

Guidance for keeping information where allegations are made against professionals / volunteers working with children

It is necessary for the purposes of safeguarding children for the Local Authority Designated Officer (LADO) to record information regarding possible allegations made against those working with children. The purpose of this document is to provide a protocol for the recording of such information which must also comply with the requirements under the Data Protection Act 1998.

1. When contacted by agencies, the LADO will record basic details such as name of alleged perpetrator, the employing agency, the child or individual who has made the allegation, brief outline of the allegation made, and any advice given to the referrer.
2. If those sharing information with the LADO are doing so without the immediate knowledge of the alleged perpetrator, the caller is to be advised to tell the alleged perpetrator that a referral has been made. There may be circumstances in which it is not appropriate to inform the alleged perpetrator e.g. where to do so might prejudice any criminal investigation, or pose a risk of significant harm to others. In those circumstances clear reasons why the referrer is not informing the alleged perpetrator must be recorded.
3. Fact and opinion must be differentiated within the record made. If the alleged perpetrator subsequently seeks access to information recorded about them and questions the accuracy of that information, their views as to what is inaccurate must be recorded. In circumstances where factual inaccuracies are identified those must be corrected and any factually inaccurate information corrected. There is no obligation to correct information based on information or opinion provided by alleged perpetrators, unless that information identifies that a factual inaccuracy exists.
4. Advice given by the LADO must be recorded to ensure that there is an accurate record of what agencies have been informed.
5. Information recorded will not be revealed to anyone unless they can clearly demonstrate they have a legal right to know, such as the police during a relevant investigation, or a regulatory body such as Ofsted. Any decision to share information will be recorded. Decisions to share information at any relevant Professional Strategy Meeting will be made by the LADO who will follow guidelines under Chapter 15 of the London Child Protection Procedures. Those decisions must balance the rights of privacy of the persons concerned against the need for safeguarding children. This decision making must be proportionate, in cases where there may be some doubt whether or not to share legal advice should be sought.
6. The data will be kept on a password protected spreadsheet which is located on a shared drive that is only accessible to a limited number of people within the child

protection unit. The password to access that information will only be provided to those who have a need to access that information. Those persons will be identified through their roles and responsibilities.

7. The spreadsheet will be reviewed quarterly and data analysed. The review will be used to identify any inaccuracies which will be checked for at that time and corrected.
8. Updates to information will be either added to the spreadsheet or if the matter is more complex, an electronic ISIS file will be started and all information is to be moved there with a cross reference to this being clearly made on the spreadsheet. The ISIS file will be restricted to a few individuals who need to access the information in their role and will not be generally accessible by staff. ISIS information is also analysed quarterly and checked for accuracy.
9. The Information Commissioner's Office has produced guidance on how to deal with allegations against staff in education settings. They advise that if 'a decision is made that no further action is to be taken in regard to an individual facing an allegation... this decision and a justification for it should be recorded by the LADO'¹
10. The information contained in the spreadsheet and relevant ISIS. Records will be used to provide an annual report on activity levels for the WFSCB and to provide information for performance data as required by Government agencies.
11. Information may only be held for as long as it is necessary for the purpose for which it is held. The purpose for holding this information is to ensure that allegations made against staff are properly recorded, and a balance must be struck between the rights of those individuals and the need to carry out appropriate safeguarding procedures. In accordance with the advice from the Department of Education and the Information Commissioners Office², the information will be held in a secure setting for ten years or until the normal retirement age of the person the allegations was made against, whichever is the longest.

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¹ Dealing with Allegations of Abuse Against Teachers and Other Staff: Guidance for Local Authorities; Department for Education April 2011

² Dealing with Allegations of Abuse Against Teachers and Other Staff: Guidance for Local Authorities; Department for Education April 2011