

Confidentiality

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.

Suspension

Suspension does not determine a conclusion and it should not be automatic. It should be considered in any case where:
there is cause to suspect a child is at risk of harm
the allegation warrants investigation by the police
the allegation is so serious that it might be grounds for dismissal.

The possible risk of harm to children should be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staff's home, work or community life.

If a managing allegations strategy meeting/discussion is to be held or if children's social care or the police are to make enquiries, the LADO should canvass their views on suspension and inform the employer.

Only the employer, however, has the power to suspend an accused employee and they cannot be required to do so by a local authority or police. If a suspended person is to return to work, the employer should consider what help and support might be appropriate (for example, a phased return to work

and/or provision of a mentor), and also how best to manage the member of staff's contact with the child concerned, if still in the workplace.

Resignations and Compromise Agreements

Every effort should be made to reach a conclusion in all cases even if:

- the individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations
- it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete.

Compromise Agreements must not be used in circumstances where, for example, a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed.

A settlement or Compromise Agreement which prevents the employer from making a DBS referral when the criteria are met for so doing would likely result in a criminal offence being committed for failure to comply with the duty to refer.

Organised abuse

Investigators should be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with complex abuse procedures which, if applicable, will take priority.

Link to NELC Allegation Procedures:

[SaferNEL | Report a concern - SaferNEL](#)



Guidance for Employers



Responding to an allegation or concern

An allegation against a person working with children can be made by people in a range of different circumstances. Some allegations are made by children, some allegations are made by colleagues or other professionals, others are made by parents or members of the community. Everyone who receives information about an allegation should take it seriously and keep an open mind as to whether it might be true. The majority of allegations against professionals or volunteers relate to their behaviours towards a child or children in the workplace. However, some concerns reported to the LADO relate to the professional's or volunteer's personal life or to their care of their own children. Finally, in some cases, there may have been an allegation of abuse against someone closely associated with a member of staff and there are concerns may present a risk of harm to children for whom the member of staff is responsible. In all cases, the general principles set out below apply:

The person receiving the report should:

- make sure children are safeguarded
- write down what has been said and record the circumstances in which the allegation was made
- report the matter to the lead person in agency or organisation.

The person receiving the report should not:

- ask leading questions if seeking clarification
- make assumptions or offer alternative explanations
- promise confidentiality but assurance should be given that the information will only be shared on a 'need to know' basis.

The lead person for safeguarding 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.

Refer to LADO within one working day of allegation being made

If an allegation requires immediate attention but is received outside normal office hours, the designated manager should consult the children's social care emergency duty team or local police and inform the LADO as soon as possible.

The LADO and the lead person for safeguarding will:

- within one working day, have an evaluation discussion, to determine the details of the allegation, taking into account thresholds for LADO involvement
- confirm what children have been safeguarded
- determine whether there is cause to suspect that a child is suffering or is likely to suffer significant harm, in which case the LADO should refer to
- contact children's social care and ask them to convene an immediate strategy meeting/discussion

- determine whether there is sufficient evidence or information that establishes that the allegation is unfounded or false
- consider what further information is needed
- consider whether suspension of the individual is indicated, if the agency/organisation has not yet made the decision
- consider what information can be shared with children and their parents or carers and when
- consider whether there are any reasons for withholding from the accused person that they have been referred to the LADO (such as where this may compromise potential criminal or disciplinary investigations or place children at risk)

There are three potential outcomes from the initial referral to the LADO in terms of the investigation of allegations or concerns. These are:

1. The allegation is demonstrably false/unfounded and no further action is required.
2. There are concerns however they are not child protection in nature but relate to the conduct of that staff member and as such, should be dealt with by the individual's employer/managers.
3. A LADO managing allegations meeting needs to be arranged involving other relevant professionals (including the police if it appears that an offence has been committed) within five working days.