

**Protocol for dealing with Allegations of Abuse
against a member of staff:
Our Lady of Lourdes Catholic Multi Academy Trust
September 2021**



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Our Lady of Lourdes Catholic Multi Academy Trust Mission Statement

We are a partnership of Catholic academies and our aim is to provide the very best Catholic education for all in our community and so improve life chances through spiritual, academic and social development.

We will achieve this by:

Placing the life and teachings of Jesus Christ at the centre of all that we do.

Following the example of Our Lady of Lourdes by nurturing everyone so that we can all make the most of our God given talents.

Working together so that we can all achieve our full potential, deepen our faith and know that God loves us.

Being an example of healing, compassion and support for the most vulnerable in our society.

Joshua 1:9-10 "Have I not commanded you? Be strong and courageous. Do not be afraid; do not be discouraged, for the Lord your God will be with you wherever you go."

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Updates	
Trust Board Safeguarding Governor	Sue Dryden
Trust Safeguarding Lead	Moira Dales
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The School Designated Safeguarding Lead (DSL) is: Anne-Marie Bell

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Section one: Allegations that may meet the harms threshold (KCSIE 2021)

Introduction

These protocols follow the statutory guidelines for dealing with allegations of abuse made against a person who works with children, as set out in:

Keeping children safe in education, September 2021; Part Four: Allegations of abuse made against teachers, and other staff, including supply teachers, volunteers and contractors (read Part Four for full guidance).

This should be read in conjunction with Our Lady of Lourdes Catholic Multi Academy Trust (OLoL CMAT) Safeguarding and Child Protection policy 2021-22 and Whistle Blowing policy

Initial Response to an allegation

The guidance should be followed where it is alleged that any current member of OLoL CMAT staff, including a supply teacher, volunteer or contractor 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 he or she may pose a risk of harm to children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children¹.

The protocols apply regardless of whether the alleged abuse took place in the school. Allegations against a teacher who is no longer teaching and historical allegations of abuse will be referred to the police.

OLoL CMAT will deal with any allegation of abuse against a member of staff, supply teacher, volunteer or contractor very quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

There are two aspects to consider when an allegation is made:

- **Looking after the welfare of the child** - the designated safeguarding lead is responsible for ensuring that the child is not at risk and referring cases of suspected abuse to the local authority children's social care as described in Part one of this guidance.
- **Investigating and supporting the person subject to the allegation** - the case manager should discuss with the LADO, the nature, content and context of the allegation, and agree a course of action.

When dealing with allegations, schools and colleges should:

- apply common sense and judgement;
- deal with allegations quickly, fairly and consistently; and
- provide effective protection for the child and support the person subject to the allegation

¹ This addition from KCSiE 2020, refers to transferable risk: where a member of staff or volunteer is involved in an incident outside of school *which did not involve children* but could have an impact on their *suitability to work with children*. For example, a member of staff is involved in domestic violence at home, and no children were involved. Following the guidance, OLoL CMAT will consider what triggered these actions and whether a child in school could trigger the same reaction, thereby being put at risk.

Schools and colleges should ensure they understand the local authority arrangements for managing allegations, including the contact details and what information the LADO will require when an allegation is made. Before contacting the LADO, schools and colleges should conduct basic enquiries in line with local procedures to establish the facts to help them determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation. For example:

- was the individual in the school or college at the time of the allegations?
- did the individual, or could they have, come into contact with the child?
- are there any witnesses? and,
- was there any CCTV footage?

These are just a sample of example questions. Schools and colleges should be familiar with what initial information the LADO will require. This information can be found in local policy and procedural guidance provided by the LADO service.

No Further Action

Where the initial discussion leads to no further action, the case manager and the LADO should:

- record the decision and justification for it; and,
- agree on what information should be put in writing to the individual concerned and by whom.

Supply Teachers and all contracted staff:

In some circumstances OLoL CMAT academies will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not apply, for example, supply teachers or contracted staff provided by an employment agency or business.

Whilst OLoL CMAT academies are not the employer of supply teachers, where there is an allegation about a supply teacher, OLoL CMAT academies will ensure allegations are dealt with properly. In no circumstances will the school decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome. Agencies should be fully involved and co-operate in any enquiries from the LADO, police and/or children's social services.

OLoL CMAT academies will usually take the lead in any investigation because agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process.

The case manager will discuss with the supply agency whether it is appropriate for the supply agency to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation. The supply teacher will be advised to contact their trade union representative if they have one, or a colleague for support.

Issues such as information sharing will be addressed at the allegations meeting set up by the LADO, to ensure that any previous concerns or allegations known to the agency are taken into account during the investigation.

When using an agency, OLoL CMAT academies will inform them of their process for managing allegations. This will include inviting the agency's HR manager to meetings and keeping them up to date with information about policies.

Governors.

If an allegation is made against a governor, schools and college should follow their own local procedures. Where an allegation is substantiated, they should follow the procedures to consider removing them from office.

Suspension

Suspension should not be an automatic response when an allegation is reported, and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. In such cases, OLoL CMAT will only suspend an individual, following advice from the Trust HR Team and if we have considered all other options available and there is no reasonable alternative.

Based on an assessment of risk, OLoL CMAT will consider alternatives such as:

- Redeployment within the school 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 the individual to alternative work in the school so that they do not have unsupervised access to children;
- Moving the child or children to classes where they will not come into contact with the individual, making it clear that this is not a punishment and parents have been consulted; and
- Temporarily redeploying the individual to another role in a different location, for example to an alternative school or other work for the Academy Trust.

Where appropriate (in the circumstances described above), the school will carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the LADO, police and/or children's social care services, as appropriate.

If immediate suspension is considered necessary, the appointed case manager will agree and record the rationale for this with the LADO. Information about the alternatives to suspension that have been considered, and why they were rejected will be included in the record. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within one working day, and the individual will be given a named contact at the school and their contact details.

If it is decided that no further action is to be taken in regard to the subject of the allegation or concern, details of all action taken and the justification for this decision will be recorded. The case manager will agree with the LADO what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation.

If it is decided that further action is needed, the case manager will take steps as agreed with the LADO to initiate the appropriate action in school and/or liaise with the police and/or children's social care services as appropriate.

Duty of Care

OLoL CMAT as the employer has a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide them with a named contact if they are suspended. OLoL CMAT academies are not the employer of an individual, however, they still have responsibility to ensure allegations are dealt with appropriately and that they liaise with relevant parties (this includes supply teachers and volunteers, see paragraphs on supply teachers below). It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and, at the same time supports the person who is the subject of the allegation.

OLoL CMAT will:

- manage and minimise the stress caused by the allegation;
- inform the individual as soon as possible, explaining the likely course of action, guided by the LADO, and the police where necessary;
- advise the individual to contact their trade union representative, or a colleague for support;
- appoint a named representative to keep the person informed about progress of the case;
- provide access to counselling or medical advice where appropriate.
- not prevent social contact with work colleagues and friends, when staff are suspended, unless there is evidence to suggest this may prejudice the gathering of evidence.

They will also be given access to welfare counselling: contact Sodexo The Employee Assistance Programme as follows: Tele: 0808 168 2143 or www.carefirst-lifestyle.co.uk

Username: ladyoflourdes

Password: employee

Social contact with colleagues and friends will not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

Parents or carers of the child or children involved should be:

- formally told about the allegation as soon as possible. The case manager should consult the LADO and where involved children's social care and/or the police on what information can be disclosed;
- kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member; and
- made aware of the requirement to maintain confidentiality and unwanted publicity about any allegations made against teachers in schools whilst investigations are in progress as set out in section 141F of the Education Act 2002 (see paragraphs 372-380).

Action staff members must take if they are concerned or receive an allegation that a member of staff, supply teacher, volunteer or contractor poses a risk of harm to children.

- The staff member must report the concern or allegation **in writing** (signed and dated) to the Headteacher.
- If the concern/allegation is about the Headteacher, the staff member must report this in writing to the Chief Executive Officer (CEO) of Our Lady of Lourdes Catholic Multi-Academy Trust: James McGeachie, j.mcgeachie@ololcatholicmat.co.uk
- The Headteacher/CEO will then follow the procedures set out below, as appropriate.

Procedure for dealing with allegations

The headteacher or principal or (where the headteacher or principal is the subject of an allegation) the CEO or as delegated by the CEO (the 'case manager'), should discuss the allegation immediately with the designated officer(s). The purpose of an initial discussion is for the designated officer(s) (usually a DSL or a member of SLT with appropriate Safeguarding training) and the case manager to consider the nature, content and context of the allegation and agree a course of action.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded by both the case manager and the designated officer(s), and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the designated officer(s) what action should follow both in respect of the individual and those who made the initial allegation.

In the event of an allegation that meets the 'harm' criteria (page 1), the case manager (the Headteacher, DSL, or where the Headteacher is the subject of the allegation, the CEO of the CMAT) will take the following steps:

- Immediately discuss the allegation with the Local Authority Designated Officer (LADO). This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services.
- The case manager may, on occasion, consider it necessary to involve the police *before* consulting the LADO – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the LADO as soon as practicably possible after contacting the police.
- Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the LADO (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies.

Confidentiality and Information Sharing (see also KCSIE PARA; 105-113 Part Two Information sharing)

OLoL CMAT academies will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

In a strategy discussion or the initial evaluation of the case, the agencies involved should share all the relevant information they have about the person who is subject to the allegation, and about the alleged victim.

The case manager will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- who needs to know about the allegation and what information can be shared,
- how to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality;
- What, if any, information can be reasonably given to the wider community to reduce speculation; and
- How to manage press interest if, and when, it arises.

Allegations Outcomes

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 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.

If the allegation is substantiated and:

- the person is dismissed; resigns, or otherwise ceases to provide his or her services; or
- the employer ceases to use the person's services.

The employer has a legal duty to make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

In the case of a member of teaching staff, the case manager must consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching (see KCSIE paragraph 143 for further information).

There is a legal requirement for employers to make a referral to the DBS where they consider an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

Resignations & Agreement Settlements:

If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process.

'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. Such an agreement will not prevent a thorough police investigation where that is appropriate.

Record Keeping:

The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case. Such records will include:

- A clear and comprehensive summary of the allegation;
- Details of how the allegation was followed up and resolved;
- Notes of any action taken and decisions reached and justification for these.
- a copy provided to the person concerned, where agreed by children's social care or the police; and,
- a declaration on whether the information will be referred to in any future reference

Where records contain information about allegations of sexual abuse, the school will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry.

The school will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

Following a criminal investigation or prosecution the case manager will discuss with the LADO whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

Where the conclusion of the case is that the allegation is substantiated and the individual is dismissed or the school ceases to use their services, or the individual resigns or otherwise ceases to

provide their services, the case manager and the school's HR adviser will discuss with the LADO whether to make a referral to the DBS for consideration of whether inclusion on the barred lists is required. In the case of a member of teaching staff, whether to refer the matter to the Teaching Regulation Agency (TRA), to consider prohibiting the individual from teaching.

OLoL CMAT academies will follow the legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that has harmed (or is likely to harm) a child; or poses a risk to a child.

If it is decided on the conclusion of the case that the individual who has been suspended can return to work, the case manager will consider how best to facilitate this. The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still attending the school.

If an allegation is shown to be deliberately invented, or malicious and therefore unsubstantiated, the Headteacher, or the CEO of OLoL CMAT in the case of an allegation against the Headteacher, will consider whether any disciplinary action is appropriate against the pupil(s)/student(s) who made it, or whether the police should be asked to consider whether action against those who made the allegation might be appropriate, even if they are not a pupil/student. The case worker will discuss with the LADO if they should refer the matter to children's social care in case the child who made the allegation may be in need of their services

References:

Cases in which an allegation was found to be false, unfounded, unsubstantiated or malicious should not be included in employer references. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious should also not be included in any reference. See paragraphs 203-205 for further information on references. Substantiated allegations should be included in references, provided that the information is factual and does not include opinions.

Timescales:

Any cases where it is clear immediately that the allegation is unsubstantiated or malicious will be resolved...	within 1 week
If the nature of an allegation does not require formal disciplinary action, the school will normally instigate appropriate action...	within 3 working days
If a disciplinary hearing is required and can be held without further investigation, wherever possible the Trust will hold this...	within 15 working days

The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation. It is expected that 80% of cases should be resolved within one month, 90% within 3 months and all but the most exceptional cases should be completed within 12 months.

Oversight and Monitoring;

The designated officer(s) has overall responsibility for oversight of the procedures for dealing with allegations, for resolving any inter-agency issues, and for liaison with the three safeguarding partners.

The designated officer(s) will provide advice and guidance to the case manager, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

If the strategy discussion or initial assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

Learning lessons

After any cases where the allegations are *substantiated*, OLoL CMAT academies will review the circumstances of the case with the LADO to determine whether there are any improvements that can be made to the school's procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Issues arising from the decision to suspend the member of staff;
- The duration of the suspension;
- Whether or not the suspension was justified; and
- The use of suspension when the individual is subsequently reinstated. The school will consider how future investigations of a similar nature could be carried out without suspending the individual.

Section 2: Allegation/concerns that do not meet the harms threshold – referred to for the purposes of this guidance as 'low level concerns'. (KCSIE 2021)

OLoL CMAT has policies and processes to deal with concerns (including allegations) which do not meet the harm threshold set out above. Concerns may arise in several ways and from a number of sources. For example:

- suspicion;
- complaint;
- or disclosure made by a child, parent or other adult within or outside of the organisation;
- or as a result of vetting checks undertaken. It is important that schools and colleges have appropriate policies and processes in place to manage and record any such concerns and take appropriate action to safeguard children. For further reference and information see KCSIE para 407-427. Also refer to the OLoL CMAT Managing Allegations Policy.

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 out in KCSIE paragraph 338.

A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the school or college may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and

- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the LADO.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children;
- having favourites;
- taking photographs of children on their mobile phone;
- engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or,
- using inappropriate sexualised, intimidating or offensive language.

Staff code of conduct and safeguarding policies

As good practice OLoL CMAT have set out their low-level concerns policy within their staff code of conduct and safeguarding policies as set out in Part two of KCSIE guidance. OLoL CMAT have made it clear what a low-level concern is and the importance of sharing low-level concerns, to create and embed a culture of openness, trust and transparency in which the school's or college's values and expected behaviour which are set out in the staff code of conduct are constantly lived, monitored and reinforced by all staff.

As set out in Part two of KCSIE, St Mary's will ensure that the OLoL CMAT staff code of conduct, behaviour policies and safeguarding policies and procedures are implemented effectively, and ensure appropriate action is taken in a timely manner to safeguard children and facilitate a whole school or college approach to dealing with any concerns.

St Mary's will achieve the purpose of addressing any low-level concerns by, for example:

- ensuring their staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others;
- empowering staff to share any low-level safeguarding concerns;
- addressing unprofessional behaviour and supporting the individual to correct it at an early stage;
- providing a responsive, sensitive and proportionate handling of such concerns when they are raised; and,
- helping identify any weakness in the school or colleges safeguarding system.

Sharing low-level concerns

Low-level concerns about a member of staff, supply staff, volunteer or contractor should be reported as per KCSIE paragraph 74. Reports about supply staff and contractors should be notified to their employers, so any potential patterns of inappropriate behaviour can be identified.

St Mary's will ensure that they create an environment where staff are encouraged and feel confident to self-refer, where, for example, they have found themselves in a situation which could be misinterpreted, might appear compromising to others, and/or on reflection they believe they have behaved in such a way that they consider falls below the expected professional standards.

Recording low-level concerns

All low-level concerns should be recorded in writing. The record should include details of the concern, the context in which the concern arose, and action taken. The name of the individual sharing their concerns should also be noted, if the individual wishes to remain anonymous then that should be respected as far as reasonably possible.

OLoL CMAT Schools can decide where these records are kept, but they must be kept confidential, held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR) (see KCSIE).

Records should be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, St Mary's decide on a course of action **through conversations with the DPS and HR**, either through its disciplinary procedures or where a pattern of behaviour moves from a concern to meeting the harms threshold, in which case it should be referred to the LADO. Consideration should also be given to whether there are wider cultural issues within St Mary's that enabled the behaviour to occur and where appropriate policies could be revised or extra training delivered to minimise the risk of it happening again.

OLoL CMAT Schools will retain such information as per the GDPR Policy, but it is recommended that it is retained at least until the individual leaves their employment.

References

OLoL CMAT is clear that schools should only provide substantiated safeguarding allegations in references. Low level concerns should not be included in references unless they relate to issues which would normally be included in a reference, for example, misconduct or poor performance. It follows that a low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference. However, where a low-level concern (or group of concerns) has met the threshold for referral to the LADO and found to be substantiated, it should be referred to in a reference.

Responding to low-level concerns

OLoL CMAT Senior Leaders must contact the DPS and HR manager when responding to reports of low-level concerns.

If the concern has been raised via a third party, the headteacher/principal should collect as much evidence as possible by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously;
- to the individual involved and any witnesses.

The information collected will help Senior Managers to categorise the type of behaviour and determine what further action may need to be taken. All of this needs to be recorded and reviewed with the schools DPS and HR manager to support the rationale for any decisions and action taken.

Appendix A:

What is the LADO²

Every local authority has a statutory responsibility to have a Local Authority Designated Officer (LADO) who is responsible for co-ordinating the response to concerns that an adult who works with children may have caused them or could cause them harm. The Local Authority Designated Officer (LADO) works within Children's Services and gives advice and guidance to employers, organisations and other individuals who have concerns about the behaviour of an adult who works with children and young people. Included in this group are volunteers, agency staff and foster carers as well as people who are in a position of authority and have regular contact with children, such as religious leaders, political figures or school governors.

What is the LADO's role?

- To coordinate the safeguarding and investigative process in response to allegations made against people working with children.
- To provide advice/guidance to employers or voluntary organisations.
- To liaise with police and other agencies including Ofsted and professional bodies such as the General Medical Council and the Teaching Regulatory Agency.
- To monitor the progress of referrals to ensure they are dealt with as quickly as possible, consistent with a thorough and fair process.
- To resolve any inter-agency issues.
- To collect strategic data and maintain a confidential database in relation to allegations.
- To disseminate learning from LADO enquiries through the children's workforce.
- To ensure that measures are in place to prevent further harm or abuse and that where required, referrals are made to the appropriate social care team

² **Nottingham City Education Safeguarding Officer:**

Telephone: 0115 8765501