



Lyng Primary School

Managing Allegations Against Staff or Volunteers Policy

2022/23

Reviewed September 2023

1. Introduction

These procedures should be applied when there is an allegation or concern that any person who works with children 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 (consideration for any transferrable risk (e.g. incidents at home, in the community)).

These behaviours should be considered within the context of the definitions of [abuse and neglect](#) and should include concerns relating 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
- '[Grooming](#)', i.e. meeting a child under 16 with intent to commit a relevant offence
- other '[grooming](#)' behaviour giving rise to concerns of a broader child protection nature (for example, inappropriate text/e-mail messages or images, gifts, socialising etc)
- possession of indecent photographs/pseudo-photographs of children.

An allegation can also relate to an adult's behaviour **outside of work**, and their **relationships with others**, if they have 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;

- an arrest for the possession of a weapon;
- Drug related incident
- have, as a parent or carer, become subject to child protection procedures;
- are 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 adult is responsible in their employment/volunteering

N.B; There is a transferrable risk with behaviours in the workplace, at home or in the community.

All references in this document to 'members of staff' should be interpreted as meaning all paid or unpaid staff and volunteers, including foster carers, approved adopters, contractors, placement students, supply staff, etc.

Any allegation or concern will be taken seriously and the Headteacher (School Governance Lead), who has the responsibility for managing allegations against persons in a position of trust in school, will be informed immediately.

We are aware that there can be two levels of allegation/concern:

- Allegations that meet the harm threshold
- Allegations/concerns that do not meet the harm threshold – Referred to in KCSIE as ‘low level concerns’

When dealing with allegations/concerns we will ensure that we will;

- Apply a common sense approach and judgement
- deal with them quickly, fairly and consistently
- provide effective protection for child/ren and support the person subject to the allegation
- Complete a risk assessment and make a justifiable decision on whether that person should be temporarily relieved from duties deployed elsewhere whilst an investigation is undertaken.

Low level concerns are those concerns that do not meet the threshold for harm as detailed above but we always take them seriously. They will be dealt with as all allegations/concerns in a timely and appropriate manner. Our management of low level concerns procedure is detailed within “Routines and Guidance” and the low level concern policy.

Low level concerns will be recorded on a separate file so these concerns can be monitored and patterns established.

2. Differentiation between an Allegation and A Low-Level Concern

Behaviours can exist on a wide spectrum – from the unintentional or thoughtless, through to that which is ultimately intended to enable abuse.

Concerns should not be limited to Safeguarding but could relate to behaviour which does not meet the code of conduct and professional standards expected from any individual working within this school.

Low-level concerns are differentiated from concerns that can cause **harm**. The harms threshold is the point at which a concern is no longer low-level and constitutes a threat of harm to a child. This threshold is defined as accusations that

an adult has:

- 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.

An allegation can also relate to an adult's behaviour **outside of work**, and their **relationships with others**, if they have 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;

- an arrest for the possession of a weapon;
- Drug related incident
- have, as a parent or carer, become subject to child protection procedures;
- are 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 adult is responsible in their employment/volunteering

N.B; There is a transferrable risk with behaviours in the workplace, at home or in the community.

The term '**low-level**' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the threshold set above. Lyng Primary School understands that many serious safeguarding concerns such as child sexual abuse, can often begin with low-level concerns, e.g. being overly friendly with a child. We determine a low-level concern is any concern where an adult working in or on behalf of the school or college may have acted in a way that:

- is not consistent with our Code of Conduct, and/or
- relates to their conduct outside of work which, even if not linked to a particular act or omission, has caused a sense of unease about that adult's suitability to work with children *and*
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

N.B. A concern could be no more than causing a sense of unease, 'nagging doubt' or gut feeling.

Position of trust provisions as set out in ss 16 – 19 of the Sexual Offences Act 2003 are being extended to capture those that lead activities in sporting and religious settings. The "position of trust" offences are intended to target situations where the child has some dependency on the adult involved, often combined with an element of vulnerability of the child.

s22A of the Sexual Offences Act 2003 defines new further positions of trust by reference to the activity which an adult is carrying out in relation to a young person;

namely, coaching, teaching, training, supervising or instructing in a sport or a religion. Sport is defined using games in which physical skill is the predominant factor and those which are engaged in for the purpose of competition or display. Religion is defined to capture those involved in a religion that holds a belief in one or more gods, and those involved in a religion that do not hold a belief in a god.

More information.

Roles and responsibilities

Local authorities

Local authorities should assign a 'Designated Officer' (often referred to as 'Designated Officer ([LADO](#)')) to:

- 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.

Find details of [how to contact the Designated Officer \(LADO\) in your area](#).

Local safeguarding partners and relevant organisations

The three statutory safeguarding partners, plus any organisations named locally as also being relevant partners, should identify a named senior officer with overall responsibility for:

- ensuring that their organisation deals with allegations in accordance with these procedures
- resolving any inter-agency issues
- liaising with the [LADO](#) on the subject.

Organisations employing staff, or managing volunteers, who work with children

Employers should appoint:

- a designated senior manager to whom allegations or concerns should be reported
- a deputy to whom reports should be made in the absence of the designated senior manager or where that person is the subject of the allegation or concern.

Reporting Allegations/concerns to:

Andrew Fowler: Head teacher

Sian Wellings: DSL/SMHL

Lynn Howard: Chair of Governors

DDSL's

Fay Langford: Early Years Lead

Laura Beresford: SENCO/SMHL

The police

The police detective inspector on each child [abuse](#) investigation team will:

- have strategic oversight of the local police arrangements for managing allegations against staff and volunteers
- liaise with the safeguarding partners on the issue
- ensure compliance with these procedures.

The police should designate a detective sergeant/s to:

- liaise with the local authority Designated Officer ([LADO](#))
- take part in strategy meetings/discussions
- review the progress of cases in which there is a police investigation
- share information as appropriate on completion of an investigation or related prosecution.

Schools and educational establishments

If staff members have concerns about another staff member (including supply teachers and volunteers), this should be referred to the head teacher or principal. Where there are concerns about the head teacher or principal, this should be referred to the chair of governors, chair of the management committee or proprietor of an independent school as appropriate.

Staff may consider discussing any concerns with the school's designated safeguarding lead and make any referral via them.

In some circumstances schools and colleges will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply, for example, supply teachers provided by an employment agency or business. Whilst schools and colleges are not the employer of supply teachers, they should ensure allegations are dealt with properly. In no

circumstances should a school or college decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the local authority designated officer ([LADO](#)) to determine a suitable outcome. Governing bodies and proprietors should discuss with the agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation.

Detailed guidance on managing allegations about school staff can be found in [Keeping children safe in education: Statutory guidance for schools and colleges](#) (September 2021).

Procedures in specific organisations

It is recognised that many organisations will have their own procedures in place, some of which may need to take into account particular regulations and guidance (for example, schools and registered child care providers). Where organisations have specific procedures, they should be compatible with these procedures and should provide the contact details for:

- the designated senior manager to whom all allegations should be reported
- the person to whom all allegations should be reported in the absence of the designated senior manager or where that person is the subject of the allegation
- the relevant Designated Officer ([LADO](#)) for the area.

Underlying principles

When dealing with allegations against staff or volunteers the following principles should be applied:

Confidentiality

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

The police should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances (for example, an appeal to trace a suspect). Any exceptional circumstances should be documented and partner agencies consulted beforehand.

Specific requirements in relation to teachers

Section 13 of the Education Act 2011 places restrictions on the publication of any information that would identify a teacher who is the subject of an allegation of misconduct that would constitute a criminal offence where the alleged victim of the offence is a registered pupil at the school.

Such restrictions remain in place unless or until the teacher is charged with a criminal offence, though the Magistrates' Court may dispense with these restrictions

if it is satisfied that it is in the interests of justice to do so, having regard to the welfare of:

- a. The person who is the subject of the allegation, and
- b. The victim of the offence to which the allegation relates.

There is a right of appeal to the Crown Court.

This restriction will apply to allegations made against any teacher who works at a school, including supply and peripatetic teachers. 'School' includes [academies](#), [Free Schools](#), independent schools and all types of maintained schools.

There is an offence of publishing any information in breach of these restrictions. Publication includes any communication, in whatever form, which is addressed to the public at large or any section of the public.

Support

The employer, together with local authority children's social care and/or police (where they are involved), should consider the impact on the child concerned and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are addressed.

As soon as possible after an allegation has been received, the accused member of staff should be advised to contact their union or professional association. Human resources should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's occupational health or employee welfare arrangements.

Suspension

Suspension should not be automatic. It should, however, be considered in any case where:

- there is cause to suspect a child has suffered, or is likely to suffer [significant 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 involved and any other children in the accused member of staff's home, work or community life.

If a [strategy meeting/discussion](#) is to be held, or if local authority children's social care or the police are to make enquiries, the Designated Officer ([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 co-operate, having been given a full opportunity to answer the allegation and make representations
- it is not possible to apply disciplinary sanctions (for example, if a person's period of notice expires before the process is complete).

'Compromise agreements' must not be used (i.e. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed). A settlement/compromise agreement which prevents the employer from making a [DBS referral](#) when the criteria are met is likely to be considered a criminal offence (for failure to comply with the duty to refer).

Organised and historical [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. See [Organised and Complex Abuse](#).

Historical allegations should be dealt with in the same way as contemporary concerns. It will be important to ascertain if the accused is currently working with children and to consider whether their current employer should be informed.

Whistle-blowing

All staff should feel confident to voice concerns about the attitude or actions of colleagues. Staff should refer to the School's Whistle Blowing Policy for guidance.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by the School, they should report the matter to the LADO.

A Whistle-blowing Advice line is available from the NSPCC for employees and it offers free, confidential advice to staff that witness wrongdoing and are unsure whether or how to raise their concern, as well as advice on how to respond to whistle-blowing concerns that have been raised.

The helpline number is 0800 028 0285 or email help@nspcc.org.uk

Timescales

Cases should be dealt with fairly and thoroughly but also as quickly as is practical, avoiding all unnecessary delays.

Responding to an allegation or concern

An allegation against a member of staff may arise from a number of sources (for example, a report from a child, a concern raised by another adult in the organisation, or a complaint by a parent). It may also arise in the context of the member of staff and their life outside work.

Initial action by the person receiving or identifying an allegation or concern

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind. They should:

- 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 discuss the issue with the designated senior manager in their organisation. Where the designated senior manager is absent, or is the subject of the allegation, they should approach the deputy or other appropriate senior manager.

It is essential that this person to whom an allegation or concern is first reported does **NOT** investigate or ask leading questions, make assumptions or offer alternative explanations, or promise confidentiality. (Although it is acceptable to provide assurance that the information will only be shared on a 'need to know' basis.)

Initial action by the employing organisation's designated senior manager

When informed of a concern or allegation that appears to meet the thresholds outlined in this procedure (see above), the designated senior manager in the employing organisation should:

- obtain written details of the concern/allegation, signed and dated by the person receiving the allegation (not the child/adult making the allegation);
- approve and date the written details
- record any information about times, dates and location of incident/s and names of any potential witnesses;
- record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

They should **NOT** investigate the matter or interview the member of staff, child concerned or potential witnesses. Instead, they must inform the relevant [Designated Officer \(LADO\) for their area](#) **within one working day**. Referrals should not be delayed in order to gather information and a failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.

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

If a police officer receives an allegation, they should, without delay, report it to the designated detective sergeant on the child [abuse](#) investigation team (CAIT). The detective sergeant should then immediately inform the Designated Officer ([LADO](#)).

Similarly an allegation made to local authority children's social care should be immediately reported to the Designated Officer ([LADO](#)).

Initial consideration by the designated senior manager and the Designated Officer ([LADO](#))

There are up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence.
- Social care enquiries and/or assessment about whether a child is in need of protection or services.
- Consideration by an employer of disciplinary action.

The Designated Officer ([LADO](#)) and the designated senior manager should consider what action should be taken.

If there is cause to suspect that a child is suffering, or is likely to suffer, [significant harm](#), the Designated Officer ([LADO](#)) and the designated senior manager should consider [immediate safeguarding action](#) and should make a [referral](#) to local authority children's social care so that they can initiate a [section 47](#) enquiry and convene a strategy meeting/discussion. (The Designated Officer ([LADO](#)) is likely to be involved in the [section 47](#) enquiry. If this is not the case, the progress and outcome of any [section 47](#) enquiry should be communicated to the Designated Officer ([LADO](#)) whilst there is an on-going allegations process.)

The Designated Officer ([LADO](#)) and the designated senior manager should then consider whether further details are needed in order to establish whether the allegation is false or unfounded. Care should be taken to ensure that the child is not confused as to dates, times, locations or identity of the member of staff.

Where required, the Designated Officer ([LADO](#)) will convene a multi-agency **evaluation meeting/discussion** to consider, oversee and review any investigatory processes in relation to allegations. (In some parts of the wider West Midlands these evaluation meetings/discussions are simply referred to as strategy meetings/discussions). The Designated Officer ([LADO](#)) will usually chair these meetings.

The evaluation meeting/discussion may, where appropriate, be linked to a [section 47](#) strategy meeting/discussion. In these cases, a manager from local authority children's social care will usually chair the meeting.

- **Contacting the police**

The police must be consulted about any case in which a criminal offence may have been committed. If the threshold for [significant harm](#) is not reached, but a police investigation might be needed, the Designated Officer ([LADO](#)) should immediately inform the police and convene an evaluation meeting/discussion, to include the police, employer and other agencies involved with the child.

- **Informing the parent(s) and child**

The Designated Officer ([LADO](#)) will advise the employer whether or not informing the parents of the child involved will impede the disciplinary or investigative processes. If it is agreed that the information can be fully or partially shared, the employer should inform the parent(s). In some circumstances, however, the parent(s) may need to be told straight away (for example, if a child is injured and requires medical treatment).

The processes involved should be explained to the parent(s), and the child if sufficiently mature, and they should be kept informed about the progress of the case

and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

- **Informing the accused person**

The employer should seek advice from the Designated Officer ([LADO](#)), the police and/or local authority children's social care about how much information should be disclosed to the accused person.

Subject to restrictions on the information that can be shared, the employer should, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome (for example, disciplinary action, dismissal or referral to the DBS or regulatory body).

The accused member of staff should:

- be treated fairly and honestly and helped to understand the concerns expressed and processes involved
- be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process
- if suspended, be kept up to date about events in the workplace.

- **Informing [Ofsted](#)**

[Ofsted](#) should be informed of any allegation or concern made against a member of staff in any day care establishment for children under 8 or against a registered child minder. They should also be invited to take part in any evaluation meeting/discussion.

[Ofsted](#) should also be informed of all allegations made against a foster carer, prospective adopter, or member of staff in a residential child care facility.

Position of Trust or Evaluation meeting/discussion

A Position of Trust (PoT) or evaluation meeting/discussion should take place **within one working day** of the employer becoming aware of the allegation.

Professional representation

The PoT or evaluation meeting/discussion should involve all individuals who hold information relevant to the investigation of the allegation. This may include:

- The relevant Designated Officer ([LADO](#)).
- Social care manager (to chair if linked with a [section 47](#) strategy meeting).
- Relevant social worker and their manager.
- Detective sergeant.
- The Designated Health Professional from the relevant [CCG](#) (this is essential if an allegation concerns a health agency worker/professional).
- Designated senior manager for the employer concerned.
- Human resources representative.
- Legal adviser where appropriate.

- Senior representative of the employment agency or voluntary organisation if applicable.
- Manager from the fostering service provider when an allegation is made against a foster carer.
- Supervising social worker when an allegation is made against a foster carer.
- Those responsible for regulation and inspection where applicable (for example, [CQC](#), [GMC](#) or [Ofsted](#)).
- Where a child is placed or resident in the area of another authority, representative(s) of relevant agencies in that area.
- Complaints officer if the concern has arisen from a complaint.

Purpose of the PoT or evaluation meeting/ discussion

The PoT or evaluation or strategy meeting/discussion should be used to:

- Share all relevant information about the person who is the subject of the allegation and about the alleged child victim (including any previous allegations or concerns).
- Plan the investigation/enquiries and set timescales for tasks to be undertaken;
- Agree how progress will be monitored by the Designated Officer ([LADO](#)).
- Consider whether any other children are affected by the allegations (for example, any children of the accused, or other children in the organisational setting).
- Consider the support needs of any children affected and any action that needs to be taken to provide [immediate protection](#) or safeguard any children during the investigation.
- Determine any action that needs to be taken in respect of any other children identified including the need for a [section 47 enquiry](#).
- Decide how regular information and support will be provided to the child and family and by whom.
- Ensure that the person who is the subject of the allegation is kept informed and supported.
- Plan all interviews and agree who should undertake them so that there is no confusion between a criminal investigation, [section 47](#) enquiries and disciplinary processes.
- Consider whether circumstances require the accused to be suspended from contact with children in order to inform the employer's decision about this issue (including whether a foster carer's approval should be suspended and the implications for other children in the placement). This may change as the investigation progresses and should be reviewed regularly.
- Address any issues that are likely to arise (for example, media interest, resource implications).

A follow up meeting/discussion should be held to ensure that all tasks have been completed, including any referrals to the DBS if required. Where appropriate this follow up meeting will agree an action plan for future practice based on lessons learnt.

Allegations against staff in their personal lives

If an allegation or concern arises about the behaviour of a member of staff outside of their work, and this may present a risk of harm to children for whom the member of staff is responsible, the general principles outlined in these procedures will still apply.

The evaluation or strategy meeting/discussion should decide whether the concern justifies:

- approaching the member of staff's employer for further information, in order to assess the level of risk of harm, and/or
- inviting the employer to a further evaluation or strategy meeting/discussion about dealing with the possible risk of harm.

If the member of staff lives in a different authority area to that which covers their workplace, liaison should take place between the relevant agencies in both areas and a joint evaluation or strategy meeting/discussion convened.

In some cases, an allegation of [abuse](#) against someone closely associated with a member of staff (for example, partner, member of the family or other household member) may present a risk of harm to children for whom the member of staff is responsible. In these circumstances, an evaluation or strategy meeting/discussion should be convened to consider:

- the ability and/or willingness of the member of staff to adequately protect any children
- whether measures need to be put in place to ensure their protection
- whether the role of the member of staff is compromised.

Managing Allegations Against a Person in POT

Allegations against organisations or individuals using school premises

If an allegation or concern arises relating to an incident that happened when an individual or organisation was using the School's school premises for the purposes of running activities for children (for example community groups, sports associations, or service providers that run extra-curricular activities). As with any safeguarding allegation, the School will follow its safeguarding policies and procedures, including informing the LADO

Allegations against Governors

If an allegation is made against a governor, the School will follow local procedures. Where an allegation is substantiated, the School will follow the procedures to removing them from office

Record keeping and monitoring progress

Outcome of allegation investigations

The evaluation or strategy meeting/discussion should take in to account the following definitions when determining the outcome of allegation investigations:

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.

Unsubstantiated, false or malicious allegations

Where it is concluded that there is insufficient evidence to substantiate an allegation, the chair of the evaluation or strategy meeting/discussion should prepare a separate report of the enquiry and forward this to the designated senior manager of the employer to enable them to consider what further action, if any, should be taken.

False allegations are rare and may be a strong indicator of [abuse](#) elsewhere which requires further exploration. If an allegation is demonstrably false, the employer, in consultation with the Designated Officer ([LADO](#)), should refer the matter to local authority children's social care to determine whether the child is in need of services, or might have been abused by someone else.

If it is established that an allegation has been deliberately invented, the police should be asked to consider what action may be appropriate.

Substantiated allegations and referral to the DBS

If an allegation is substantiated the Designated Officer ([LADO](#)) should discuss with the employer whether a referral should be made to the Disclosure and Barring Service (DBS). The employer should make this referral but the Designated Officer ([LADO](#)) has overall responsibility to ensure the referral is made in a timely manner.

The Disclosure and Barring Service (DBS) was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

The following groups have a **legal duty to refer** information to the DBS:

- Regulated activity suppliers (employers and volunteer managers).
- Personnel suppliers.
- Groups with a 'power to refer'. This includes:
 - Local authorities (safeguarding role)
 - Health and Social Care trusts
 - Education and Library Boards
 - Keepers of registers (for example, [General Medical Council](#), [Nursing and Midwifery Council](#))

- Supervisory authorities (for example, [Care Quality Commission](#), [Ofsted](#)).

If the person being referred to the DBS is a teacher in England they should also be referred to the National College for Teaching and Leadership which is part of the Department for Education.

Disciplinary process

The Designated Officer ([LADO](#)) and the designated senior manager should discuss whether disciplinary action is appropriate in all cases where:

- It is clear at the outset, or decided by an evaluation or strategy meeting/discussion, that a police investigation or [section 47](#) enquiry is not necessary, or
- The employer or Designated Officer ([LADO](#)) is informed by the police or the [Crown Prosecution Service](#) that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.

The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:

- information provided by the police and/or local authority children's social care
- the result of any investigation or trial
- the different standard of proof in disciplinary and criminal proceedings.

If disciplinary action is taken it should follow the disciplinary procedure of the employing organisation.

Sharing information for disciplinary purposes

Wherever possible, police and children's social care should, during the course of their investigations and enquiries, obtain the consent of the person who is the subject of the investigation to provide the employer and/or regulatory body with statements and evidence for disciplinary purposes. The employer should be notified if consent is not given so they can prepare to obtain this information at the end of the criminal process.

If the police or [Crown Prosecution Service](#) 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.

If the person is convicted, the police should inform the employer and the [LADO](#) straight away so that appropriate action can be taken.

Learning lessons

At the conclusion of the process, the employer and the Designated Officer ([LADO](#)) should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practices.