

Managing allegations and the role of the designated officer (previously LADO)

Schools must act fairly, quickly and consistently when an allegation is made against a member of school staff. They have a duty to safeguard children and they also have a duty as an employer to support the accused until an outcome has been reached to a case.

All schools must have a “managing allegations against staff” policy that identifies the designated safeguarding lead for the school. This person will have responsibility for managing allegations and making sure actions taken comply with local procedures.

Government guidance

The main piece of government guidance that schools must adhere to with regards to managing allegations is *Keeping children safe in education* (DfE, 2015).

This should be used alongside *Working together to safeguard children* (DfE, 2015).

What constitutes an allegation?

An allegation is usually made when a member of staff has:

- behaved in a way that has harmed, or may have harmed, a child,
- committed a criminal offence against or related to a child,
- behaved in a way that indicates that they are unsuitable to work with children.

Dealing with allegations

All allegations should be reported immediately to the head teacher, principal or proprietor. Where the allegation is about the head teacher, principal or proprietor the allegation should be reported to the designated officer.

If a person is deemed to be an immediate risk to children, the school should involve the police without delay.

Role of the designated officer

The designated officer is a source of support and advice when allegations have been made. They also have a responsibility to monitor cases in the authority and provide data at regular intervals. The contact details for the designated officer should be included in the managing allegations policy.

The designated officer should be contacted in all cases when an allegation is made. This is to help the designated safeguarding lead and the designated officer explore the nature, content and context of the allegation. This will help to identify whether the member of staff has harmed a child, committed a criminal offence or is unsuitable to work with children.

The designated officer will advise the school on how the allegation should be investigated and what steps need to happen to support the individuals involved in the meantime.

The designated officer will provide the liaison with children’s services and the police in cases where this is relevant and monitor their progress.

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children’s social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers.

The person who has been accused should be informed as soon as possible after consulting the designarted and be made aware of the likely course of action unless instructed not to do so by the police or children's social care.

Types of allegations

As specified in *Keeping children safe in education* (2014) the following definitions should be used when determining the outcome of allegation investigations:

- **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.
- **False:** there is sufficient evidence to disprove the allegation.
- **Unsubstantiated:** there is insufficient evidence to either to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Recording allegations

Details of allegations that were found be malicious should be removed from personnel records. However, for all other allegations, it is important that a clear summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

Substantiated allegations

In addition to any action taken by the police and children's services, the school should follow its own disciplinary procedures. Allegations should always be investigated, even if the accused person resigns.

Duty to refer to Disclosure and Barring Service

There must also be procedures in place to make a referral to the Disclosure and Barring Service (DBS) if a person in regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned.

This is a legal duty and failure to refer when the criteria are met is a criminal offence.

Creating a safer organisation

Any lessons learned after substantiated allegations have been made can contribute towards policies and procedure being tightened up and improved. Particular policies to be look at include:

- staff code of conduct
- whistleblowing procedures
- safer recruitment processes
- child protection and safe recruitment training

It may also be helpful to review school policies, procedures and values following false and malicious allegations, to see if changes could be made to make such allegations less likely in the future.

More detailed advice on the process of dealing with allegations can be found in part four of *Keeping children safe in education* (DfE, 2015).