

# Little Stoke Primary School

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**South Gloucestershire Safeguarding Children Board**

## **ARRANGEMENTS FOR MANAGING ALLEGATIONS OF ABUSE AGAINST PEOPLE WHO WORK WITH CHILDREN OR THOSE WHO ARE IN POSITIONS OF TRUST**

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## CONTENTS

	<b>Page</b>	
<b>1</b>	<b>Summary</b>	<b>1</b>
<b>2</b>	<b>Introduction and Scope</b>	<b>1</b>
<b>3</b>	<b>Supporting Those Involved</b>	<b>2</b>
<b>4</b>	<b>Confidentiality</b>	<b>3</b>
<b>5</b>	<b>Resignations and Compromise Agreements</b>	<b>3</b>
<b>6</b>	<b>Record Keeping</b>	<b>4</b>
<b>7</b>	<b>Timescales</b>	<b>4</b>
<b>8</b>	<b>Oversight and Management</b>	<b>5</b>
<b>9</b>	<b>Local Authority Designated Officers</b>	<b>5</b>
<b>10</b>	<b>Initial Considerations</b>	<b>6</b>
<b>11</b>	<b>Action Following Initial Consideration</b>	<b>7</b>
<b>12</b>	<b>Suspension</b>	<b>8</b>
<b>13</b>	<b>Monitoring Progress</b>	<b>9</b>
<b>14</b>	<b>Information Sharing</b>	<b>9</b>
<b>15</b>	<b>Case Subject to a Police Investigation</b>	<b>9</b>
<b>16</b>	<b>Action Following a Criminal Investigation or a Prosecution</b>	<b>10</b>
<b>17</b>	<b>Action on Conclusion of a Case</b>	<b>10</b>
<b>18</b>	<b>Learning the Lessons</b>	<b>11</b>
<b>19</b>	<b>Action in Respect of Unfounded Allegations</b>	<b>11</b>
	<b>Summary of Process</b>	<b>12</b>
	<b>Flowchart</b>	<b>14</b>
	<b>Contact Details</b>	<b>15</b>

## 1. Summary

- 1.1 It is essential that any allegation of abuse made against a person who works with children and young people including those who work in a voluntary capacity are dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child, and at the same time supports the person who is the subject of the allegation. The framework for managing allegations is set out in *Working Together to Safeguard Children [WT] Appendix 5: A guide to inter-agency working to safeguard and promote the welfare of children 2006*, and *Safeguarding Children and Safer Recruitment in Education 2007*.
- 1.2 This procedure explains how the process should be applied in all settings and work places where employees, volunteers and regular visitors work with children or who are in a position of trust.

## 2. Introduction and Scope

- 2.1 The framework for managing cases set out in this procedure applies to a wider range of allegations than those in which there is reasonable cause to suspect a child is suffering, or 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 their present position, or in any capacity. This may be due to concerns about the persons conduct in their personal or professional life that might indicate their unsuitability to work with children. It should be used in respect of all allegations that are consistent with the guidance in WT Appendix 5 ie cases in which it is alleged that a person who works with children has:

- behaved in a way that has harmed, or may have harmed, a child
- possibly committed a criminal offence against, or related to, a child; or
- behaved in a way that indicates s/he is unsuitable to work with children.

- 2.2 All organisations and places of employment should have procedures for dealing with allegations, and all staff and volunteers should understand what to do if they receive an allegation against or have concerns regarding the behaviour of another member of staff, volunteer or visitor. This information must be explicit in service procedures and made available to all members of staff, regular visitors volunteers and service users.

All procedures should make clear that all allegations should be reported within **one working day** to the senior manager or employer for the organisation with operational responsibility for dealing with allegations.

All procedures should also include the contact details for the LA Designated Officer(s) responsible for providing advice and monitoring cases. A list of these can be found in the back of this document.

2.4 There may be three strands in the consideration of an allegation:

- a police investigation of a possible criminal offence
- enquiries and assessment by children's social care about whether a child is in need of protection or in need of services
- consideration by an employer of disciplinary action in respect of the individual

NB the term employer is used throughout this policy to refer to settings and organisations that have a working relationship with the individual against whom the allegation has been made. This includes organisations that use the services of volunteers or people who are self employed, as well as service providers, voluntary organisations, employment agencies or business, contractors, fostering services, regulatory bodies, and others that may not have a direct employment relationship with the individual but will need to consider whether to continue to use the persons services, to provide the person for work with children in the future, or to de register the individual.

### 3. *Supporting Those Involved*

31 Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know about it. How this is done and by whom will be decided with the LA Designated Officer during the initial discussion. See section 9 for further detail.

They should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. Note that the deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers should be told the outcome. In deciding what information to disclose, careful consideration should be given to duties under the Data Protection Act 1998, the Law of confidence and, where relevant the Human Rights Act 1998.

32 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care, or the police as appropriate, should consider what support the child or children involved may need.

33 The senior manager or employer for the organisation should also keep the person who is subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual. The individual's union or professional body, occupational health services or any other employee welfare arrangements, may provide this support. In any case, if the individual is a member of a trade union, they should be advised to make contact with their trade union at the outset of the investigation.

If the person has been suspended, the senior manager or employer for the organisation should also keep the individual informed of developments.

#### **4.** *Confidentiality*

- 4.1 Every effort should be made to maintain confidentiality and guard against unwanted publicity whilst an allegation is being considered or investigated. In association with the, Association of Chief Police Officers Guidance, the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional matters where the police may depart from that rule, for example an appeal to trace a suspect the reasons should be documented and partner agencies consulted beforehand). The system of self- regulation, overseen by the Press Complaints Commission, also provides safeguards against the publication of inaccurate or misleading information.

#### **5.** *Resignations and Compromise Agreements*

- 5.1 The fact that a person tenders their resignation, or cease to provide services, must not prevent an allegation being followed up in accordance with this procedure. It is important that every effort is made to reach a conclusion in all cases of allegation that have a bearing on the safety or welfare of children. This includes any allegation whereby the individual refuses to co-operate with the process.
- 5.2 Wherever possible, the person should be given a full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available should continue even if the person does not co-operate. It may be difficult to reach a conclusion in those circumstances.
- 5.3 Disciplinary procedures and subsequent sanctions may not be possible if a person's notice period expires prior to the end of the investigation, but it is important that a conclusion is reached and recorded wherever possible.
- 5.4 Compromise agreements, by which the person agrees to resign from the organisation by mutual agreement in order to avoid disciplinary action, must not be used in situations where the individual is subject to investigation under child protection procedures. There must not be any agreement by which the employer agrees to the content of a future reference. In any event, any agreements, which are reached will not prevent a thorough police investigation, where that course of action is appropriate, nor will it override the statutory duty to make a referral to Protection of Children Act List and DfES List 99 as existing, and the Vetting and Barring Boards in due course

## 6. *Record Keeping*

- 6.1 It is important that senior managers and employers keep a clear and comprehensive summary of any allegations made, details of how and who followed the allegation up and any resolution and conclusion. The record should include details of any action taken and all decisions reached.
- 6.2 These notes must be kept on the persons confidential personnel file with a copy given to the person concerned.
- 6.3 The purpose of the record is to ensure accurate information can be given in response to any future response for a reference if the person moves on. It will be used to 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.
- 6.4 It will be used to ensure unnecessary re- investigation is prevented if an allegation re-surfaces after a period of time.
- 6.5 The record should be retained at least until the person attains normal retirement age or for a period of 10 years from the date of the allegation if that is longer. This includes people who leave the organisation.
- 6.6 A record should also be placed on the child's file.
- 6.7 A central record of allegations made that progress to a strategy meeting will be maintained by the Safeguarding Board Business Manager on behalf of partner organisations of South Gloucestershire Safeguarding Children Board (SGSCB). Support will be provided to colleagues from the Safeguarding Board Business Manager pending any review of these procedures.
- 6.8 LA Designated Officers will retain a record of all advice and guidance given relating to allegations against any member of staff or volunteer which do not fulfil the criteria for a strategy discussion. Notes of all strategy discussions and outcomes will be maintained centrally.
- 6.9 The central LA Designated Officer/Safeguarding Board Business Manager will maintain and monitor all allegations and report regularly to the SGSCB.

## 7. *Timescales*

- 7.1 It is in everyone's best interests to resolve cases as quickly as possible, consistent with a fair and thorough investigation. Every effort should be made to manage cases to avoid any unnecessary delay. Timescales are shown for different actions [paragraphs 11 and 15 below]. Although these are not performance indicators and it is accepted that the time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness and complexity of the allegations, but they provide useful targets to aim for that are achievable in most cases.

- 72 *Working Together to Safeguard Children* states that it is reasonable to expect that **80%** of cases should be resolved within **one month** and that **90%** of cases within **three months**, and **all** but the most exceptional cases should be completed **within twelve months**.

South Gloucestershire Safeguarding Children Board is committed to ensuring all allegations are managed efficiently and effectively and will use available data to monitor the timescales adhered to in all allegations.

## **8.** *Oversight and Management*

- 81 South Gloucestershire Safeguarding Children Board member Agency/Organisations, Avon and Somerset Constabulary, maintained, and voluntary aided schools, independent schools and further education establishments should have a senior manager within the organisation to whom allegations or concerns that a member of staff, volunteer or visitor may have abused a child should be reported. All procedures should make sure that all staff and volunteers know whom the person is. Procedures should also include a named alternative person in the absence of the senior manager, or in cases where that person is the subject of the allegation or concern.
- 82 Allegations against education staff will be passed to one of the LA Designated Officers who are responsible for having oversight of the procedures and dealing with allegations, resolving any interagency issues, and for liaison with South Gloucestershire Safeguarding Children Board on the subject.
- 83 All partner organisations should also appoint a **Named Senior Officer** who will have a strategic role for representing their organisation regarding allegations.

## **9.** *Local Authority Designated Officers*

- 91 LA Authority Designated Officers are involved in the management and oversight of individual cases. They provide advice and guidance to all of the above agencies and services, in addition to liaising with the police and other agencies, and monitoring the progress of the case to ensure that all matters are dealt with as quickly as possible, consistent with a thorough and fair process. All Agencies/Organisations and schools should refer directly to the Safeguarding Board Business Manager.
- 92 Avon and Somerset Constabulary will also identify officers to fulfil a similar role. This will be a senior officer who has strategic oversight of the arrangements to ensure compliance. There will also be an officer responsible for liaising with the LA Designated Officer, taking part in strategy discussions, initial evaluation and subsequently reviewing the progress of the cases in which there has been a police investigation. On the completion of The investigation or following a prosecution the officer responsible for liaising with the LA Designated Officer will share the Information collated throughout the process of investigation.

## 10. *Initial Considerations*

- 10.1 Procedures need to be applied with common sense and judgement. Some allegations are so serious as to require immediate referral to social care and the police for investigation. Others are much less serious, and at first sight may not seem to warrant consideration of a police investigation or enquiries by Children's Social Care. However, it is important to ensure that even apparently less serious allegations are seen to be followed up, and that they are examined objectively by someone independent of the organisation concerned. Consequently, the LA Designated Officer should be informed of all allegations that come to the senior manager's attention and appear to meet the criteria in paragraph 2.1 so that he can consult police and social care colleagues as appropriate. The LA Designated Officer should also be informed of any allegations that are made directly to the police [which should be communicated via the police force's designated officer] or to children's social care.
- 10.2 The LA Designated Officer should first establish, in discussion with the employer, that the allegation is within the scope of these procedures [see paragraph 2.1] and may have some foundation. If the parents/carers of the child concerned are not already aware of the allegation, the LA Designated Officer will also discuss how and by whom they should be informed. In circumstances a senior manager may need to advise parents of an incident involving their child straight away – eg if the child has been injured while in the organisation's care and requires medical treatment.
- 10.3 The senior manager should inform the accused person about the allegation as soon as possible after consulting the LA Designated Officer. However, where a strategy discussion is needed, or it is clear that police or children's social care may need to be involved, that should not be done until those agencies have been consulted and have agreed what information can be disclosed to the person. If the person is a member of a union or professional association, s/he should be advised to seek support from that organisation.
- 10.4 If there is cause to suspect a child is suffering, or is likely to suffer, significant harm, a strategy discussion should be convened. **Note:** in these cases the strategy discussion should include a representation of the organisation [unless there are good reasons not to do that] and should take account of any information the senior manager can provide about the circumstances or context of the allegation.
- 10.5 In cases where a formal strategy discussion is not considered appropriate – because the threshold of 'significant harm' is not reached – but a police investigation might be needed, the LA Designated Officer should nevertheless conduct a similar discussion with the police, the employer, and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with. **[Note:** the police must be consulted about any case in which a criminal offence may have been committed.] The initial evaluation may not need to be a face-to-face meeting. It should share available



information about the allegation, the child and the person against whom the allegation has been made, consider whether a police investigation is needed and, if so, agree the timing and conduct of that. In cases where a police investigation is necessary, the joint evaluation should also consider whether there are matters that can be taken forward in a disciplinary process in parallel with the criminal process, or whether any disciplinary action needs to wait for completion of the police enquiries and/or prosecution.

- 106 If the complaint or allegation is such that it is clear that investigations by police and/or enquiries by social care are not necessary, or the strategy discussion or initial evaluation decides that this is the case, the LA Designated Officer should discuss next steps with the senior manager. In such circumstances, options open to the senior manager range from taking no further action, to summary dismissal or a decision not to use the person's services in future. The nature and circumstances of the allegation and the evidence and information available determine which of the range of possible options is most appropriate.
- 107 In some cases, further investigation is needed to enable a decision about how to proceed. If so, the LA Designated Officer should discuss with the person's employer how and by whom the investigation will be undertaken. The investigation should normally be undertaken by the employer. However, in some circumstances appropriate resources may not be available in the employer's organisation, or the nature and complexity of the allegation might point to the employer commissioning an independent investigation.
- 108 Decisions relating to the continuing use of an employee, volunteer or visitor's services will be reliant on the outcome of investigations and subsequent information. The investigation, for this purpose, will be undertaken by the employer or senior manager of the organisation. In an education establishment, the LA Designated Officer will discuss with the Head Teacher, and where required, the Chair of the Governing Body or Corporation how the investigation should be carried out, by whom and to time.

## *11. Action Following Initial Consideration*

- 111 Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it. In such matters if the nature of the allegation does not require formal disciplinary action, the employer, senior manager or organisation should institute appropriate action **within three working days**. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held **within 15 working days**.
- 112 Where further investigation is required to inform consideration of disciplinary action, the employer or senior manager of the organisation should discuss who will undertake this task with the LA Designated Officer. In some settings and circumstances it may be appropriate for the disciplinary investigation to be conducted by someone who is independent of the place of employment or setting. In any case the investigating officer will aim to report

to the employer or senior manager of the organisation within **10 working days**.

- 113** On receipt of the investigation findings, the employer, or senior manager of the organisation should consult with the LA Designated Officer to decide whether a disciplinary hearing is needed **within two working days**. If a hearing is required it should be held **within 15 working days**.
- 114 In any case where children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the employer or senior manager of the organisation should take into account any relevant information obtained through the course of the investigation when considering any disciplinary action.
- 115 The LA Designated Officer will continue to liaise with the employer or senior manager to monitor progress of the case and provide advice and support when required or requested.

## **12.** *Suspension*

- 121 The possible risk of harm to children posed by an accused person needs to be managed and evaluated. The evaluation will be in respect of the child/ren involved in the allegation and any other children in the individuals home, work or community life. In some cases it will require consideration to be given to the use of suspension for the person involved in the allegation. This may be until the matter is resolved.
- 122 Suspension will be considered in any matter where there is cause to suspect that a child is at risk of significant harm, or the allegation warrants a police investigation. Suspension will also be considered if the allegation is of such a serious nature that the behaviour might be grounds for dismissal.
- 123 An employee, volunteer or visitor must not be automatically suspended without careful thought and consideration of the circumstances of the allegation. In making the decision, the senior manager for the organisation must consider whether the person should be suspended from contact with children for the duration of the investigation, or until resolution has been reached. In any case, alternatives to suspension should be explored and advice sought from the LA Designated Officer. If the allegation has been referred and a strategy meeting is to be convened, it will be a task of the strategy meeting to consider the facts of the allegation, and although a senior manager of the organisation cannot be directed to suspend, they will be supported in making the decision. For staff, volunteers and visitors to education settings, this responsibility is vested within the responsibility of the Head Teacher and Governing Body. This should be done after the views of the designated senior named officer from the police and Area Safeguarding Board Business Manager have been canvassed.

## **13.** *Monitoring Progress*

- 13.1 The LA Designated Officer will regularly monitor the progress of the case. This will be done by convening review strategy meetings or by liaising directly with the senior named officer from the police, the employer, or senior manager of the organisation. The reviews will be conducted at a minimum of monthly intervals, but may need to be more frequent. This depends on the complexity of the case. All review information must be accurately recorded.
- 13.2 If the matter is of sufficient seriousness and a strategy meeting decides that the criteria for a police enquiry has been met, the police will also set a target review date to ascertain the progress of the police investigation. This may include consultation with the Crown Prosecution Service about whether to charge the person, continue the investigation, or take no further action. The target should be no more than **4 weeks** after the initial evaluation. If the investigation continues beyond this time, review dates should be set at **monthly** intervals.

#### **14. Information Sharing**

- 14.1 In a strategy discussion or initial evaluation of the case all agencies concerned will share all relevant information they have about the person who is subject to the allegation and the alleged victim who made the allegation.
- 14.2 If the strategy meeting indicates that the individual will need to be interviewed by the police, the police will endeavour to obtain consent from the individuals concerned to share the statements with the organisation and regulatory bodies for disciplinary purposes.
- 14.3 Wherever possible this will be done as the investigation proceeds rather than at the conclusion of their case or any court case.

In addition to the above, if the strategy meeting indicates that the child may be in need of protective services, children's social care will adopt a similar procedure to the police when seeking consent to share information for the purposes of potential disciplinary action.

#### **15. Case Subject To A Police Investigation**

- 15.1 If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible, consistent with a fair and thorough investigation, they will also monitor the progress of the case.
- 15.2 At the outset the police will set a review date to establish what progress has been made, this includes consultation with the Crown Prosecution Service about whether to proceed with the investigation, charge the individual or close the case. Wherever possible the review will **be within one month of** the initial meeting. If it is decided to continue to investigate the allegation dates for subsequent reviews will be set at this point.

## 16. *Action Following a Criminal Investigation or a Prosecution*

- 16.1 The Police or Crown Prosecution Service should inform the employer, or senior manager of the organisation and LA Designated Officer straightaway when a criminal investigation and any subsequent trial has been completed or a decision has been reached to close an investigation without charge or further action, or not prosecute following charges being made.
- 16.2 In those circumstances the LA Designated Officer will discuss with the employer or senior manager of the organisation whether any further action, including disciplinary action is appropriate, and if so how to proceed. If the matter is within an educational establishment this discussion should also include the chair of the governing body or corporation. Any information disclosed by the police and children's social care will be used during these discussions to inform the decision making. The Police and Children's Social Care will wherever possible aim to pass relevant information for use in a disciplinary hearing within three days of a decision being made.
- 16.3 The options will depend on the circumstances and the consideration will take into account the result of the police investigation and any subsequent trial. However due regard must be paid to the standard of proof required in disciplinary and criminal proceedings.

If a person is convicted of an offence the police will inform the employer immediately.

## 17. *Action on Conclusion of a Case*

- 17.1 If the allegation is substantiated and the person is dismissed or the local authority or employer ceases to continue with the persons services, or the person resigns or ceases to provide their services, the LA Designated Officer should discuss with the senior manager of the organisation and its personnel adviser whether the person for whom the allegation has been made should be referred to the DfES for consideration of List 99 action or to the Protection of Children Act List. If a referral is appropriate it should be made **within 1 month**. If the individual is subject to registration or regulation by a professional body or regulator the LA Designated Officer should advise on whether a referral to the appropriate body is required and the form and content of the referral.
- NB** a professional body or regulator could be the General Teaching Council, the General Social Care Council, the General Medical Council, OFSTED.
- 17.2 If the person has been suspended and on conclusion of the case it is decided the person can return to work, the work place, setting or educational establishment should consider how to facilitate this. It is likely that the person returning to work will require support for this to be successful. Depending on the circumstances a phased return may be appropriate and the provision of a mentor should the returning employee request this support. The senior

manager of the organisation should also consider how the persons contact with children or the child involved in the allegation should be managed.

## **18.** *Learning the Lessons*

- 18.1 At the conclusion of a case in which an allegation is substantiated the LA Designated Officer should review the circumstances with the senior manager of the organisation. If it is an allegation against a member of education staff the review should include the Chair of the Governing Body or Corporation as well as the Head Teacher. The purpose of the review is to determine whether there are any improvements to be made to the employer, setting or educational establishments procedures or practice to help prevent similar events in the future.

## **19.** *Action in Respect of Unfounded Allegations*

- 19.1 If an allegation is found to be unfounded, the LA Designated Officer should inform Children's Social Care to establish whether the child in who has made the allegation is in need of protective services. Children's social care will need to establish whether the child may have been abused by someone else.
- 19.2 In the rare event that an allegation is shown to have been deliberately invented, the police can be asked to consider whether any action might be appropriate against the person responsible.
- 19.3 In the case of schools and education settings, the Head Teacher or Principal of a school, college or setting may also consider whether any disciplinary action against the child who made the allegation is appropriate.

## Summary of Process

### *Allegation made to employer*

The allegation should be reported to the senior manager identified in the employer's procedure immediately, unless that person is the subject of the allegation, in which case it should be reported to the designated alternative.

If the allegation meets any of the criteria set out in paragraphs 2.1 and 2.3, the employer should report it to the LA Designated Officer within **one working day**.

### *Allegation made to the police or children's social care*

If an allegation is made to the police, the officer who receives it should report it to the force's designated senior named officer without delay, and the designated senior named officer should, in turn, inform the LA Designated Officer straightaway. Similarly, if the allegation is made to children's social care, the person who receives it should report it to the LA Designated Officer without delay.

### *Initial consideration*

The LA Designated Officer will discuss the matter with the employer or senior manager of the organisation and, where necessary, obtain further details of the allegation and the circumstances in which it was made. The discussion should also consider whether there is evidence/information that establishes that the allegation is false or unfounded.

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 LA Designated Officer should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion should also involve the employer.

### *Action following initial consideration*

Where the initial evaluation decides that the allegation does not involve a possible criminal offence, it is dealt with by the employer. In such cases, if the nature of the allegation does not require formal disciplinary action, appropriate action should be instituted **within three working days**. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held **within 15 working days**.

Where further investigation is required to inform consideration of disciplinary action, the employer should discuss who will undertake that with the LA Designated Officer. In some settings and circumstances, it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the employer or the person's line management to ensure objectivity. In any case, the investigating officer should aim to provide a report to the employer **within 10 working days**.

On receipt of the report of the disciplinary investigation, the employer should decide whether a disciplinary hearing is needed **within two working days**, and if a hearing is needed it should be held **within 15 working days**.

In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the employer should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

The LA Designated Officer should continue to liaise with the employer to monitor progress of the case and provide advice/support when required or requested.

#### *Case subject to police investigation*

If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible, consistent with a fair and thorough investigation, and will keep the progress of the case under review. They should, at the outset, set a target date for reviewing progress of the investigation and consulting the CPS about whether to proceed with the investigation, charge the individual with an offence, or close the case. Wherever possible that review should take place **no later than four weeks** after the initial evaluation, and if the decision is to continue to investigate the allegation, dates for subsequent reviews should be set at that point. [It is open to the police to consult the CPS about the evidence that will need to be obtained in order to charge a person with an offence at any stage].

If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a court, the police should pass all information they have which may be relevant to a disciplinary case to the employer without delay.

If the person is convicted of an offence, the police should also inform the employer straightaway so that appropriate action can be taken.

#### *Referral to PoCA, List 99 or regulatory body (Vetting & Barring Board)*

If the allegation is substantiated, and on conclusion of the case the employer dismisses the person or ceases to use the person's services, or the person ceases to provide his/her services, the employer should consult the LA Designated Officer about whether a referral to the POCA List and/or to a professional or regulatory body is required. If a referral is appropriate, the report should be made **within one month**.