

# Barnet Protocol for the Management of Allegations of Abuse against Adults Working with Children

## Related Guidance:

- [Allegations against staff within the children's workforce in Barnet](#)
- [Allegations against staff personal life experience leaflet](#)
- [Allegations Against Staff Flowchart](#)

### 1. Introduction:

Despite all efforts to recruit safely there will be occasions when allegations are made of abuse by staff or volunteers against children.

This protocol is formed of procedures for the reporting and managing of allegations of abuse against children. They have been written in accordance with Working Together to Safeguard Children and [London Safeguarding Children Procedures](#).

### 2. How these Procedures Apply and Criteria Used:

These procedures must be applied when there is an allegation or concern that any person working with children, whether in their employment or voluntary activity 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;
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children
- Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon;
- As a parent or carer, has become subject to child protection procedures;
- Is closely associated with someone in their personal lives (e.g. partner, member of the family or other household member) who may present a risk of harm to child/ren for whom the member of staff is responsible in their employment/volunteering.

In personal life circumstances, these procedures must be followed to consider that ability and willingness of the person to protect the children, what measures need to be put in place to ensure their protection and whether the role of the person is compromised.

### **2.1 Allegations against under 18s:**

These procedures must be followed where allegations are made against a 16 or 17 years old who has been put in a position of trust by an organisation in relation to anyone under the age of 18. For example, where they might be involved in coaching a sport or in other school or out of school activities. They also cover foster carers and approved adopters.

### **2.2 Historic and Complex:**

These procedures should also be followed when allegations of historical and/or complex abuse are made against any person working/volunteering with children.

### **2.3 Types of Allegations:**

Allegations can be made in relation to the four categories of abuse (physical, sexual, emotional and neglect); physical chastisement and restraint; but can also relate to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see s16-19 Sexual Offences Act 2003);
- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003);
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text / e-mail messages or images, gifts, socializing, etc;
- Possession of indecent photographs / pseudo-photographs of children.

### **3. Employers**

If you employ or manage staff and/or volunteers (paid or unpaid) who work with children you must have the following in place:

- A policy on how to manage child safeguarding concerns so that staff, children and families know how to identify and report abuse and neglect. Staff, children and parents should know how and with whom they can discuss concerns about an employee/volunteer who may have harmed or could possibly cause harm to a child;
- A designated safeguarding lead to whom allegations/concerns are reported and would respond;
- A process that allows the designated officer to refer and discuss allegations with the LADO within one working day of identifying an allegation;
- A whistle blowing policy that encourages employees and volunteers to feel confident to voice concerns about the attitude or actions of colleagues.

The majority of allegations against staff or volunteers relate to their behaviour in their workplace. However, some concerns may relate to their personal life or the care of their children. In some cases, the concerns may relate to someone who is closely related to them and this person poses a risk of harm to the children the staff or volunteer may be responsible for in their domestic environment. Policies and processes should cover this.

#### 4. **Identifying an Allegation:**

Sometimes it is difficult to determine whether the incident is an allegation or a concern. In such instances, the following should be considered:

- Was the incident a disproportionate or inappropriate response in the context of a challenging situation?
- Where the incident involved an inappropriate response to challenging behaviour, had the member of staff had training in managing this?
- Does the member of staff understand that their behaviour was inappropriate and express a wish to behave differently in the future? For example, are they willing to undergo training?
- Does the child or family want to report the incident to the police or would they prefer the matter to be dealt with by the employer?
- Have similar allegations been made against the employee – is there a pattern developing?

Each organisation providing a service to children and families must have its own policy, which should be in accordance with local and national procedures and guidance, on how it manages child safeguarding concerns so that staff, children and families know how to identify and report abuse and neglect.

Each organisation should identify a named senior manager with overall responsibility for:

- Ensuring that the organisation deals with allegations in accordance with the procedures;
- Resolving any inter-agency issues;
- Making statutory notifications to professional bodies and the Disclosure and Barring Service (DBS);
- Liaising with the Barnet Safeguarding Children Partnership on the subject.

#### 5. **Local Authority Designated Officer (LADO)**

Working Together to Safeguard Children states that local authorities should have designated a particular officer, or team of officers (either as part of local multi-agency arrangements or otherwise), to be involved in the management and oversight of allegations against people who work with children. The designated officer is referred to as the Local Authority Designated Officer (LADO) in the London Safeguarding Children Procedures.

In Barnet, the role of the LADO sits with the MASH (Multi-Agency Safeguarding Hub). The LADO is the Allegations Team Manager and a qualified Social Worker. The LADO will:

- Receive reports about allegations and is involved in the management and oversight of individual cases;
- Provide advice and guidance to employers and voluntary organisations;

- Liaise with the police and other agencies, including the MASH and Children's Social Care regarding safeguarding of the child;
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process;
- Provide advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS) and regulatory bodies such as Ofsted, the General Medical Council (GMC), Social Work England, etc.

## 6. **Case Responsibility:**

The Barnet LADO holds responsibility for managing allegations which involves professionals and volunteers working in Barnet, if the alleged incident took place in Barnet in their professional capacity. If the incident relates to a personal life experience and they work in Barnet, the Barnet LADO has oversight of the incident to provide advice and guidance to the employer in terms of assessing the risk the person may pose to children they have responsibility for in their employment.

The Barnet LADO is also responsible for managing allegations against foster carers who live in Barnet and have Looked after Children placed in their care. This is irrespective of which local authority or fostering agency is responsible for the foster carer or the local authority responsible for the child/ren or young person.

In the case where the incident happened in Barnet, an Allegation Against Staff (ASV) meeting (formerly strategy meeting) will be convened by the Barnet LADO and the responsible local authority/agency will attend.

If the child/young person is from within London, a referral would be made to the police Child Abuse Investigation Team (CAIT) in the borough where the child originated. If the child/young person is from outside London, then a referral is made to the relevant CAIT Team for that child.

## 7. **The Process of Dealing with an Allegation Referral:**

It is important that an allegation of abuse made against a staff member or volunteer working with children is dealt with fairly, quickly and consistently, in a way that effectively safeguards and supports the child, whilst also supporting the person who is the subject of the allegation. The time taken to conclude cases varies and is based on factors including the complexity, seriousness and nature of the allegation.

### 7.1 **Receiving or Identifying an Allegation:**

Anyone can make an allegation against a member of staff or volunteer. However, the person to whom the allegation is first reported must:

- Make a written record of the information (where possible in the child / adult's own words), including the time, date and place of incident/s, persons present and what was said;
- Sign and date the written record;
- Immediately report the matter to their designated safeguarding lead, or the deputy in their absence. Where the designated safeguarding lead is the subject of the allegation, report should be made to the deputy safeguarding lead or other appropriate senior manager.

- Investigate or ask leading questions;
- Make assumptions or offer alternative explanations;
- Promise confidentiality, but should give assurance that the information would only be shared on a 'need to know' basis.

The designated safeguarding lead (or deputy or senior manager as appropriate) must inform the LADO of the allegation within one working day, either by a telephone call followed by the completed referral form or sending the completed referral form to the LADO. This LADO referral must be done before beginning any investigation.

If the allegation is very serious and there is immediate risk, appropriate actions need to be taken, such as immediately informing the police, seeking medical attention, securing evidence, or removal of the staff member.

It is important to note that information gathering is distinct from investigation. Employers should continue to gather information about the facts of the case, for example, checking if there is any evidence and taking statements from other witnesses.

### **7.2 Out of Hours / Emergency:**

If an allegation is received out of hours and requires immediate attention it should be reported to the council's OOH (Out of Hours Team) and the police, and inform the LADO as soon as possible.

If an allegation is referred to the police, the senior officer in charge should be informed. The senior officer then refers it to the LADO.

### **7.3 Considering the Allegation:**

The designated officer in the referral organisation and the LADO will discuss the incident and agree whether there is evidence and/or information which establishes that the allegation is demonstrably false or unfounded. If it is not, then consideration will be given to the risk or potential risk to both the child/ren directly affected by the issue and any other children who may also be at risk.

There are four strands for consideration by the LADO when a referral is received:

- A police investigation of a possible criminal offence;
- Children's social care enquiries and/or assessment about whether a child is in need of protection or services;
- Consideration by an employer of disciplinary action in relation to possible performance / conduct issues all of their regulated activity with children;
- Whether action against the person making the allegation should be considered, where the allegation has no foundation and may be malicious.

If the allegation is considered to meet the criteria for a criminal investigation or children's social care enquires, the LADO will send a referral (form 87A) to the police Child Abuse Investigation Team (CAIT) and convene a LADO Allegation Against Staff (ASV) meeting within 3 working days. Where this is not possible due to the availability of key professionals, the LADO will have a telephone discussion with CAIT to avoid any delay and to ensure the welfare and safety of the child.

The LADO will advise the designated officer on:

- How and when to inform the child's parents;
- How much information should be shared with the staff member/volunteer and when;
- Staff member continuing to work with children, change of duties, suspension and seeking HR advice.
- Ensuring any information shared will not impede on the investigative process.

If the allegation does not meet the threshold for risk of harm, but there are concerns that a child has been harmed, or there is no evidence of harm but there is concern about inappropriate behaviour etc, the LADO should inform the employer of this.

The employer will then take responsibility for investigation/addressing the issue and inform the LADO of the outcome. If this leads to disciplinary action, the LADO must also be informed of the final outcome. The LADO can provide advice and support to the employer where necessary.

#### **7.4 LADO ASV Meeting:**

The LADO will chair the meeting and professionals will be invited. The meeting will:

- Decide whether there should be a s47 (Children Act 1989) enquiry and / or police investigation;
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information;
- Consider the current allegation in the context of any previous allegations or concerns;
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children;
- Consider whether a complex abuse investigation is applicable (see [London Safeguarding Children Procedures, Organised and Complex Abuse Procedure](#));
- Plan enquiries if needed, allocate tasks and set timescales;
- Decide what information can be shared, with whom and when;
- Ensure that arrangements are made to protect the child/ren involved and any other children affected, including taking emergency action where needed;
- Consider what support should be provided to all children who may be affected;

- Consider what support should be provided to the member of staff/volunteer and others who may be affected e.g. union or legal advice, and how they will be kept up to date with the progress of the investigation;
- Ensure that investigations are sufficiently independent;
- Make recommendations where appropriate regarding suspension, or alternatives to suspension;
- Identify a lead contact manager within each agency;
- Agree protocols for reviewing investigations and monitoring progress by the LADO, having regard to the target timescales;
- Consider issues for the attention of senior management (e.g. media interest, resource implications);
- Consider reports for consideration of referral to the Disclosure and Barring Service (DBS);
- Consider risk assessments to inform the employer's safeguarding arrangements;
- Agree dates for future meetings / discussions.

A final meeting /discussion should be held when the outcome of the investigation is shared to ensure that all tasks have been completed, including any referrals to DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learnt.

Minutes of ASV meetings remain confidential and agreement to share the minutes must be agreed by the LADO.

## 7.5 Outcome:

In determining the outcome, the following definitions should be considered:

- **Substantiated** – There is sufficient evidence to prove the allegation that the child has been harmed or there is a risk of harm. If the facts of the incident are found to be true but it is not found that a child has been harmed or there is a risk of harm, then consideration should be given to deciding that the outcome is 'unsubstantiated' or 'unfounded'.
- **Malicious** – There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive. The police should be asked to consider what action may be appropriate in these circumstances.
- **False** – There is sufficient evidence to disprove the allegation, however, there is no evidence to suggest that there was a deliberate intention to deceive.
- **Unsubstantiated** – There is insufficient evidence to either prove or disprove the allegation. The term 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 the circumstances.

Minutes of the ASV meeting and actions agreed are shared on a 'need to know' basis as agreed at the meeting. A summary of the record of the ASV meeting may be used in subsequent disciplinary procedures.

#### **7.6 Allegations / Concerns in Personal Life Experiences:**

The LADO will convene a meeting or have a discussion with the relevant professionals, where there are concerns / allegations against a staff in their personal life to consider whether they justify:

- Approaching the member of staff's employer for further information, to assess the level of risk of harm; and / or
- Inviting the employer to a further meeting / discussion about dealing with the possible risk of harm.

If the concerns are about someone closely associated with the member of staff e.g. partner, member of family or other member of the household; consideration should be given to:

- The ability and/or willingness of the member of staff to adequately protect the child/ren.
- Whether measures need to be put in place to ensure their protection.
- Whether the role of the member of staff is compromised.

The LADO will advise the employer to complete a risk assessment taking all the information into consideration to decide whether the person poses a risk to the children they work with and to provide appropriate support for the person.

#### **7.7 Disciplinary or Suitability:**

Where a police investigation or children's social care investigation is not required, or where the police are taking no further action and closing their investigation without charge, the LADO and the employer should discuss whether further investigation is required.

Consideration should be given to whether the employer has the resources or should commission an independent investigation due to the nature and complexity of the case and to ensure objectivity.

Disciplinary action should consider any potential misconduct or gross misconduct by the staff member/volunteer, taking into consideration the information gathered from the investigation (police or internal). The LADO must be informed of the outcome and will give advice on referral to regulatory bodies.

#### **8. Supporting those Involved in an Allegation and Investigation:**

The LADO will advise the employer on what information can be shared with the child and parents, and what support should be put in place for the child.

In cases where a child may have suffered significant harm, or there may be a criminal investigation, children's social care and the police should consider what support the child and parents need.

The child and parents should be informed of the outcome of any investigation. Who informs them will be decided at the ASV meeting.

The person who is the subject of the allegation should also be advised to seek support from a union or the employer's counselling service, since this can be very stressful. They should also be kept informed on the progress of the investigation by an agreed professional i.e. police or employer's safeguarding lead.

On conclusion of the investigation, in agreement with the LADO, the safeguarding lead will complete a summary of the investigation and a copy will be given to the staff member/volunteer. A copy must be kept on the employee/volunteer's file and a copy sent to the LADO.

## **9. Confidentiality:**

Access to information about an allegation and investigation must be restricted and only shared on a 'need to know' basis in order to:

- Protect the child/ren;
- Facilitate enquires;
- Manage disciplinary/complaints investigations;
- Protect the rights of the person subject to the allegation.

The minutes of the ASV meeting must not be shared with any third parties, the child's family or the subject of the allegation without the permission of the LADO. The minutes are also not to be placed on the child's social care files, but information on the outcome will be recorded.

## **10. Timescales:**

It is in everyone's best interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation. Every effort should be made to manage cases and avoid any delay. It is the responsibility of the LADO to monitor the progress of the investigation and ensure that actions are completed within the agreed timescales.

## **11. Resignations & Compromise Agreements:**

The resignation of the person subject to the allegation must not prevent the allegation being followed up in accordance with these procedures.

It is important that every effort is made to reach a conclusion on all cases of allegations, even when the person subject to the allegation refuses to cooperate with the process. It may be difficult to reach a conclusion, and it may not be possible to take disciplinary action if a person's period of notice expires before the process is complete, but it is important to record an outcome and conclusion. In such cases, the LADO will give consideration on whether a referral to DBS is appropriate and who should make the referral.

Settlement agreements (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Nor should they be used as a way of concluding any disciplinary investigation where there is a substantiated outcome. Such an agreement will not prevent a thorough police investigation where that is appropriate.

## 12. Contact Information:

- **First Point of Contact - MASH (Multi-Agency Safeguarding Hub):**

[MASH@barnet.gov.uk](mailto:MASH@barnet.gov.uk) / 020 8359 4066

- **Out of Hours / Emergency:**

020 8359 4066 / 020 8359 2000

- **Local Authority Designated Officer (LADO):**

[LADO@barnet.gov.uk](mailto:LADO@barnet.gov.uk) / 020 8359 4528

- **Barnet Safeguarding Children Partnership:**

[bscp@barnet.gov.uk](mailto:bscp@barnet.gov.uk) / [www.thebarnetscp.org.uk](http://www.thebarnetscp.org.uk)

- **OFSTED:**

[Contact Ofsted | Ofsted](#) / 0300 123 1231

## 13. References:

- Working Together to Safeguard Children: Statutory guidance on inter-agency working to safeguard and promote the welfare of children. Available at: [GOV.UK, Working together to safeguard children](#);
- London Safeguarding Children Procedures: [www.londonsafeguardingchildrenprocedures.co.uk](http://www.londonsafeguardingchildrenprocedures.co.uk);
- Detailed guidance can be found for schools and all educational establishments in [Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges](#);
- Guidance about the use of physical restraint in schools for governing bodies, headteachers and school staff. Available at: [GOV.UK, Use of reasonable force in schools](#);
- Guidance regarding making a referral to the Disclosure and Barring Service (DBS) website is available at: [GOV.UK, Making barring referrals to the DBS](#);
- Guidance regarding the legal duty to refer and power to refer to the DBS is available at: [GOV.UK, DBS barring referral guidance](#).

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