegation of abuse is made against an employee on behalf of a child there should be immediate consideration of whether a child or children is/are at risk of significant harm and in need of protection (looking after the welfare of the child or children).

1.3 Any employee who becomes aware of a possible allegation, breach of position of trust and or professional conduct issue must take immediate steps to ensure the matter is reported to the Headteacher. In the event that the Headteacher is unavailable then the matter should be reported to the Deputy Headteacher. An investigation may be impeded if a concern is reported late and/or is communicated through several individuals before Headteacher, and it is important that the school establishes at this stage who the lead contact will be for liaison purposes.

1.4 When an allegation is made against a member of staff nor directly employed by the school (for example: supply staff; cleaning staff; catering staff; Trust Central Services staff; governors; staff from external agencies), the matter must be reported to the Headteacher. The Headteacher must follow the same procedures set out in 1.8 and, where relevant, inform the appropriate line-manager/employer of the person about whom the allegation has been made.

1.5 If the allegation or concern involves the Headteacher/Executive Headteacher, the matter must be reported to the Director of Primary or the Director of Secondary.

1.6 If the allegation is against the Director of Primary/Secondary, the matter must be reported to the Trust CEO.

1.7 If the allegation is against the Trust CEO, then the matter must be reported to Chairman of the Board of Trustees or Ofsted. The [Education Safeguarding Service](#) can also provide advice and support to the Chairman of the Board of Trustees when an allegation has been made against the CEO.

1.8 In all cases, the person to whom the allegation has been reported (Headteacher/Executive Headteacher/School Improvement Executive/Director of Primary/Director of Secondary/Trust CEO/Chairman of the Board) must refer to the local authority LADO Service ideally the same day but in any event within 24 hours about the allegation or concern providing details on the nature, content and context of the allegation.

The LADO will advise on further action in accordance with this procedure as appropriate. This is not the beginning of an investigation, but part of the basic information gathering process. This advice will include who should be made aware that an allegation or concern has been raised.

1.9 The Headteacher (or other Senior Executive as outlined in bold in 1.8) must also seek the advice of the Trust Human Resources Team regarding issues of process, responsibilities and communication. It is important that the Headteacher acts quickly. Before contacting the LADO, the Headteacher (or other Senior Executive as outlined in bold in 1.8) should conduct basic enquiries in line with local procedures to establish the facts to help them determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation.

1.10 Establishing whether an allegation warrants further investigation or consultation is not the same as forming a view on whether the allegation is to be believed. The Headteacher, (or any other employee or other Senior Executive as outlined in bold in 1.8) to whom an allegation has been reported, is not expected to investigate the allegation, or interview pupils, but to assess, after consultation with the LADO how the matter will proceed. Confidentiality must be maintained throughout this stage in order that any subsequent investigation is not prejudiced and that the interests of all parties are protected.

1.11 Where the allegation relates to the use of physical intervention to restrain a pupil (Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable to keep a situation safe), the Headteacher (or other Senior Executive as outlined in bold in 1.8) should refer to the local authority as in all other cases and a subsequent discussion will be held about whether this may be appropriately managed within the school.

1.12 When dealing with the allegation, the Headteacher (or other Senior Executive as outlined in bold in 1.8) should:

- apply common sense and judgement;
- deal with the allegation quickly, fairly and consistently; and
- provide effective protection for the child and support the person subject to the allegation.

2. Considering Whether Suspension is Appropriate

2.1 Suspension should not be an automatic response when an allegation is reported. Suspension of an employee, particularly in situations of potential child protection allegations will have a significant impact on the individual and therefore it is essential that the facts of the case, as they are known, and alternative courses of action are carefully considered before deciding whether to suspend. The specific arrangements for the suspension of staff are set out in the Trust disciplinary procedures, but it should be recognised that suspension is a neutral act to protect the interests of both parties and not an assumption of guilt. It is also essential that the Disciplinary Procedures are followed in terms of providing appropriate support to the individual throughout the period of suspension. All options to avoid suspension should be considered in the first instance.

2.2 The decision to suspend is taken by the Headteacher (or other Senior Executive as outlined in bold in 1.8) and not by the Police or LADO. However, Social Care, in collaboration with other agencies, may advise the Trust and the school of any action recommended to ensure the protection of a child or children, protection of employees and safeguarding of information.

2.3 In the event of the suspended member of staff living in school accommodation on site, then alternative arrangements will need to be negotiated in the best interests of the children, the school and the member of staff concerned. Settings need to consider whether their tenancy agreements would allow a requirement for a member of staff to seek new accommodation while an allegation is being investigated.

2.4 Being suspended or asked to refrain from work can give rise to great anxiety for the individual subject to the allegations. They may fear that colleagues and others within the school/community will have interpreted the very act of suspension as an indicator of presumed guilt from an early stage and may feel particularly isolated and vulnerable.

2.5 Any member of staff subject to an allegation should be encouraged to seek advice and support at the earliest opportunity from their professional association or trade union. It must also be acknowledged that the whole school/community may be affected by a staff member's suspension, and consideration should be given to necessary support strategies to address this.

2.6 The need for support is equally applicable when considering a staff member's return to work. Suspension should be retained for as short a length of time as possible and if it is agreed a staff member is to return to school/work, careful planning needs to take place as to how this situation can be managed as sensitively as possible.

2.7 Initial considerations:

It may not be immediately obvious that suspension should be considered, and this course of action sometimes only becomes clear after information is shared with, and discussion had with other agencies.

In some cases, early or immediate suspension may impede a Police investigation, and therefore the decision whether to suspend may have to be delayed until sufficient evidence has been gathered.

2.8 Suspension should only follow discussion with the Trust Human Resources Team and the LADO, as well as the police and children's social care where they have been involved. The decision to suspend remains the responsibility of the Headteacher (or other Senior Executive as outlined in bold in 1.8).

When considering suspension, it is important to have regard to the following factors:

- The nature of the allegation
- Assessment of the presenting risk
- The context in which the allegation occurred
- The individual's contact with children
- Any other relevant information
- The power to suspend
- Alternatives to suspension

Suspension should only be applied if one or more of the following grounds apply:

- A child or children would be at risk
- The allegation is so serious that summary dismissal for gross misconduct is possible
- It is necessary to allow any investigation to continue unimpeded

2.9 Alternatives to suspension:

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

- Paid Leave of absence
- 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 account of their views. It should be made making it 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 another school within the Trust.

If the member of staff is not based in a school, then an alternative may be to:

- Undertake office duty
- Undertake non-contact tasks only

2.10 Supporting those involved:

The Children Act 1989 established the principle that the interests of the child are paramount. This, however, must be considered alongside the duty of care to staff. Any individual subject to allegations should, regardless of the decision to suspend or otherwise, be offered welfare support. Where possible, a means of monitoring the take up and effectiveness of welfare support without compromising confidentiality or trust should be sought.

Where suspension is being considered, the duty of care requires the Headteacher to ensure that appropriate support is available to the member of staff.

In the case of an allegation against the Headteacher, this responsibility lies with the Director of Primary/Secondary.

In the case of an allegation against the Director of Primary/Secondary, this responsibility lies with the Trust CEO.

In the case of an allegation against the Trust CEO, this responsibility lies with the Chair of the Board.

Agreement must be reached with Trust Human Resources (and police where appropriate) as to how information will be shared and contact maintained with the member of staff throughout the investigative process. This should include agreement as to:

- How the member of staff will be kept updated about the progress of the investigation.
- How support and counselling are to be offered to manage and minimise the stress caused by the allegation.
- Advise the employee to contact their trade union representative, or a colleague of their choice for support.
- Advise the employee of their keep in touch person to ensure that their well-being is monitored.
- Advise employee on how links will be maintained with the school so that the staff member is kept informed of other matters occurring within the school.
- Not prevent the employee from social contact with work colleagues and friends unless there is evidence to suggest this may prejudice the gathering of evidence.

3. Communication with Parents or Carers

- The Headteacher (or other Senior Executive as outlined in bold in 1.8) should consult the LADO and where involved children's social care and/or the police on what information can be disclosed.
- Parent/carers should be kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member.
- They should be made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against an employee in schools whilst investigations are in progress as set out in section [141F of the Education Act 2002](#) (see paragraphs 372-380).

4. Confidentiality

The Headteacher, Chair of Board of Trustees and Trust officers have a responsibility to safeguard confidentiality as far as is possible. Sensitive information must only be disclosed on a need to know basis with other professionals involved in the investigative process.

Other people may become aware of the allegation and may not feel bound to maintain confidentiality. Therefore, consideration should be given on how best to manage information, particularly in relation to who should be told what, when and how. This is particularly relevant in respect of parents, carers and the media in light of new legislation and the anonymity clause.

5. Disciplinary Investigation

5.1 No action under the disciplinary procedure should be taken in circumstances which might interfere with the criminal investigation. Child protection and criminal investigations shall be treated as paramount and any further action under disciplinary procedures may therefore have to await full completion of the child protection and criminal investigations but will be undertaken as soon as possible.

5.2 Once any child protection investigation has been completed and the matter is not proceeding to court, a decision should be taken by the appropriate person in the school, as to whether to investigate under the disciplinary procedures. The school will need to consult with Trust Human Resources prior to reaching a decision on this.

5.3 At the request of the Director of Primary/Secondary, (or other Senior Executive as outlined in bold in 1.8) a nominated representative may be appointed to conduct the investigation where it is inappropriate for the Headteacher or other member of the school's leadership group to do so, e.g. where the Headteacher knowledge might prejudice a fair hearing, where he/she is implicated or when the Director believes it is in the best interests of the school.

5.4 Following the internal investigation, the relevant Trust officer needs to come to a reasonably held view 'on the balance of probability'. The disciplinary investigation must gather evidence objectively establishing the facts where possible and follow the principles of fairness, reasonableness and natural justice.

5.5 Where allegations of child abuse are received against an employee at the school, the LADO will take responsibility for ensuring that relevant information, as defined by the CYPE/CYP Trust or Police, resulting from a child protection investigation is made available to the Headteacher, (or other Senior Executive as outlined in bold in 1.8) in order to inform a decision about a possible disciplinary investigation.

5.6 Evidence derived from the child protection investigation or criminal investigation (e.g., statements, exhibits, video-recorded interviews with children) can be requested for use in subsequent disciplinary proceedings, particularly where the witnesses are the same, via relevant legal departments.

5.7 Where no criminal prosecution is pending or intended, advice from the Police Solicitor's Department on the release of material should be sought through the LADO who has established a protocol with the Police on behalf of the LA to ease this process. Witnesses may include Police Officers and social workers who have interviewed the

child/ren. CYPE/CYP Trust should usually release the minutes of strategy meetings and, where necessary, provide additional reports.

5.8 Whether it is appropriate to call children as witnesses will depend on their age, understanding and capability. However, the attendance of children at any hearing would be in extremely unusual circumstances and will only occur following careful consultation with all interested parties including the parents of the child/ren.

5.9 If a decision is taken to proceed with a disciplinary investigation, the employee should be informed, in writing, as required under the Staff Discipline and Conduct Policy.

5.10 If a decision is taken not to proceed with a disciplinary investigation, the circumstances of the decision should be confirmed in writing to the employee.

Those involved in the investigation of the complaint or the continuing management of the situation at the school cannot hear consequent disciplinary cases, since they may receive information that may prejudice a fair hearing of the complaint. Trust officer/s who are to hear disciplinary appeals must not be involved in the investigation of the complaint or the disciplinary hearing.

The school should make appropriate arrangements to notify the parent/carer of the child/ren of the outcome of the investigation/hearing and will take advice from the Trust Human Resource Team and the LADO Service regarding the nature of information that can be disclosed.

6. Timescales

DfE guidance states that “the quick resolution of the allegation should be a clear priority to the benefit of all concerned. Any unnecessary delays should be eradicated.”

1. If the nature of the allegation does not require formal disciplinary action, the Headteacher should institute appropriate action within 3 working days.
2. If the evidence indicates that a disciplinary hearing may be required, then the process will be completed as quickly as possible and without unavoidable delay within the requirements and timescales of the Trust’s Staff Discipline and Conduct Policy. The employee must be kept regularly informed of the progress in this event.

7. Returning to Work

Where it is decided on the conclusion of a case that an employee who has been suspended can return to work, the Headteacher (or other Senior Executive as outlined in bold in 1.8) should contact the Human Resources Team for guidance/advice on how best to facilitate that. Consideration should be given to reasonable support to return to work.

8. References

8.1 Cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious should not be included in any reference provided to a prospective employer. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious should also not be included in any reference.

8.2 Substantiated allegations should be included in references, provided that the information is factual and does not include opinions.

9. Referral to the Disclosure and Barring Service

9.1 The Secretary of State's powers to bar or restrict a person's employment are contained in section 142 of the Education Act 2002. The relevant regulations, setting out the procedure to be followed now sit under the Vulnerable Groups Act 2006 (List 99 was replaced by the ISA Barring list which in turn has now been replaced by the Disclosure and Barring Service).

9.2 As an employer, Swale Academies Trust or agencies are required to provide a report to the DBS where they cease to use a person's services, or a person is dismissed or resigns before a disciplinary process is completed, because they are considered unsuitable to work with children, as a result of misconduct, or because of a medical condition that raises a possibility of risk to the safety or welfare of children. A settlement agreement does not override the statutory duty to report the matter and such an arrangement should not be considered if the concern was of a safeguarding nature.

9.3 These reporting arrangements apply to anyone who works within the Trust, including volunteers, regardless of what they do. They also apply to staff convicted of a criminal offence against children outside the work setting, when notification may be through the police.

9.4 Anyone subject to a direction under section 142 of the 2002 Act given on the grounds that they are unsuitable to work with children is also disqualified from working with children. 'Work' includes people in unpaid employment, employed under contract, people undertaking work experience and volunteers.

9.5 It is the responsibility of the Trust to make this referral, and to inform the individual of its statutory duty to do so.

9.6 Further information on the Disclosure and Barring Service and the process of referral to the barring list can be found at www.homeoffice.gov.uk/dbs.

10. Retention of Records

10.1 The Information Commissioner Code of Practice: Employment Records 2002 states that “records of allegations about workers who have been investigated and found to be without substance should not normally be retained once an investigation has been completed. There are some exceptions to this where for its own protection the employer has to keep a limited record that an allegation was received and investigated, for example where the allegation relates to abuse and the worker is employed to work with children or other vulnerable individuals.”

10.2 Records of investigations into alleged offences against children must be maintained, in order to identify patterns of concerns. A factual record of the details of all allegations and a written record of the outcome, will be retained. This information will be held by the local authority in line with the responsibilities of the LADO function.

10.3 The employee and/or his/her representative will be informed that such records exist and will be able to seek disclosure within the parameters of the Data Protection Act by putting their request in writing through the appropriate channels.

10.4 Any records retained in relation to the outcome of the investigation and the member of staff's comments will be retained in line with guidance provided by the Information Commissioner's Office which states ‘Until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer’. It is important to note DfE Guidance states “cases in which an allegation was proven to be false, unsubstantiated, or malicious should not be included in an employer’s reference.

10.5 Where a pupil has made an allegation, a copy of the statement or the record made of it, should be kept on the section of a pupil’s safeguarding record, which is not open to disclosure, together with a written record of the outcome of the investigation. If there are related criminal or civil proceedings, records may be subject to disclosure; and, therefore, no assurances can be given on confidentiality. Any allegation made by a child that is deemed to be malicious after external scrutiny should be investigated further to establish what concerns led to such a situation developing. This is in the best interests of the child and the member of staff.

11. Good Practice Guidelines

11.1 All those that are engaged in providing services to the Trust and our children are required to observe the Trust Code of Conduct. The Teacher Standards document (2012) provides a clear outline of expectations in the following areas;

- Out of school contact with pupils.
- Physical contact with pupils.
- Personal care of pupils.
- Relationships and attitudes.
- Extra-curricular activity.
- Reporting of incidents.
- Risk Assessment and lone working.
- Use of email and mobile phones.

12. Scope and Legal Framework

12.1 This policy was adopted by the Board of Trustees and applies to all schools and the central team within Swale Academies Trust.

12.2 Any reference to school also covers central offices. References to the Headteacher should be read as Chief Operating Officer in the case of central offices.

12.3 This procedure is informed by [Working Together to Safeguarding Children 2023](#) and related guidance (Keeping Children Safe in Education, Part four: Safeguarding concerns or allegations made about staff, including supply teachers, volunteers and contractors). In addition, the Education Act 2002 (Section 175) and Section 11 of the Children Act (2004) place a statutory responsibility on local authorities and governing bodies to ensure that schools/services have procedures in place for safeguarding and promoting the welfare of children. This procedure has been agreed by representatives of Kent County Council, East Sussex County Council, LB Bromley and agency partners on Safeguarding Children Board.

12.4 Employees should also be aware of legislation under the Sexual Offences Act 2003 that makes it an offence for those in a position of trust to have a sexual relationship with a young person under the age of 18 years who is currently being cared for or educated by the individual.

12.5 Legislation issued under section 13 of the Education Act 2011 also introduced an anonymity clause for teachers who are subject of an allegation. It is now an offence for anyone to put sensitive information regarding an allegation against a teacher into the public domain prior to any charge or subsequent court appearance. Headteachers and Board of Trustees need to pay particular attention to this legislation when dealing with enquiries from parents or the media.

12.6 In relation to Disqualification, an individual may be disqualified from working in a provision for something they have done themselves, however, schools and settings are no longer required to establish whether a member of staff providing, or employed to work in, childcare is disqualified by association, unless working in a residential setting. (Disqualification under the childcare Act 2006 [2018 update]).

13. The Role of The LADO

13.1 When considering the definitions of harm and whether threshold is met for a [Local Authority Designated Officer \(LADO\)](#) consultation or referral to Children's Social Care, the following guidance provides information about the criteria and process. The examples provided are not exhaustive as the nature of allegations can sometimes be complex, depending on the history of those who are involved.

13.2 If there is an allegation where a criminal offence might have been committed, please contact police or social care for advice before taking any further action.

14. Making a LADO Referral

14.1 In preparation for a referral or consultation please prepare the following information for adults and children:

- full names, dates of birth and addresses for member of staff and child or children involved
- relevant employment history including any previous disciplinary investigations, allegations, or complaints you are aware of details of any employment in another local authority area where applicable
- details of any secondary roles

Bromley	<p>Please report the matter to the Local Authority Designated Officer (LADO) immediately by calling 0208 461 7775 or 0208 313 4325.</p> <p>If the allegation is to be reported out of office hours, contact Children’s Social Care Out of hours Emergency Duty Team on 0300 303 8671.</p> <p>Bromley LADO referral form</p>
East Sussex	<p>If a LADO consultation is required, please go to the LADO Webpage, and complete the online referral form, which will go directly to the LADO inbox. The LADO or the Assistant LADO will contact you by phone or email regarding your enquiry and offer advice in the usual way. LADO webpage</p>
Kent	<p>If you need to speak to the LADO Service regarding an allegation against a member of staff please contact the LADO Service or complete a referral form. Your details will be taken and passed to the LADO on duty. The same LADO will support you through the process until the matter has been resolved.</p> <p>Gateway to the Kent Integrated Children's Services Portal</p> <p>County LADO Service: 03000 41 08 88 Email: kentchildrenslado@kent.gov.uk</p>

15. Examples of Behaviour or Concerns Meeting Criteria for A LADO Referral or Consultation

15.1 Professional Conduct, for example:

- contact with children and young people through social media and private email accounts
- bullying, threats and intimidation
- comments of a personal, derogatory, or racially abusive nature which could cause emotional harm
- physical contact of a non-sexual nature, but which breaches a code of conduct
- providing rewards and incentives which are not sanctioned within a code of conduct and could single out children or young people to the detriment of others

These types of behaviour should be discussed with the LADO in the first instance, as they have happened in isolation. Sometimes there is a fine line between harm and behaviour constituting a possible criminal offence. If they form part of a pattern or there are other concerns about the context, consideration will need to be given to whether a referral was required.

15.2 Behaviours Associated with Criminal Offences

If a child or young person makes an allegation of sexual or physical abuse, a referral to Children's Social Care should be made without delay. The referral should contain as much information as possible regarding the allegation, full details of the victim and perpetrator. There might be times when there is uncertainty about the process and if in doubt Children's Social Care or LADO can be contacted for guidance prior to sending the referral. Examples where a referral is warranted are:

- Physical abuse and restraint where injuries have been caused to a child including scratches, cuts, bruises, red marks, swelling, bites and broken bones
- Disclosures of sexual abuse, including direct contact, historic incidents, links to exploitation, grooming and online abuse
- Physical abuse or inappropriate restraint, pushing or shoving without injury, but this has been witnessed
- In instances where allegations of physical abuse are difficult to corroborate because they have not been witnessed or there is a history of previous allegations from a young person, a discussion should still be had with Children's Social Care about whether the threshold for a referral is met. Children's Social Care might not agree a referral once they have consulted with Police but will give advice about liaison with the LADO and or an internal investigation.

Please note that if injuries have been observed these should be documented on a body map, with a description of size, location and the type of injury seen. Photographs should not be taken by other professionals or sent by email as Police and a Paediatrician will usually take photographs and measure these to scale. There are occasions when Police might ask for this to be done, and agreement will be needed about this on a case-by-case basis.

15.3 Behaviours Which Might Pose A Risk To A Child

Any of the behaviours already identified could meet these criteria. However, there are some behaviours in the workplace which would breach the code of conduct but have not caused immediate harm. In other instances, events in a person's personal life could impact upon their professional or voluntary role with children and young people, for example:

- Being under the influence of drugs or alcohol in the workplace
- Inappropriate use of work IT equipment in work or at home e.g., viewing adult pornography
- Neglect of duty of care or failure to protect or report a safeguarding concern
- Personal involvement with Children's Services, for example employee who has children in care or on child protection plans
- Domestic abuse
- Arrest or prosecution for a criminal offence outside of work including sexual offences in relation to children or adults, violence, drugs, drink driving and fraud

15.4 Behaviours Which Might Impact On Suitability To Work With Children

This is to capture a broader range of behaviour which may indicate risk. Where an incident occurs outside of the workplace and does not involve children but could have an impact on a person's suitability to work with children, this is known as transferable risk. For example, where a person who works or volunteers with children is involved in a domestic abuse incident at home where no children were involved, where violent behaviour is triggered and could pose a risk to children in the workplace.

Suitability is an issue when concerns arise about any of the behaviours already identified above and the following examples:

- Substance or alcohol misuse at home
- Risk by association – ability to protect own children and impact on safeguarding in professional role
- The person’s behaviour regarding their own children
- Behaviour in the private or community life of a partner, member of the family or other household member. A person’s behaviour in their personal life, which may impact upon the safety of children to whom they owe a duty of care

Some offences in private life qualify for disclosure to your employer SAT code of conduct draws attention to expectations around disclosures which should be made by employees.

An adult arrested for a sexual offence and serious violence should be suspended, but other offences can be worked under a risk assessment. Media interest should also be considered as part of this risk assessment.

Disqualification under the Childcare Act 2006 (June 2016) no longer exists, however risk by association, for example, a person in a position of trust who is in a relationship with a sex offender should still be reported to the LADO.

In the first instance any code of conduct issues should be discussed with the LADO. Agencies might be contacted about other incidents where Police and CSC involvement has happened, but there might also be times when criminal activity in someone’s personal life is not reported to Children’s Social Care and there should be a discussion with the Children’s Social Care Team about this.

If any professionals become aware that there are safeguarding concerns in an individual’s private life and they work or volunteer with children, there should be a consultation with the LADO to consider how this can be monitored or addressed.

If there are child protection concerns and social care involvement, the employer should be made aware in case there are additional factors to take into consideration with that person’s role. If there is social care involvement under child in need, it might still be necessary to inform the employer, but the level of concerns will need to be discussed and an action plan agreed. The employee should be encouraged to talk to their employer in the first instance.

16. Next Steps

16.1 The referral will be triaged and if it is agreed it meets the LADO threshold. Children's Social Care will discuss the referral with Police and the LADO. A decision will be made about whether there is a risk of significant harm which requires a strategy discussion. If this is not agreed the LADO will follow up with the employer who will be asked to conduct an internal investigation.

NB: If the child already has an allocated Social Worker, contact should be made with the Children's Social Care in the first instance and agreement will be made about who will lead the investigation.

16.2 Decisions will also need to be made about immediate action needed to safeguard any children, and this might include whether an adult needs to be refrained or suspended prior to a strategy meeting. Consideration also needs to be given to any other employment or voluntary work the individual is involved in. This action will need to be agreed with HR on advice from the LADO and Police if there is a potential criminal investigation.

16.3 If it has been agreed there is a risk of significant harm a Strategy Meeting will be held, where all relevant professionals, a representative from HR or Personnel, Police and the LADO will be invited to attend. The victim and alleged perpetrator will not be included in this meeting.

16.4 Action Plans will be formulated at the strategy meeting, and a decision might be made to have a review meeting, particularly if there are gaps in information which need to be clarified.

17. Out of Hours Referrals

17.1 If a child has made a disclosure of physical or sexual abuse and there is physical evidence a referral should be discussed with the Emergency Duty Service. They will be able to liaise with the Police. The Police might decide to start an investigation over the weekend to avoid delay.

18. Outcomes

18.1 Outcomes Definitions

1. Substantiated: there is sufficient identifiable evidence to prove the allegation.
2. False: there is sufficient evidence to disprove the allegation.
3. Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
4. Unsubstantiated: this is not the same as a false allegation. It means that there is insufficient evidence to either prove or disprove the allegation; the term therefore does not imply guilt or innocence.
5. Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made or there is an alternative explanation being offered.

19. Miscellaneous Referrals To Other Teams

19.1 There are occasions, when agencies including the NSPCC, OFSTED and Complaints Team receive complaints or safeguarding concerns from parents or other third parties, which do not meet the criteria for a referral or LADO Consultation. Early Years providers also have a duty to report injuries to children which occur on the premises. These should be dealt with as follows:

- OFSTED or NSPCC complaints, which do not meet threshold for referral CSC, should be passed to or discussed with the LADO to establish whether the local authority needs to investigate.
- Any accidental injuries which happen at a childminder's home or in an Early Years setting need to be reported to OFSTED and the local authority.

Related Policies

SAT Child Protection & Safeguarding Policy Child Protection & Safeguarding Policy.pdf
SAT Low Level Concerns Guidance
SAT Code of Conduct
SAT Discipline and Conduct Policy
SAT Whistleblowing Policy