



**GUIDANCE FOR
DESIGNATED MANAGERS
IN DEALING WITH
ALLEGATIONS OF ABUSE
AGAINST ADULTS
WHO WORK WITH CHILDREN**

FEBRUARY 2016

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Policy and Outline Procedure for Dealing with Allegations of Abuse against Adults who work with Children

This guidance document, as with all documentation relating to employment matters of the Deanery CE High School, will be applied fairly, with a consistent approach, and in accordance with the School's Equal Opportunities commitment.

1. Purpose

To manage allegations of child abuse involving adults who have access to children and young people in the Deanery C E High School.

2. Scope

- 2.1 The procedure relates to all employees, volunteers and agency or service workers who work or have access to children and young people in a paid or voluntary capacity.
- 2.2 The framework for managing cases set out in (WT2010) applies to a wider range of allegations than those in which there is reasonable cause to believe a child is suffering, or is likely to suffer significant harm. It also caters for cases of allegations that might indicate that the alleged perpetrator is unsuitable to continue to work with children in his or her presents position, or in any capacity. It should be used in all case in which it alleged that a person who works with children has:
- (i) behaved in a way that has harmed, or may have harmed, a child;
 - (ii) possibly committed a criminal offence against, or related to a child; or
 - (iii) behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

3. Safeguarding

- 3.1 All practice and procedures will be in line with national child protection legislation and form part of Wigan Safeguarding Children Board child protection procedures found at www.wigansafeguardingchildrenboard.co.uk. Procedures and Guidance on Managing Allegations can be found at <http://www.wiganlscb.com./Allegationsagainststaff.asp>
- 3.2 Guidance for designated managers in dealing with allegations of abuse against adults who work with children, have been produced and an individual copy will be given to designated managers, their deputies and a further copy placed on the school's Safeguarding Notice Board.

4. **References**

- (i) Health and Safety Act (1974)
- (ii) Children Act Guidance and Regulations (1989)
- (iii) The Children Act (1989)
- (iv) Human Rights Act (1998)
- (v) The Children Act (2004)
- (vi) Working Together to Safeguard Children (2010)
- (vii) Safeguarding Vulnerable Groups Act (2006)
- (viii) Guidance for Safer Working Practice for Adults who work with Children and Young People (November 2007)
- (ix) Safeguarding Children and Safer Recruitment in Education January 2007
- (x) http://positive-options.com/news/downloads/IRSC_-_Managing_the_Aftermath_of_Unfounded_and_Unsubstantiated_Allegations_-_2004.pdf

5. **Definitions**

- (i) **Children and Young People**
These terms are interchangeable and refer to children under the age of eighteen years.
- (ii) **Adult**
A person whose work (paid or voluntary) brings them into contact with children and young people, whatever their roles and responsibilities.
- (iii) **The Local Authority Designated Officer (LADO)**
Wigan Council and Wigan Safeguarding Children Board (WSCB) have a duty to appoint a Local Authority designated officer (LADO) who is responsible for the management and oversight of allegation cases throughout the local area.

The LADO in Wigan can be contacted through the Safeguarding Unit based at Progress House (appendix 2).
- (iv) **The Wigan Safeguarding Children Board (WSCB)**
The WSCB is a local safeguarding board with representation from statutory, private, independent and voluntary organisations working on behalf of children and young people in Wigan. It has strategic responsibility for ensuring that all children and young people in Wigan are kept safe in our community.
- (vi) **Significant Harm**
Significant harm to a child is:
 - ill treatment (including sexual abuse and physical abuse);
 - impairment of health (physical or mental); and/or
 - developmental harm (physical, intellectual, emotional, social or behavioural) as compared to a similar child.
- (vii) **The Initial Strategy Meeting (ISM)**

The first meeting held under these procedures, chaired by the LADO. This is a multi agency meeting following an agenda in line with the guidance in 'Working Together to Safeguard Children (2010) where the threshold for significant harm is not reached'.

- (viii) s.47 CA1989 Strategy Meeting
An inter-agency Strategy Meeting where there is reasonable cause to suspect a child is suffering or likely to suffer significant harm. This meeting should be chaired by Children's Social Care. The meeting should also include the LADO, police and a representative of the employer
- (xi) Independent Safeguarding Authority (ISA)
The ISA, working in partnership with the Criminal Records Bureau (CRB), holds a confidential central list of people who must not be employed by local authorities, schools or further education institutions as a teacher or in work involving regular contact with children under 18 years of age.

6. Responsibilities

6.1 Member Organisations of Wigan Safeguarding Children Board (WSCB)

- 6.1.1 WSCB 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 these procedures.
- 6.1.2 In order to do this, each WSCB member organisation identifies a Named Senior Officer (NSO) with overall responsibility for: ensuring that the organisation operates these procedures for dealing with allegations; and identifies designated manager with their organisation to whom staff can report their concerns to (**see 6.5-6.6**).
- 6.1.3 Schools are represented in this role on the WSCB by the Director of Children and Young People's Services and a nominated Primary and Secondary school Headteacher their role is to resolve any inter-agency issues; and liaise with the WSCB on the subject.

6.2 The Local Authority Designated Officer (LADO)

The LADO is responsible for:

- providing advice and guidance to employers and voluntary organisations;
- monitoring the progress of all cases that are brought to their attention to ensure that they are dealt with as quickly and consistently as possible through the use of a fair and thorough process;
- liaising with the police and social care where appropriate;
- chairing meetings that do not immediately meet a Section 47 threshold.

6.3 The School's Responsibility

6.3.1 In November 2006, the Department for Education and Skills published statutory guidance entitled "Safeguarding Children and Safer Recruitment in Education". This came into force on 1st January 2007. It sets out in detail the responsibilities held by all schools, education providers and further education establishments that work with under 18s for the safe recruitment of the workforce, including those staff being recruited from overseas.

The guidance replaces the following earlier documentation:

- Child Protection: Preventing Unsuitable People from Working with Children and Young Persons in the Education Service (2002)
- Disclosure & Barring Service (DBS): Managing the Demand for Disclosures (2002)
- Safeguarding Children in Education (2004)
- Use of Supply Teachers and associated Guidance Notes for Teacher Employment Businesses and Agencies (2004)
- Safeguarding Children: Safer Recruitment and Selection in Education Settings (2005)

The guidance can be downloaded from the following web address:
<http://publications.teachernet.gov.uk/eOrderingDownload/6836-Safeguarding>

6.3.2 The guidance can be downloaded from the following web address:
<http://publications.teachernet.gov.uk/eOrderingDownload/6836-Safeguarding%20Children%20webFinal.pdf>

6.4 School Governing Body

The Governing Body is responsible for: ensuring policies and procedures are in place within the school, in respect of safer recruitment and managing allegations; and identifying a senior manager or managers to whom allegations should be reported (and appropriate deputies in the case of absence or if the allegation is against the designated manager(s)). The Named Senior Officer NSO role in school is normally undertaken by the Headteacher, the Designated Manager should be of significant seniority for example the Deputy Head or Lead Child Protection Co-ordinator (see appendix 2).

6.5 Headteacher

The Headteacher is responsible for:

- putting in place and operating arrangements for handling allegations in accordance with these procedures;
- ensuring appropriate school staff are suitably trained in managing allegations; and
- liaising with the Wigan Safeguarding Children's Board (through the Director of Children and Young People's Services) and resolving any inter-agency issues

6.6 Headteacher and Lead Child Protection Co-ordinator

Allegations are reported to the Headteacher or Lead Child Protection Co-ordinator except where (s)he is the subject of the allegation and then reporting is to the Chair of Governors of the school. The Headteacher/Lead Child Protection Co-ordinator is responsible for liaising on all matters concerning allegation cases with the LADO.

7. Initial Response to an Allegation Stage One of Flow Chart and Guidance.

<http://www.wiganlscb.com./Allegationsagainststaff.asp>

- 7.1 There are a number of sources from which an allegation might arise. Examples are a child, an adult, a parent/carer, a member of the public or a professional body.
- 7.2 If the Police or Children's Social Care are informed directly of the allegation by the subject/victim or their family, these agencies will inform the Headteacher or Lead Child Protection Co-ordinator of the child's school.
- 7.3 The person to whom the allegation is reported must treat the matter seriously, avoid asking leading questions and keep an open mind. (S)he must also make a written record of the information (where possible in the child's own words) including:
- name of alleged perpetrator
 - nature of allegation and what happened
 - when the alleged incident took place (date and time)
 - who was present
 - sign and date the written record
- 7.4 Where an allegation is made to a person working in the school, the matter must be reported immediately to the Headteacher or Lead Child Protection Co-ordinator. Where the Headteacher is the subject of the allegation, the allegation should be reported to the Chair of Governors of the school.
- 7.5 The Headteacher/Lead Child Protection Co-ordinator **will not investigate the matter by interviewing the accused person, the child** (unless (s)he has directly received the allegation/complaint) or potential witnesses, but should:
- obtain the written details of the allegation, signed and dated by the person receiving the allegation/complaint;
 - countersign and date the written details;
 - record any other information and names of any potential witnesses; and
 - record discussions about the child and/or member of staff, any decisions made, and the reason for these decisions (e.g. decision to suspend an employee).
- 7.6 Where suspension from employment is being considered (as this not an automatic response), advice should be sought from the school's HR provider.

8. Discussion with the LADO Stage Two of Flow Chart and Guidance

<http://www.wiganlscb.com./Allegationsagainststaff.asp>

- 8.1 The Headteacher or Lead Child Protection Co-ordinator will refer the allegation to the LADO (**see contact details in 5 (iii) above**). All available information will be passed on to the LADO in order that appropriate decisions on the way the case will be handled can be made. (Suspension should only be considered in a case where there is cause to suspect a child(ren) are at risk of significant harm or the Police will continue the investigation)
- 8.2 The Headteacher/Lead Child Protection Co-ordinator and LADO will:
- establish that the complaint/allegation is within the scope of these procedures;
 - review whether there is evidence or information that may establish that the allegation is false or unfounded; and
 - consider whether further details are required.
- 8.3 If the referral is made via the Police or Children's Social Care, the LADO will notify the Headteacher/Lead Child Protection Co-ordinator of reports made via the Police and Children's Social Care.
- 8.4 The LADO will advise the Headteacher/Lead Child Protection Co-ordinator on when and how to inform the employee of the allegation.

9. Actions by the LADO

- 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 will immediately refer the matter to Children's Social Care and ask that a strategy discussion is initiated.
- 9.2 The Police will be informed by the LADO of any case in which a criminal offence may have been committed.
- 9.3 If the significant harm threshold is not reached, but a Police investigation might be needed, then the LADO will convene an initial strategy meeting / discussion with the Police, school representative and other agencies involved with the child, to evaluate the allegation and decide how the case should proceed.
- 9.4 An initial strategy discussion can be conducted by way of a series of telephone discussions but, preferably, will take the form of a face to face Initial Strategy Meeting (ISM) with a dedicated minute taker wherever practicable.
- 9.5 The LADO will normally chair the ISM and the Headteacher/Lead Child Protection Co-ordinator from the school will attend.

Others who may be required to attend the meeting include:

- relevant child care social worker and his/her manager

- Police
- 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, e.g. OFSTED
- the school's HR Provider
- a medical practitioner with 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 and investigation is in progress
- a representative of the Legal Department of Wigan Council

10. **The Initial Strategy Meeting (ISM) and Reviews Stage Three of flow chart and guidance**

<http://www.wiganlscb.com./Allegationsagainststaff.asp>

10.1 The initial strategy meeting will address the issues in the following agenda:

- (i) Review the three criteria set out in Section 2.2 of this procedure.
- (ii) Review any previous concerns or allegations regarding the conduct of the accused person.
- (iii) Consider whether an ISM can also be used as a strategy meeting in determining whether there should be a section 47 inquiry (Children Act 1989) and/or police investigation and consider the implications.
- (iv) Consider whether any parallel disciplinary process should take place.
- (v) Consider whether a complex abuse investigation is applicable.
- (vi) Scope and plan enquires.
- (vii) Allocate tasks and timescales.
- (viii) Determine what information can be shared, with whom and when.
- (ix) Ensure that arrangements are in place to protect the child(ren) involved and any other children affected, including taking emergency action where needed.
- (x) Consider what support should be provided to all children who may have been affected directly and indirectly.
- (xi) Consider what support should be provided to the person against whom the complaint/allegation has been made and others who might have been affected.
- (xii) Ensure that investigations are sufficiently independent.

- (xiii) Make arrangements to inform the child's parents or the parents of any other children involved, and consider how to provide them with support and information during enquires.
- (xiv) Make recommendations where appropriate regarding suspension, or alternatives to suspension (if not already suspended).
- (xv) Agree protocols for reviewing.
- (xvi) Consider the need to share the statements and evidence with the employer or voluntary organisation, provided by the Police which may not have previously been disclosed.

10.2 The LADO will regularly monitor the progress of cases by conducting Initial Action Reviews or by liaising directly with the school, the Police and/or children's social care.

10.3 Subsequent reviews or evaluation discussions will be held at the end of the enquiries to ensure that all tasks have been completed and, where appropriate, to agree an action plan from lessons learnt that may inform future practice.

11. Resignations and Compromise Agreements

11.1 The fact that a person tenders his/her resignation or ceases to provide services will not prevent an allegation from being followed up in accordance with these procedures and a conclusion reached.

11.2 Compromise agreements (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) will **not**, therefore, be used in situations which are relevant to these procedures. In any event, such an agreement would not prevent a thorough Police investigation, where appropriate.

11.3 The adult, against whom an allegation has been made, will be given a full opportunity to answer the allegation through appropriate processes and to make representations. However, the investigations will continue to a conclusion even if the person refuses to co-operate.

12. Employer Record Keeping

12.1 On behalf of the school, where the school's HR provider are involved, they will keep a clear and comprehensive summary of the case record, where the allegation is against a school employee. It will be the responsibility of the school to maintain records where the school's HR provider are not involved. This will be retained on the employee's confidential personnel file, to which the employee has access. The record will be kept until 10 years after the person's permanent retirement age.

12.2.1 The employers' record will include details of how the allegation was investigated and resolved, the decisions reached and the action taken. It will

provide accurate information for any future reference and provide clarification if a future CRB disclosure reveals an allegation that did result in a prosecution or conviction. This record will also prevent unnecessary re-investigation if the allegation should resurface.

13. **Employer Action Disciplinary Process or Assessment Regarding Suitability Stage 4 of Flow Chart and Guidance**

<http://www.wiganlscb.com./Allegationsagainststaff.asp>

- 13.1 The LADO and the Headteacher/Lead Child Protection Co-ordinator will discuss and agree what action is appropriate in all cases where:
- it is clear at the outset, or decided by a strategy discussion, that the investigations by the Police or enquires by Children's Social Care are not necessary; or
 - the Police or the Crown Prosecution Service (CPS) decide that an investigation is to be closed without charge, a prosecution is to be discontinued, or a criminal investigation and any subsequent trial is complete.
- 13.2 The discussion will consider: all information provided by the Police and or Children's Social Care; the result of any investigation or trial; the different standard of proof in employee disciplinary and criminal proceedings; and any potential misconduct or gross misconduct by an employee.
- 13.3 The options will include:
- no further action
 - a disciplinary investigation
 - summary dismissal
- 13.4 Where the evaluation is that further action needs to be taken, the Headteacher (or Chair of Governors in the case of an allegation against the Headteacher) will initiate the appropriate action within three working days.
- 13.5 If a disciplinary hearing is required, and it can be held without further investigation, the hearing will normally be held within fifteen working days.
- 13.6 Where further investigation is needed, the Headteacher/Lead Child Protection Co-ordinator and the LADO will discuss and agree who should undertake it. In some circumstances and to ensure objectivity, it will be appropriate for the disciplinary investigation to be conducted by a person who is independent of the school. This may be the school's HR provider.
- 13.7 In all cases, the investigating officer should aim to provide a report within **10** working days. On receipt of the report, the Headteacher/Lead Child Protection Co-ordinator will decide within **2** working days whether a disciplinary hearing is needed and, where appropriate, the hearing will normally be held within fifteen working days.

14. Sharing Information for Disciplinary Purposes

- 14.1 If the Police or CPS decide not to charge, to administer a caution, or to acquit the adult, the Police should pass all relevant information to the school without delay.
- 14.2 If the person is convicted, the Police should inform the school immediately to enable the employer to take the appropriate action.
- 14.3 Consideration should be given at the beginning of Police enquires to gaining consent from those involved to use the statements obtained and information gathered in disciplinary proceedings. This will enable information sharing to take place at the earliest opportunity.

15. Action in Respect of Unsubstantiated Allegations

Where there is insufficient evidence to substantiate an allegation, the employer/ voluntary organisation should consider what further action, if any, should be taken. The LADO should refer the matter to the Local Authority children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. The Headteacher should consider whether any disciplinary action is appropriate or if the police should be asked to consider whether any action might be appropriate against the person responsible even if he/she was not a pupil. In September 2010 the Crown Prosecution Service published guidance for the police on harassment under the Protection from Harassment Act 1997:- http://www.cps.gov.uk/legal/s_to_u/stalking_and_harassment/index.html

16. Action in Respect of False Allegations

- 16.1 If an allegation is false, the Headteacher/Lead Child Protection Co-ordinator, in consultation with the LADO, should consider whether a referral to Children's Social Care is appropriate to determine whether the child is in need of services, or might have been abused by someone else.
- 16.2 If an allegation has been deliberately invented or malicious, the Police should be asked to consider whether any action might be appropriate against the person responsible.
- 16.3 At the conclusion of an investigation where the allegation is proven to be false, the adult concerned will be informed in writing of the outcome by the employer and appropriate support offered as necessary. Details of allegations that are found to have been malicious should be removed from personnel records.
- 16.4 Guidance and advice in respect of false allegation link at http://positive-options.com/news/downloads/IRSC_-_Managing_the_Aftermath_of_Unfounded_and_Unsubstantiated_Allegations_-_2004.pdf

17. Referral to ISA stage 5 of the Flow Chart and Guidance

<http://www.wiganlscb.com./Allegationsagainststaff.asp>

- 17.1 If the allegation is substantiated and the person is dismissed, the school ceases to use the person's services, or the adult resigns or otherwise ceases to provide his/her services, consideration will be given to making a referral on the individual being barred from, or have conditions imposed in respect of working with children.
- 17.2 The decision to refer (or otherwise) will be made following a discussion between the LADO and a senior Wigan Council HR officer for Wigan Council School employees only.
- 17.3 The LADO and senior HR officer will also decide whether it is appropriate to make a referral to a professional body or regulator – (ISA/GTC). If a referral is appropriate, the senior HR officer will undertake this referral on behalf of the school, the report being submitted within **1** month of dismissal, resignation or ceasing to provide a service (for Wigan Council School employees only). Otherwise the school will liaise with the LADO, the school have a statutory duty to make a referral where appropriate.

18. Standards

- 18.1 The Headteacher/Lead Child Protection Co-ordinator has a duty to inform the LADO of all allegations that fall within the three criteria for allegations (defined in section 2.2 above) within **1 working day or the next working day**, if out of hours. The person should be informed at that point who their named contact (including contact details) is within the organisation.
- 18.2 When agreed, the LADO will commence an Initial Strategy Meeting (ISM) at the earliest opportunity but within at least five working days of the referral.
- 18.3 A review of the ISM will take place no later than **4 weeks** after the ISM.
- 18.4 Dates for subsequent reviews, at fortnightly or monthly intervals, will be set at the ISM if the investigation continues.
- 18.5 If the nature of the allegation does not require formal disciplinary action the Headteacher should institute appropriate action within 3 working days. If a disciplinary hearing is required and can be held without further investigation this should be held within 15 working days.
- 18.6 It is expected 80% of cases are resolved within 1 month; 90% in 3 months and exceptional cases completed in 12 months.

19. Monitoring and Evaluation

- 19.1 The LADO will keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays.

- 19.2 Statistical information from these records will be reported to Wigan Safeguarding Children's Board (WSCB) to monitor and evaluate the effectiveness of these procedures.
- 19.3 An ongoing evaluation form will be used to seek feedback from delivery staff in terms of this procedure. The feedback will be collated by Wigan Council's Independent Reviewing Service (IRS) on an annual basis. The evaluation report will be presented to the WSCB as part of the review process for this procedure.
- 19.4 Annual data will be produced by the LADO for WSCB and schools and services across the partnership, as appropriate.
- 19.5 This procedure will be reviewed by the WSCB at least once a year, based on the feedback from the evaluation report, changes in legislation and recommendations from the WSCB. Revisions to the procedure will be notified to schools and other agencies/partners.
- 19.6 Police will also set target dates for reviewing the progress of their investigations and consulting the CPS about charging, continuing or closing investigations.

20. **Equality and Diversity**

All advice, support and provision offered from the Local Authority Designated Officer (LADO) will be given equally to all statutory bodies, schools, voluntary organisations, agencies and service providers without prejudice or discrimination.

- *The contents of this document will be brought to the attention of existing and newly appointed staff on a regular basis.*
- *The document will be available for reference purposes within the copy of Wigan LA's 'Employment Handbook for Schools' retained within the school staff room and on Wigan Council's intranet at http://boston/educ/schools/emp_handbook08/index.htm*
- *A copy of this document will be available on the School's Safeguarding Notice Board in the staffroom and at Main Reception.*

Designated Manager	-	Headteacher (see appendix 2)
Deputy Designated Manager	-	Deputy Head (see appendix 2)
Designated Child Protection Co-ordinator	-	Assistant Head – Pastoral (see appendix 2)
Chair of Governors		

At the Deanery CE High School we are committed to Safeguarding Training. The Senior Manager, Deputy Senior Manger and Senior Child Protection Officer will undertake the relevant training for their role. All staff at the Deanery CE High School

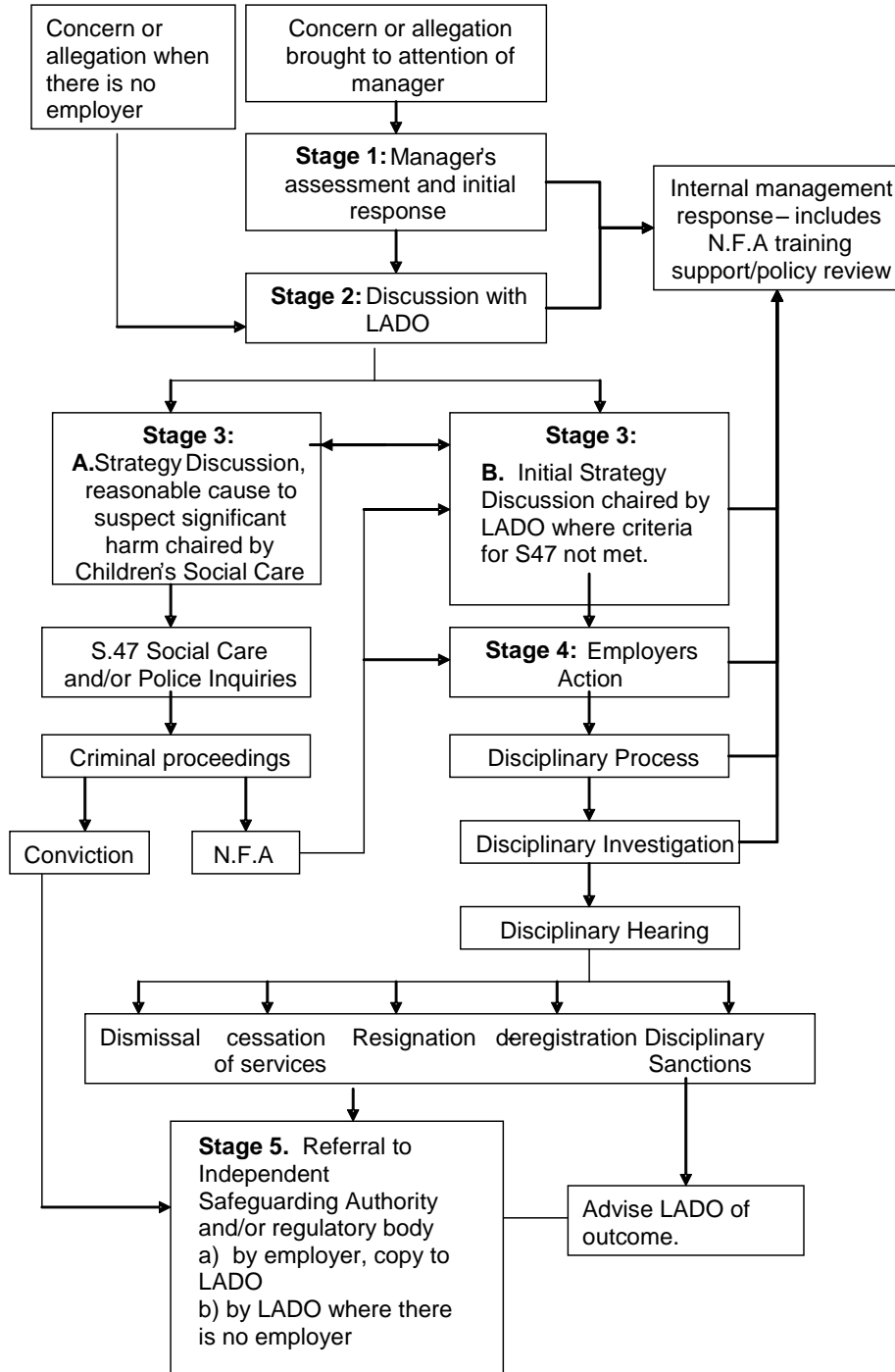
will receive training every 3 years on Safeguarding Child Protection in accordance with section 175 of the Education Act 2002.

All visitors to school are asked to sign to indicate they have read a document outlining our expectations of them, and giving details of the procedure to follow regarding allegations. A copy of the Child Protection Policy and this policy is available at reception.

This policy was approved by the Pastoral & Worship Committee on 3rd March 16

Date of next review: March 2018

Stages to Managing Allegations Flow Chart Guidance



Appendix 2

Contact Information

LADO (Wigan)
Safeguarding Unit
Progress House

Contact: Mr. Stephen Westhead

Telephone Number: 01942 486177

Section 6.4 School Governing Body

Senior Officer NSO
Designated Manager
Lead Child Protection Co-ordinator

Mrs Janice Rowlands, Headteacher
Mrs G Lynch, Deputy Head
Mrs M Ryder, Assistant Head – Pastoral

Section 20 Equality and Diversity

Designated Manager
Deputy Designated Manager
Designated Child Protection
Co-ordinator -
Chair of Governors

- Mrs Janice Rowlands, Headteacher
- Mrs G Lynch, Deputy Head

Mrs M Ryder, Assistant Head – Pastoral
Mr. G. Speakman

APPENDIX 3

**SUMMARY OF INVESTIGATION
INTO AN ALLEGATION OF ABUSE**

Name:

Establishment:

Explanatory Statement

This statement is made in accordance with Keeping Children Safe in Education.

There is a requirement to keep a clear and comprehensive summary of allegations, how the allegation was followed up and resolved, and a note of any action taken and decision reached. This should be kept on a member of staff's confidential personnel file, a copy provided to the person concerned and a copy held centrally by the Senior Adviser for Safeguarding Children in Education.

The purpose of this record is to enable accurate information to be given in response to any future request for a reference and will provide clarification in cases where a future DBS Disclosure reveals information from the Police about an allegation that did not result in a criminal conviction. It will also help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

This record should be retained at least until the member of staff has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

Summary of Allegation made, including date:

How Allegation was followed up:

Outcome of Investigation*:

Action taken and decisions reached:

Signed: _____ **Date** _____
Head/DCPO/LADO