

Practice Briefing

A Guide for Employers in Managing Allegations and Concerns

Allegations and concerns about adults in a position of trust

Summary – a guide for Employers

Working Together to Safeguard Children places a duty on employers to ensure that all allegations or low-level concerns relating to an adult in a position of trust are managed appropriately. Central to this is the understanding, including for volunteers, contractors, agency staff and visitors, should they see, hear or know of behaviour that constitutes a concern, that those allegations or concerns must be reported. Such a concern should be made to the designated safeguarding lead, or a senior staff member not implicated in the allegation or concern, in writing.

It is for the employers to nominate a lead to act upon the information received using WT2018, the South West Child Protection Procedures and the Allegations Management Local Arrangements to inform and support their decision-making process. Adults must therefore be confident in their understanding of what such concerns might be. Such a concern or allegation must be shared in writing to the appropriate lead. This understanding should be confirmed through staff training, the employers safeguarding policy and from conduct or behaviour expectations, including when using technology, within the employer's code of conduct.

Allegations that may meet the 'harm threshold'

On receipt of an allegation, the employer must consider if the following criteria has been met, referred to as the 'harm threshold'. Has the adult, for whom the allegation has been shared:

- Behaved in a way that has harmed a child, or may have harmed a child and/or;
- Possibly committed a criminal offence against or related to a child and/or;
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; and/or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

This list could include behaviour that has taken place outside of the school or through a digital means including sexual misconduct complaints or allegations, even when the alleged misconduct is in relation to another adult, may call into question the professional's suitability to work with children under transferable risk criteria.

Where this is, or likely to be the case, the employer must contact the local authority designated officer (LADO). The LADO will work with the employer to support any investigation, immediate actions required to safeguard children and consider, depending on nature of the allegation, if the Police or other relevant agency(ies) are required to be involved. In contacting the LADO the employer is not referring the case to the LADO and at all times retains responsibility for managing the allegation, any investigation into an allegation and be the ultimate decision maker with regards to the outcome of any allegations management meeting undertaken.

In managing any such allegation, the employer will, at all times take into account the welfare of all concerned in a timely manner.

Concerns that do not meet the harm threshold

Concerns of any nature 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 employers have appropriate policies and processes in place to manage and record any such concerns and take appropriate action to safeguard children. Creating a culture in which all concerns about adults are shared responsibly and with the right person, recorded and dealt with appropriately, is critical.

The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the 'harm threshold'. A low-level concern is therefore 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 employer may have acted in a way that is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, which should be reported in the same way as allegations to the employer. Where a concern is about a senior staff member this should be shared with a named adult in a similar role who will either manage the process or appoint someone to manage the process.

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
- using inappropriate sexualised, intimidating or offensive language

Adults who have any such concerns must therefore be confident in their role to share these with the appropriate adult. Such concerns will be managed within the employer's policies and procedures.

Summary:

- The employer retains responsibility for the management of all allegations relating to all adults in a position of trust in their organisation. The LADO is there to assist and ensure timeliness of process not lead the process.
- All adults working in any setting must understand their role in sharing any concerns whether low level, or a more significant allegation
- Adults need to recognise that such concerns could arise in or out of a work setting or through the use of technology
- Each employer must confirm through its policies and code of conduct who and how to report including if such concerns/allegations are about a senior member of staff
- Leaders need to ensure that all staff understand, within the context of their setting, examples that would need reporting and to whom
- All adults must understand the above points equally refer to concerns or allegations about volunteers, agency or supply staff including contractors
- Senior leaders must ensure that the employers' policies and procedures reflect these points through staff induction and ongoing training

Links to further information:

[Guidance for safer working practice](#) – Safer Recruitment consortium, updated 2022

[Gloucestershire LADO information page, including contact details](#) –

[South West Child Protection Procedures](#)