



City of York Safeguarding Children Partnership

**Allegations against staff, volunteers,
foster carers and adopters**

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Document Updates and Approvals

Revision	Group or Person	Date	Comments
1	Michelle Turner/Leigh Moore/Dallas Frank	27/03/23	Baseline version which was originally signed off on 12/01/21 reviewed and updated
	Safeguarding and Professional Practice (SAPP) Sub-Group	28/03/23	Circulated for comments
2	CYSCP Business Unit/SAPP Sub-Group	11/04/23	Comments incorporated and transferred to new template – circulated for comment
3	CYSCP SAPP Sub-Group	17/05/23	Approved



Allegations against staff, volunteers, foster carers and adopters

In August 2020 these procedures were revised to reflect updated guidance for organisations, agencies and individuals to ensure that their functions, and any services that they contract out to others, are carried out with regard to the need to safeguard and promote the welfare of children as set out in Chapter 2: Organisations Responsibilities in Working Together to Safeguard Children, 2023.

Scope of this Procedure

This guidance deals with allegations against staff, volunteers, foster carers and adopters, it is for employers and organisations responsible for providing services to children and young people.

The aim of the procedure is to:

- Ensure that allegations are dealt with in a timely and fair way.
- Ensure that where any person is not suitable to work with children that they are prevented from doing so by notification to relevant bodies.
- Each local authority must appoint a Local Authority Designated Officer (LADO) to oversee the investigation of all allegations and to maintain detailed records of their investigation and the outcomes. The LADO will:
 - Provide advice and guidance to employers and voluntary organisations
 - Liaise with the police and other agencies
 - Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.



The Local Authority Designated Officer (LADO) can be contacted to answer general enquiries about these procedures and their implementation; and, to consult in cases where you are unsure about thresholds or actions.

The [National LADO principles](#) are principles of practice which aim to ensure consistency between LADO's at a high level.

Advice and guidance, in respect of individual cases, can be accessed by contacting the LADO at the City of York Council:

LADO
City of York Council
West Offices
Station Rise
YORK
YO1 6GA

LADO Tel: 01904 551783 (messaging service available if there is no reply) Email: LADO@york.gov.uk (monitored all week during office hours)

The LADO is available; office hours, Monday to Friday, 8:30 – 5pm.

If there is a safeguarding issue in relation to a child, a referral should be made to the multi-agency safeguarding hub (MASH).

Phone: 01904 551900
Email: MASH@york.gov.uk
Post: MASH, West Offices, Station Rise, York, YO1 6GA

[LADO Referral Form](#)

This form must be completed **WITHIN 24 HOURS** of any concern or allegation arising and sent to the LADO at City of York Council at the above email. If you do not have a secure email, please contact the LADO at 01904 551783 for advice on safe information sharing.

If you have an urgent query or you believe a child is at risk please contact the Multi Agency Safeguarding Hub (MASH) on 01904 551900.



Outside office hours, at weekends and on public holidays please contact the emergency duty team on 01609 780780.

Where there are significant immediate concerns about the safety of a child, you should contact the police on 999.

City of York Education settings can get advice and support from the City of York School Safeguarding Advisor:

Tel: 07770 704600

Email: caroline.wood@york.gov.uk

1. Introduction

- 1.1 These procedures must be used by all organisations providing services for children, including those who provide staff or volunteers to work with or care for children.
- 1.2 For convenience, the term employer is used throughout these procedures to refer to organisations that have a working relationship with the individual against whom the allegation is made.
- 1.3 The term includes organisations that use the services of volunteers, or people who are self-employed, as well as service providers, charities, voluntary organisations, employment agencies or businesses, consultants, contractors, fostering services, regulatory bodies such as Ofsted in the case of child minders, and others that may not have a direct employment relationship with the individual, but will need to consider whether to continue to use the person's services, or to provide the person for work with children in future, or to de-register the individual.
- 1.4 In some circumstances the term 'employer' for these purposes will encompass more than one organisation. For example where staff providing services for children in an organisation are employed by a contractor, or where temporary staff are provided by an agency. In those circumstances both the contractor or agency, and the organisation in which the accused individual worked will need to be involved in dealing with the allegation.



- 1.5 The procedures must be applied when there is an allegation that a person who works with children fits the following criteria:
- Behaved in a way which 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 that 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
 - NB. This may include behaviours towards an adult (e.g. domestic abuse or threatening behaviour); or other behaviours of a concerning nature) this is not an exhaustive list).
- 1.6 There may be up to 3 strands in considering a concern or an allegation:
- A Police investigation of a possible criminal offence
 - Enquiries and assessment by York Children's Services/MASH to ascertain whether a child or young person is in need of protection or is in need of services
 - Consideration by an employer of disciplinary action in respect of the individual.
- 1.7 If an allegation relating to a child is made to the LADO about a person who undertakes paid or unpaid care of vulnerable adults, or who undertakes any work in any other capacity with vulnerable adults, consideration should be given to the need for the LADO to refer to Adult Services Manager, and to the Person in a Position of Trust (PIPOT) in adult services.
- 1.8 The **LADO** will oversee the investigation of all allegations that are made, where the relevant individual undertakes paid or unpaid work on behalf of organisations providing services for



children, where those services are provided by the relevant individual within the York area. This is regardless of where the alleged incident took place, the home address of the accused adult or the office base of the organisation.

- Allegations should be managed by the **LADO** in the area where the most risk to children currently exists. This would usually be the **LADO** in the area where the person of concern is predominantly working even if this was a non-recent allegation;
- Where an individual case may be better managed by a **LADO** located in another local authority, e.g. potentially where an allegation happened on a trip but the adult and child are both from a different local authority area, then a discussion should be instigated between **LADOs** with clear agreement reached and recorded;
- If the person of concern has more than one position of trust with children and agreement regarding **LADO** responsibility cannot be reached, the **LADO** for the area in which the person of concern spends the majority of their time engaged with children should escalate to senior management for agreement regarding who will be the responsible **LADO**;
- Cases, including those which are non-recent, must not be left without **LADO** oversight;
- To ensure that every case has **LADO** oversight, clear lines of communication must be maintained between **LADOs**.

1.9 Compliance with these procedures should help ensure that allegations of abuse are dealt with in a timely manner, consistent with a thorough and fair process.

1.10 The [LADO Referral Form](#) should be used to report allegations to the **LADO**, **within one working day**.



2. Roles and Responsibilities

2.1 Member organisations of City of York Safeguarding Children Partnership (CYSCP)

City of York Safeguarding Children Partnership has responsibility for ensuring there are effective inter-agency procedures in place for dealing with allegations against people who work with children and for monitoring and evaluating the effectiveness of those procedures. In order to do this, each Safeguarding Children Partnership member organisation should identify a named senior officer with overall responsibility for:

- Ensuring that the organisation operates these procedures for dealing with allegations
- Resolving any inter-agency issues
- Liaising with the Safeguarding Children Partnership on the subject

2.2 The Local Authority

The Local Authority will appoint a designated officer (**LADO**) who will:

- Be 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
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.

Where an allegation is made against a Police Officer the LADO will refer the concern to the NYP Safeguarding Detective Inspector who will act as a liaison between LADO and NYP professional standards unit.

2.3 Other Employers

Other employers must:

- Put in place and operate arrangements for handling allegations in accordance with these procedures
- Identify a **Designated Senior Manager** to whom allegations or concerns should be reported, and a deputy in their absence or if he/she is the subject of the allegation.

2.4 North Yorkshire Police

North Yorkshire Police will:

- a) Identify a **Designated Liaison Officer** to:
 - Have strategic oversight of the arrangements
 - Liaise with City of York Safeguarding Children Partnership
 - Ensure compliance within the organisation.
- b) Identify a **Designated Officer** to:
 - Liaise with the **LADO**
 - Take part in **LADO** Allegations Meetings
 - Review the progress of cases in which there is a police investigation;
 - Share information as appropriate, on completion of an investigation or related prosecution.

3. Recognising and Responding to an Allegation

3.1 There are several sources from which a complaint or an allegation might arise including:

- A child or an adult



- A parent
- A member of the public
- A member of staff or volunteer in an organisation
- Another employer or organisation
- A disciplinary investigation
- A criminal investigation
- A child or adult safeguarding investigation
- Intelligence

3.2 Organisations covered by these procedures should have in place their own policies, procedures and guidance relating to the conduct of their employees and they should be used to ensure compliance with these procedures.

3.3 Organisations must consult with the LADO as early as possible in all cases where there is any indication that the threshold for the LADO process has been met.

4. Responding to a Complaint or an Allegation Made to an Employer

4.1 The **Designated Senior Manager**, or their deputy, within the organisation, must not investigate the matter by interviewing the member of staff, the child, or potential witnesses, but must only gather sufficient information to establish whether there is enough credible information to proceed further (this is known as a 'fact find').

4.2 The **Designated Senior Manager** will:

- Obtain written details of the allegation, signed and dated by the person receiving the complaint, or allegation and any other relevant person at the point the allegation has been made
- Countersign and date the written details



- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions
 - Decide whether any immediate action needs to be taken to safeguard any child or whether an urgent referral needs to be made to either the MASH and/or the Police
 - The member of staff must not be informed of the allegations before consideration has been given to the implications this may have on any subsequent investigation or safeguarding of a child/children.
- 4.3 If the allegation meets any of the criteria in paragraph 1.5 above, the **Designated Senior Manager** must report it to the LADO within 1 working day using the [LADO Referral Form](#).
- 4.4 Referral must not be delayed gathering information. Overall compliance with the procedures will be monitored and evaluated by the Safeguarding Children Partnership.
- 4.5 If a concern or an allegation requiring immediate attention is received outside normal office hours the **Designated Senior Manager** must consult straight away with the Children's Social Care Emergency Duty Team or local Police and ensure that the LADO is informed the next working day.

5. Responding to a Complaint or an Allegation Made to the Police

- 5.1 If a Police Officer is made aware of allegations meeting **LADO** criteria, they have the responsibility of referring to the **LADO** directly or to ensure that the **LADO** is informed the next working day if the allegation is received out of hours.
- 5.2 If, during an investigation, behaviour is identified that may fall within the scope of this procedure, the **Designated Liaison Officer** should be alerted, and a discussion held with the **LADO** and a referral made.



6. Responding to a Complaint or an Allegation made to City of York Council Children's Services/Multi-Agency Safeguarding Hub (MASH)

- 6.1 If the complaint or allegation is received by York Children's Services/MASH, the person receiving the allegation should report it straight away to the **LADO** (or ensure that the **LADO** is informed without delay if the complaint or allegation is received out of hours).
- 6.2 If, during an investigation, behaviour is identified that may fall within the scope of this procedure, a discussion should be held with the **LADO** and a referral made.

7. Initial Consideration by a Designated Senior Manager and the Local Authority Designated Officer

- 7.1 The **LADO** and **Designated Senior Manager** should
 - Establish that the allegation is within the scope of these procedures
 - Verify whether there is evidence or information that establishes that the allegation is false
 - Consider whether further details are needed
 - Consider the potential risk that the accused adult may pose to children and whether any action should be taken.
- 7.2 The **LADO** will notify the Employer/Designated Manager of reports made via the Police and Children's Services.
- 7.3 If any party is unsure whether the allegation or concern meets the criteria for the Allegations Management procedure, consultation with the **LADO** must be held within one working day.



8. Restrictions on Identifying Teachers Against Whom Allegations of Criminal Misconduct Have Been Made

8.1 The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. Breaching the reporting restrictions is a criminal offence.

8.2 The case manager should take advice from the **LADO**, Police and Children's Services to agree the following:

- Who needs to know and, importantly, exactly what information can be shared
- How to manage speculation, leaks, and gossip
- What, if any information can be reasonably given to the wider community to reduce speculation; and
- How to manage press interest if it should arise.

(Note that this provision applies only to teachers, not to other staff in educational establishments).

9. LADO (s.47) Allegations Meeting and Initial Evaluation Discussion

9.1 If the allegation is not patently false and there is cause to suspect that a child is suffering or is likely to suffer significant harm the **LADO** must immediately refer to York Children's Services/MASH.

9.2 The Police must be informed about any case in which a criminal



offence involving a child may have been committed.

- 9.3 If the Significant Harm threshold is not reached, but a Police investigation might be needed, the **LADO** must inform the Police immediately and initiate an Initial Evaluation Discussion with the Police, employer and other agencies involved with the child to evaluate the complaint or allegation and decide how it should be dealt with.
- 9.4 A **LADO** Allegations Meeting/Initial Evaluation Discussion can be conducted by way of a series of telephone calls if there is an urgent need to consider safety planning, but should take the form of a virtual meeting on Microsoft Teams or a face-to-face meeting with a dedicated minute taker wherever practicable.
- 9.5 The **LADO** will normally chair the meeting and the participants should be sufficiently senior to contribute all relevant available information about the allegation, child and accused person and make decisions on behalf of their agencies.
- 9.6 Attendees may include:
- Relevant social worker and their manager
 - Supervising social worker and their manager when an allegation is made against a foster carer
 - Designated liaison officer from the Police
 - Designated senior manager for the employer/establishment concerned
 - Senior representative of the employment agency or voluntary organisation if the member of staff or volunteer has been placed by them.
 - Those responsible for regulation and inspection where applicable, for example OFSTED
 - Human Resources representatives as appropriate
 - A medical practitioner with an appropriate area of specialist knowledge.



- Where a child is placed by or resident in the area of another local authority, a representative of that authority
 - Complaints officer if the concern has arisen from a complaint or a complaint investigation is in progress
 - A representative of the legal department of the local authority.
 - Representatives from partner organisations communications teams, if appropriate
 - A representative of the Adult Safeguarding team if appropriate.
- 9.7 In the case of an Initial Evaluation Discussion, Children's Services/MASH need only take part if they are involved with the child or have a contribution to make, or there is a safeguarding concern for a child (for example an injury)
- 9.8 The **LADO** Allegations Meeting or Initial Evaluation, as appropriate, should also:
- Consider the four possible criteria set out in Section 1.5, Introduction above
 - Review any previous concerns or allegations about conduct of the accused person
 - Decide whether there should be a Section 47 Enquiry and/or Police investigation and consider the implications
 - Consider whether any parallel disciplinary process should take place
 - Consider whether a complex abuse investigation is applicable
 - Scope and plan enquiries
 - Allocate tasks



- Set time-scales
- Decide what information can be shared, with whom and when
- Ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed
- Consider what support should be provided to all children who may have been affected directly and indirectly
- Consider what support should be provided to the person against whom the complaint or allegation has been made and others who might have been affected
- Ensure that investigations are sufficiently independent
- Consider the arrangements to inform the child's parents, and consider how to provide them with support and information during enquiries;
- Identify a lead contact manager within each organisation;
- Agree protocols for reviewing investigations and monitoring progress by the, noting the target timescales;
- Agree dates for future **LADO** Allegations Meeting, Strategy or Evaluation Discussions or Meetings;
- Consider obtaining consent from the individuals concerned through the Police and/or Children's Services to share the statements and evidence they obtain with the employer and/or regulatory body for disciplinary purposes.



10. Consideration of Suspension

10.1 The power and decision to suspend lies with the employer/organisation. Neither the Children & Families Service nor the police or the LADO can require employers or organisations to suspend a person.

10.2 However, where it is concluded that there should be enquiries by children's social care and/or an investigation by the police, the LADO should canvass police and children's social care for their views about whether the person needs to be suspended from contact with children in order to inform the employer's/organisation's consideration of suspension and they should give appropriate weight to their advice.

10.3 Suspension should be considered only in cases where there is cause to suspect a child or other children at the place of employment is/are at risk of harm or the case is so serious that it might be grounds for dismissal. The organisation's nominated Senior Manager must consider carefully whether the circumstances warrant suspension from contact with children and may wish to seek advice from their HR adviser and / or legal adviser and the LADO. If the case involves a police investigation, then the police lead should also be included in any discussion as this may be relevant in relation to planned police investigatory action.

10.4 The organisation's nominated Senior Manager should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. Based on an assessment of risk by the employer, the following alternatives should be considered by the Senior Manager before suspending a member of staff:

- Redeployment 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 so the individual does not have unsupervised access to children



- Temporarily redeploying the member of staff to another role in a different location.

10.5 If immediate suspension is considered necessary, the rationale and justification for such a course of action should be recorded by the Senior Manager and provided to the LADO. This record should also include what alternatives to suspension have been considered and, if they were rejected, why.

10.6 Written confirmation of any suspension should be sent by the employer/organisation to the person subject to the allegation within one working day, giving as much detail as appropriate for the reasons for the suspension. They should be informed at the point of their suspension who their named contact is within the organisation and provided with that person's contact details. The LADO should be notified of any changes to suspension / alternative working arrangements made by the employer / organisation.

10.7 Any discussion on suspension should also consider any bail conditions that might be in place and be reviewed with the LADO in line with any changes that might be made to those bail conditions in the course of the police investigation.

10.8 If the allegation is about physical contact, the LADO Allegations Meetings / Evaluation Discussion should take account of any entitlement by staff in certain professions to use reasonable force to control or restrain children in certain circumstances, for example. Section 550A Education Act 1996 in respect of teachers and authorised school staff.

11. Reviewing Progress

11.1 The **LADO** should regularly monitor the progress of cases either by:

- Review **LADO** Allegations Meetings
- Liaise with employers/regulatory organisation etc
- Liaise with the Police and/or York Children's Services/MASH



12. Resignations and 'Compromise Agreements'

- 12.1 The fact that a person tenders their resignation or ceases to provide their services must not prevent an allegation from being followed up in accordance with these procedures and a conclusion reached.
- 12.2 A so called “compromise agreement” by which a person agrees to resign, the employer agrees not to pursue disciplinary action and both agree a form of words to be used in any future reference must not be used in situations which are relevant to these procedures. **The organisation must make a referral to the Disclosure and Barring Service to consider whether to add the individual to the barred list.** This applies irrespective of whether a referral has been made to Children’s Services/MASH and/or the designated officer or team of officers. It is an offence to fail to make a referral without good reason.
- 12.3 In any event, such an agreement will not prevent a thorough Police investigation where appropriate.
- 12.4 Wherever possible the person should be given a full opportunity to answer the allegation and make representations about the allegation. The investigation should continue to a conclusion even if that cannot be done or the person refuses to cooperate.

13. Disciplinary Process or Assessment Regarding Suitability

- 13.1 The **LADO** and the **Designated Senior Manager** should discuss and agree what action is appropriate in all cases where:
- It is clear at the outset or decided by a **LADO** Allegations Meeting / Evaluation Discussion that investigations by the Police or enquiries by Children’s Services are not necessary
 - The employer and **LADO** is informed by the Police or the Crown Prosecution Service (CPS) that a criminal investigation and any subsequent trial is complete or that an investigation is to be closed without charge or



a prosecution discontinued.

- 13.2 The discussion should consider any potential misconduct or gross misconduct on the part of a staff member and consider:
- Information provided by the Police and/or Children's Services/MASH;
 - The result of any investigation or trial and the different standard of proof in disciplinary and criminal proceedings.
- 13.3 The options will range from no further action to summary dismissal or not using the person's services in future.
- 13.4 Where the Evaluation Discussion decides that the allegation does not involve a possible criminal offence it will be dealt with by the employer who should instigate appropriate action within 3 working days.
- 13.5 If a disciplinary hearing is required and it can be held without further investigation, the hearing should be held in line with organisations disciplinary procedure.
- 13.6 Where further investigation is needed to decide upon disciplinary action, the employer and the **LADO** should discuss who should undertake that.
- 13.7 In some circumstances it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the employer or person's line management to ensure objectivity.
- 13.8 In any case the investigating officer should aim to provide a report within 10 working days.
- 13.9 On receipt of the report, the employer should decide within 2 working days whether a disciplinary hearing is needed and if so it should be held in line with organisations disciplinary procedure.



14. Sharing Information for Disciplinary Purposes

- 14.1 If the Police or Crown Prosecution Service (CPS) decide not to charge or decide to administer a caution, or the person is acquitted, the Police should pass all relevant information to the employer without delay.
- 14.2 If the person is convicted, the Police should inform the employer straight away so that appropriate action can be taken.

15. Record Keeping

- 15.1 Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual.
- 15.2 The record should include details of how the allegation was followed up and resolved, the decisions reached, and the action taken. It should be kept in accordance with the employer's record retention procedures.
- 15.3 The record will provide accurate information for any future reference and provide clarification if a future Disclosure and Barring Service disclosure reveals an allegation that did not result in a prosecution or a conviction. It will prevent unnecessary re-investigation if the allegation should resurface.
- 15.4 Details of allegations that are found to be malicious must be removed from Education personnel records as set out in '[Keeping Children Safe in Education](#)' Statutory Guidance. All other agencies should follow their own organisation's procedure.
- 15.5 Each organisation must take great care to ensure that the records they keep respect the confidentiality of the alleged victim and/or the relevant individual i.e. the child's file should only contain limited information about the relevant individual and the accused adult's file should only contain limited information about the alleged victim.
- 15.6 Upon completion of the case all agencies other than the employer



will review their need to keep any of the information. It is preferable for agencies only to keep minimal information so that signposting can take place if necessary, at a later stage in order for further information to be sought from the **LADO**.

- 15.7 No copy of any **LADO** Allegations Meeting minutes will be put on any paper file or electronic system held by Children's Services/MASH. Only minimal information will be put on the child's file so that signposting can take place if necessary at a later stage for further information to be sought from the **LADO**. If there is a specific file relating to the accused adult then information including minutes of meetings can be put on the accused adult's file.
- 15.8 Copies of all referrals to the **LADO** and copies of all **LADO** Allegations Meeting minutes and the outcome of all cases will be kept securely by the **LADO** for a period of 75 years after the **LADO** Allegations Meeting was held. For those referrals where advice only was given records will only be kept for 5 years.

16. Monitoring Progress

- 16.1 The **LADO** will keep comprehensive records to ensure that each case is being dealt with expeditiously and that there are no undue delays.
- 16.2 The records will assist the Safeguarding Children Partnership to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the Department of Education as required.
- 16.3 The Police can consult the CPS at any stage about the evidence needed to charge a person, but they should also set target dates for reviewing the progress of the investigation and consulting the CPS about charging, continuing or closing the investigation. This should be no later than 4 weeks after the Evaluation Discussion wherever possible and fortnightly or monthly thereafter if the investigation continues.



17. Recording the Outcome

17.1 At the conclusion of the investigation a determination must be made as to the outcome to be recorded under these procedures. A final Allegations/Evaluation meeting will be held to consider this, involving the relevant organisations representatives. The outcomes are defined as follows:

- **Substantiated**

there is sufficient evidence to prove the allegation

- **Malicious**

there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation

- **False**

there is sufficient evidence to disprove the allegation

- **Unsubstantiated**

there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence

- **Unfounded**

to reflect cases where there is no evidence or proper basis which supports the allegation being made (*for example, this can be the case when an event has occurred but may have been misinterpreted*).

17.2 The final **LADO** Allegations Meeting or Evaluation Discussion should be held at the end of enquiries to ensure that all tasks have been completed and where appropriate to agree an action plan for learning lessons to inform future practice. It is responsibility of employer to provide an outcome in writing along with a summary of how this was reached.



18. Action in Respect of Unsubstantiated Allegations

18.1 Where there is insufficient evidence to substantiate an allegation the employer should consider what further action, if any, should be taken.

19. Action in Respect of False Allegations

19.1 False allegations are rare and may be a strong indicator of abuse elsewhere requiring further exploration. If an allegation is false, the employer, in consultation with the LADO, should consider referring the matter to the MASH to determine whether the child needs services, or might have been abused by someone else.

19.2 If an allegation has been deliberately invented or is malicious, the Police should be asked to consider whether any action might be appropriate against the person responsible. (In an educational establishment, the headteacher/proprietor should consider whether any disciplinary action is appropriate against the pupil who made the allegation). Any action the school decides to take should not discourage others in the future who may have genuine concerns from coming forward.

20. Referral to the Disclosure and Barring Service

20.1 If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide their services, the **LADO** should discuss with the employer whether to refer the case to the Disclosure and Barring Service for consideration of inclusion on the barred lists; or to refer to any professional body.

20.2 There is a legal requirement for employers to make a referral to the Disclosure and Barring Service (DBS) where they think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child or if a person otherwise poses a risk of harm to a child. In such circumstance, the duty to refer an individual to the DBS arises where an employer has



removed the individual from relevant work with children or the person has chosen to cease relevant work in circumstances where they would have been removed had they not done so. Referral should be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person's services.

- 20.3 Professional misconduct cases must be referred to the relevant regulatory body, e.g. the Health and Care Professionals Council, the Teaching Regulation Agency, General Medical Council and the Nursing and Midwifery Council.
- 20.4 Where it is decided on the conclusion of a case that the individual can be considered for return to work with children, the employer must consult with the LADO about any required safeguarding measures.
- 20.5 For more information on making a referral to the DBS, please click [here](#).

21. Review of the outcome decision and complaints

- 21.1 There is no automatic right to have the outcome of a LADO Allegations Management process reviewed. In exceptional circumstances, evidence may come to light which was not considered in the original investigation and that may have had a material effect on the outcome. In these cases the new information should be submitted to the LADO who will make a decision as to whether the outcome should be reviewed.
- 21.2 Complaints about the conduct of individuals during the process should be directed to that individual's organisation to be dealt with under their own complaints procedure. Complaints about a failure to follow the LADO Allegations Management procedures should be directed to the Local Authority's complaints procedure. <https://www.york.gov.uk/form/HaveYourSay>