



The NEST
alternative
provision
www.thenest-ed.uk

Managing Allegations Against Staff Policy

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Policy aims

This procedure has been developed in accordance with our Safeguarding & Child Protection Policy and acknowledges the active part the NEST team has in protecting learners from harm. The NEST also has a duty of care to staff who face allegations. These procedures are designed to be followed when managing cases of concern or allegations that might indicate a person would pose a risk of harm if they were to continue to work in a young person facing role or possibly in other capacities. These procedures apply to all current staff regardless of where the alleged abuse took place.

This policy outlines the procedural response to allegations against staff including:

- actions to provide effective child protection
- the support offered to the person who is subject of the allegation
- record keeping
- cooperation with other agencies

An “it can even happen here” attitude and a supportive approach are foundational to our managing allegations policy.

Links to legislation and guidance

This policy has been written in compliance with the following legislation and guidance:

- [Children Act 1989](#)
- [Education Act 2002](#)
- [Children Act 2004](#)
- [Working together to safeguard children 2023: statutory guidance](#)
- [Keeping Children Safe in Education 2025](#)

Associated policies and further reading

This policy should be read in conjunction with the following associated policies and documents:

- Behaviour Policy
- Community Contract
- Community Contract – Staff
- Safeguarding Policy
- Safer Recruitment Policy
- Whistleblowing Policy

Definitions

Victim – although not everyone who has been subjected to abuse considers themselves a victim or would want to be described in this way, we may use this term in policies to describe a child who may have been harmed.

Accused – an individual against whom an allegation has been made. This person is accused until the allegation is proven to be substantiated.

Perpetrator – this terminology is used because it is widely understood; as above, we understand the need for careful use of language when speaking to parties involved in an allegation or investigation.

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, or to cause harm to the subject of the allegation.

False – there is sufficient evidence to disprove the allegation.

Unsubstantiated – there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence).

Unfounded – to reflect cases where there is no evidence or proper basis which supports the allegation being made.

Roles and Responsibilities

Directors

Directors have oversight of these procedures and are responsible for implementing them, cooperating with other agencies and ensuring measures are in place to minimise distress for all involved. It is their responsibility to:

- Implement and review this policy
- Cultivate a culture of shared responsibility and confidence to speak up
- Empower staff to self-refer
- Listen and respond proactively and consistently to concerns
- Take on the role of case manager
- Identify whether a case meets harm thresholds (described below) and seek professional advice and guidance from the LADO if unsure
- Refer all cases that meet the harm threshold to the LADO
- Carry out the appropriate internal investigations or engage the services of an independent investigator if necessary
- Ensure effective support is in place for the person against whom the allegation has been made, the learner and caregivers

- Make considered and measured decisions around suspensions and other alternative arrangements
- Share information with external agencies in a cooperative and timely fashion
- Record incidents, outcomes and rationale for all concerns raised regardless of outcome
- Maintain confidentiality and ensure reporting restrictions are followed
- Seek and follow advice from the LADO, police and children's social care services
- Proactively work to identify weaknesses in the NEST safeguarding systems
- Review incident data and recognise emerging patterns or trends

LADO (Local Authority Designated Officer)

The LADO has overall responsibility for oversight of the procedures for dealing with allegations. It is their responsibility to:

- Provide advice and guidance to the case manager
- Liaise with other agencies including the police and the Local Safeguarding Children Board
- Resolve inter-agency issues
- Monitor the progress of all cases
- Ensure cases are dealt with as quickly as possible
- Ensure processes are followed consistently and fairly
- Conduct reviews either fortnightly or monthly depending on the complexity of the case canvass police and children's social care to determine whether the accused person should be suspended from contact with young people

Community voice

We value lived experience at the NEST, and we believe that centring the voice of lived experience is a route to better care. The insight of learners, caregivers, staff and collaborators are invaluable in shaping an environment of trust, collaboration and co-ownership. Intentionally prioritising the perspective of learners and caregivers supports educator understanding of learner needs and can empower learners to contribute to meaningful decision making and to take an active role in their learning. Valuing staff and collaborator feedback can facilitate closer co-working and productive communication.

The NEST directors invite feedback from those who have engaged in these processes to ensure we are considering all experiences when reviewing our practice. While there is limited influence over multi-agency procedures and

regulations, we can review our communication and the effectiveness of our engagement with those processes by listening to all stakeholders including the LADO, victim, accused, caregivers and colleagues.

Processes

Responding to concerns

Receiving an allegation

Concerns may arise through different routes including suspicion, a specific or non-specific complaint, disclosure by a learner, caregiver, mentor, other adult, pre-employment vetting checks. If a concern is raised through disclosure, the person who has received the information should follow the same guidance as for any safeguarding concern. Remember to follow safeguarding procedures when in conversation with a learner (see Safeguarding & Child Protection Policy).

In addition, the staff member receiving the allegation or implicating information should:

- Ensure the learner is safe and away from the person against whom the allegation has been made
- Report immediately to the directors
- If the allegation is against a director, report to the LADO (see Appendix A for LADO contact details)

The case manager carries out the appropriate investigations to ascertain whether an incident meets the harm threshold (Appendix A). If a concern has been raised by a third party, the case manager should collect evidence from the person who has raised the concern (unless this was done anonymously), the individuals involved, and any witnesses.

The LADO must be consulted if it is unclear whether an incident meets the threshold, or if an allegation is against a director.

Low-level concerns

Low-level concerns include behaviours that are inconsistent with the NEST Staff Community Contract and are not considered serious enough to warrant referral to the LADO. These can include:

- inconsiderate behaviour
- behaviour that may be inappropriate depending on context or circumstance
- behaviour that could enable abuse

Examples of low-level concerns include but are not limited to:

- being overly friendly or familiar
- showing favouritism
- inappropriate use of learner photos or recordings
- using inappropriate sexualised, intimidating or offensive language

If it is decided that the incident does not meet the harm threshold (described below) then the case manager:

- carries out an internal investigation
- where appropriate, implements disciplinary procedures as described in our Staff Community Contract
- puts a plan in place to support the staff member to correct any inappropriate or concerning conduct
- conducts a review within an agreed timescale to evaluate behaviour change
- follows the escalation procedure set out in the Performance Management Plan as necessary
- maintains comprehensive records (Appendices B and C)

Concerns that may meet the harm threshold

A concern may meet the threshold when the accused member of staff is alleged to have:

- behaved in a way that has or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child in a way that indicates they may pose a risk of harm to children
- behaved in a way that indicates that may not be suitable to work with children

In the event of an allegation that meets these criteria the case manager should conduct basic enquiries to establish facts where possible and carry out the following procedure.

- Discuss the allegation with the LADO
 - Consider the nature, content and context of the allegation
- Decide on a course of action
 - Determine whether further enquiries are needed to inform decision making
 - Determine whether police and/or children's social care involvement is necessary

Note: there may be occasions where the case manager considers it necessary to involve the police before consulting the LADO, e.g., 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

- Where appropriate staff disciplinary procedures will be followed
- Decisions can range from no further action to immediate dismissal and depend on the nature and circumstances of the case

The case manager is to make a referral to the DBS (or equivalent) where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child. More details can be found in Specific actions below.

- Inform the accused of the concerns or allegations and the likely course of action as soon as possible following conversation with the LADO
 - Where the police or children's social care are involved, the case manager will only share as much as has been agreed by those agencies after this has been decided in a strategy meeting
- Inform the caregivers of the learner involved (following agreement with children's social care or police if they are involved) and keep the caregivers informed of the progress of the case as it pertains to their young person

Note: Only share progress as it pertains to the learner involved and not information regarding the staff member

- Keep a record that includes
 - details of the allegations or concerns
 - decisions on what actions to take
 - justification for those decisions
 - agreement of what information is to be shared in writing with the individual concerned and by whom

Suspension and alternative arrangements

Careful consideration must be given to whether the circumstances of a case warrant a person being suspended from contact with children at the NEST, or whether alternative arrangements need to be put in place until the case is resolved. A person should not be suspended automatically. Suspension of the accused will be considered where there is reason to suspect that a child is suffering or is likely to suffer significant harm. This will involve initially convening a strategy discussion in accordance with DfE statutory guidance. Where a strategy discussion concludes that an investigation by the police or enquiries by children's social care, the LADO is to seek guidance from those

agencies as to whether the accused should be suspended from contact with children. Police involvement does not mean mandatory suspension.

All options to avoid suspension should be considered prior to taking that action. The case manager needs to consider whether the result achieved by suspension could be achieved by alternative arrangements. Based on an assessment of risk, alternatives may include:

- Redeployment to tasks that do not involve contact with learners
- Ensuring an additional member of staff is present to avoid unsupervised contact with learners

It is important to remember that suspension in this instance is not a disciplinary action, nor does it carry implication of guilt. It is a measure put in place to protect all involved while the case is ongoing. The case manager needs to consider the reputational consequences of suspension where an allegation is later found to be unsubstantiated or malicious.

Further enquiries may be needed to ascertain the best course of action. This can be discussed with the LADO. The LADO can advise on how the investigation should proceed and by whom it should be led. If there is lack of appropriate resource or experience in the NEST or the case has a degree of complexity beyond the confidence of the case manager, an independent investigator may be needed. In these circumstances, local authorities should be able to recommend appropriate resources and organisations.

Resignations and 'settlement/compromise arrangements'

A 'settlement/compromise arrangement' can be agreed where the accused person agrees to resign if the employer does not pursue disciplinary action. This includes an agreement on wording to use in future references. Such agreements are conditional, and this route is not appropriate if the allegations meet threshold criteria or there has been refusal to cooperate.

Such agreements do not preclude thorough necessary investigations. Every effort must be made to conclude all cases of allegations bearing on the safety of learners in our care, including any concerns where the accused refuses to cooperate. Reaching a judgement on whether claims are substantiated should continue even whether or not there is cooperation. Any concern where the allegation meets threshold criteria must be reported to the DBS.

Record keeping

The case manager will maintain clear and comprehensive records of all allegation details including the actions and justification for those actions. These will be stored in the individual's personnel records. Records will be kept at least

for the duration of the case. If an allegation is found to be false or malicious that record will be deleted unless that staff member has agreed for that record to be kept. If substantiated, the record should be retained at least until the accused has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

The case manager keeps a clear and comprehensive summary of:

- the allegation
- how the allegation was followed up
- actions taken
- rationale for actions taken
- how the case was resolved
- declaration of whether the allegation will be referred to in any future reference

The purpose of the record is to:

- enable accurate information to be given in response to any future request for a reference, where appropriate
- provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction
- help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time

Timeframes

It is a priority to resolve these cases as quickly as possible consistent with a fair and thorough investigation. While timeframes will vary depending on multiple factors including nature, seriousness and complexity of the allegations, it is a high priority to complete them as quickly as practicable. Unless a case is exceptional, the following target timeframes are expected:

- When it is immediately apparent that the allegation is unsubstantiated or malicious – resolve within one week (5 working days)
- When the case does not involve disciplinary proceedings – institute appropriate actions within three working days
- When the case involves engaging in formal disciplinary proceedings – disciplinary hearing to be arranged within three weeks (15 working days)
- Where suspension is identified as the most appropriate route, written confirmation must be sent within one working day
- Most cases to be resolved within three months
- All but the most exceptional of cases to be resolved within 12 months

Supporting those involved

Staff

The NEST Directors have a duty of care to support the wellbeing of staff and should act to minimise the inherent stress of the allegations process. Staff will be treated respectfully and provided effective support throughout an investigation. This can be achieved by:

- Informing the accused of concerns or allegations as soon as possible, unless there is an objection by children's social services or the police
- Appointing a named representative to keep the accused informed of the progress of the case
- Advising the accused to contact their trade union representative if they have one
- Offering access to counselling or other effective wellbeing support or medical advice where appropriate
- Considering what other support is appropriate to the individual

Particular care needs to be taken when the accused has been suspended to ensure they are kept informed of the progress of their case and current relevant work-related issues. Social contact with colleagues is not prohibited unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering of information and presentation of evidence.

Learners and caregivers

It is crucial to offer support to learners and their families in the first instance and throughout the process. In cases where a learner may have suffered significant harm, or a criminal offence may be prosecuted, the case manager will work collaboratively with children's social care and police to consider what support may be appropriate. The case manager will work with local family and social services to offer appropriate wellbeing support.

Confidentiality and information sharing

It is extremely important when an allegation is made that the NEST staff make every effort to maintain confidentiality and protect against unwanted publicity while the investigation is being considered or is ongoing.

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 cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates' court to request that reporting restrictions be lifted).

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

- who needs to know and, importantly, exactly what information can be shared
- how to manage speculation, leaks and gossip, with particular emphasis on how to make those involved aware of their obligations with respect to confidentiality
- what, if any information can be reasonably given to the wider community to reduce speculation
- how to manage press interest if it arises

Sharing information with caregivers

Caregivers of the learner involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the caregivers. Caregivers should 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. The deliberations of a disciplinary hearing cannot normally be shared but the outcome can be shared in confidence.

Parents and carers should also be made aware of the prohibition on reporting or publishing allegations about teachers in section 141F of the Education Act 2002. These restrictions are in place to prevent the publication of materials that may lead to the identification of a teacher who has been accused where that materials would identify the teacher as the subject of an allegation. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

References

Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.

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.

Specific actions

Following a criminal investigation or prosecution

The police should inform the employer and LADO immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged. In those circumstances the LADO should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. This decision should be informed by the information provided by the police and/or children's social care services.

On conclusion of a case where the allegation is substantiated

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide their services, the LADO should discuss with the case manager whether or not to make a referral to the DBS for consideration of whether inclusion on the barred lists is required; and whether to refer the matter to the Secretary of State (via the Teaching Regulation Agency) to consider prohibiting the individual from teaching.

There is a legal requirement for employers to make a referral to the DBS where they think that 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.

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager and NEST DSL should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The case manager should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still a learner at the NEST.

Where reports or allegations are unsubstantiated, false or malicious

If a report is determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider the appropriate next steps for the child in discussion with the other Director. If they consider that the learner and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate

If a report is shown to be deliberately invented, or malicious, the NEST will consider whether any disciplinary action is appropriate against the individual(s) who made the report,

Learning lessons

At the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the NEST procedures or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learned from the use of suspension when the individual is subsequently reinstated. The LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

This will include consideration of (as applicable):

- Any issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated
- How future investigations of a similar nature should be carried out

For all cases, the case manager will consider the facts and determine whether any improvements can be made. For example, where a false allegation has been made, risk assessments and risk management could focus on preventing circumstances that put staff members at risk of vulnerability.

Training

Staff training, learning and development are highly encouraged and facilitated by the NEST. All staff are expected to complete minimum training requirements as outlined in our Staff Training Plan and additional learning and related continued professional development are strongly supported.

Directors, as DSL and deputy DSL, will complete the following safeguarding training:

- KCSIE 2025 – update course for session leaders, DSLs and governors
- Safeguarding and Child Protection for Staff in Regulated Activity
- Introduction to Safeguarding Thematics
- Designated Safeguarding Lead training
- E-safety training
- Safer Recruitment

All staff training is logged and stored in our staff records. Refresher courses are facilitated according to best practice.

Review

This policy will be reviewed annually at a minimum. Updated policies will be made available locally and on our website (www.thenest-ed.uk). Ad hoc amendments will be made as new information becomes available and to align with any legislative changes as they arise. Stakeholder feedback, particularly that of learners and caregivers, will be invited and incorporated as much as is practicable. Where quantitative data are available these will be analysed and embedded in policies updates.

Learning from all investigations into allegations against staff, as outlined above in Learning lessons, will be incorporated into future policies and practice including those allegations that are not substantiated. The Directors will work collaboratively with LADO to consider any changes that could be made to improve prevention and response, and these recommendations will be embedded in future policy and practice.

Appendices

Appendix A – Local Children’s Social Care Key Links and Contacts

Bracknell Forest	
Local safeguarding partnership	Bracknell Forest Safeguarding Board
Procedures	Bracknell Forest multi-agency safeguarding arrangement procedures
Local Children’s Social Care team – Bracknell Forest MASH	Report child abuse or a concern to MASH 9am to 5pm, Monday to Friday (excluding bank holidays): 01344 352 005 Email: mash@bracknell-forest.gov.uk Outside these hours call the Emergency Duty Service (EDS): 01344 351 999
Threshold guidance	Bracknell Forest threshold guidance
Escalation and resolving professional disagreements	Resolving professional difference of opinion and escalation
Local Authority Designated Officer	Concerns about someone working with children or vulnerable adult 01344 351 572 LADO referral contact form

Oxfordshire	
Local safeguarding partnership	Oxfordshire Safeguarding Children Partnership
Procedures	Safeguarding procedures, guidance and resources
Local Children's Social Care team – Oxfordshire MASH	Multi Agency Safeguarding Hub 9am to 5pm, Monday to Friday (excluding bank holidays): 01865 519 800 Outside these hours call the Emergency Duty Service (EDS): 0800 833 408
Threshold guidance	Oxfordshire threshold guidance
Escalation and resolving professional disagreements	Escalation, resolving professional concerns and disagreements
Local Authority Designated Officer	Local Authority Designated Officer (LADO) 01865 810 603 lado.safeguardingchildren@oxfordshire.gov.uk
Reading	
Local safeguarding partnership	Berkshire West Safeguarding Children Partnership
Procedures	Pan Berkshire Safeguarding Children procedures – Reading
Local Children's Social Care team – Children's Single Point of Access	Concerned about a child in Reading Report concerns about a child – for professionals 9am to 5pm, Monday to Friday (excluding bank holidays): 01189 373 641 Outside these hours call the Emergency Duty Service (EDS): 01344 351 999
Threshold guidance	Reading threshold guidance
Escalation and resolving professional disagreements	Resolving professional difference of opinion and escalation
Local Authority Designated Officer	Concerned about an adult working with children LADO for Brighter Futures for Children is Sue Darby 01189 372 684 LADO@brighterfuturesforchildren.org
Slough	
Local safeguarding partnership	Slough Safeguarding Children Partnership

Procedures	Slough multi-agency safeguarding children partnership procedures
Local Children's Social Care team – Slough Referral and Assessment Service	Slough Children First 9am to 5pm, Monday to Friday (excluding bank holidays): 01753 477 321 for general enquiries or 01753 875 362 if immediate response is needed Email: sloughchildren.referrals@sloughchildrenfirst.co.uk Outside these hours call the Emergency Duty Service (EDS): 01344 351 999 Email: EDT@bracknell-forest.gov.uk
Threshold guidance	Slough threshold guidance
Escalation and resolving professional disagreements	Resolving professional difference of opinion and escalation
Local Authority Designated Officer	Local Authority Designated Officer (LADO) 07927 681 858 LADO@sloughchildrenfirst.co.uk
West Berkshire	
Local safeguarding partnership	Berkshire West Safeguarding Children Partnership
Procedures	Pan Berkshire Safeguarding Children procedures – West Berkshire
Local Children's Social Care team – Contact Advice Assessment Service	Concerned about a child in West Berkshire 9am to 5pm, Monday to Friday (excluding bank holidays): 01635 503 090 Email: child@westberks.gov.uk Outside these hours call the Emergency Duty Service (EDS): 01344 351 999 Email: edt@bracknell-forest.gov.uk
Threshold guidance	West Berkshire threshold guidance
Escalation and resolving professional disagreements	Resolving professional difference of opinion and escalation
Local Authority Designated Officer	Concerned about an adult working with children LADO@westberks.gov.uk
Windsor & Maidenhead	
Local safeguarding partnership	Royal Borough of Windsor & Maidenhead Safeguarding Partnership
Procedures	Royal Borough of Windsor and Maidenhead safeguarding partnership procedures

Local Children's Social Care team – Single Point of Access	<u>Concerned about a child?</u> 9am to 5pm, Monday to Friday (excluding bank holidays): 01628 683 150 Email: sloughchildren.referrals@sloughchildrenfirst.co.uk Outside these hours call the Emergency Duty Service (EDS): 01344 351 999
Threshold guidance	<u>Royal Borough of Windsor and Maidenhead multi-agency threshold guidance</u>
Escalation and resolving professional disagreements	<u>Resolving professional difference of opinion and escalation</u>
Local Authority Designated Officer	<u>Allegations against Staff and Volunteers</u> 07774 332 675 LADO@achievingforchildren.org.uk
Wokingham	
Local safeguarding partnership	<u>Berkshire West Safeguarding Children Partnership</u>
Procedures	<u>Pan Berkshire Safeguarding Children procedures – Wokingham</u>
Local Children's Social Care team – Wokingham Borough Council Referral and Assessment Team	<u>Concerned about a child in Wokingham</u> 9am to 5pm, Monday to Friday (excluding bank holidays): 0118 908 8002 Email: triage@wokingham.gov.uk Outside these hours call the Emergency Duty Service (EDS): 01344 351 999
Threshold guidance	<u>Wokingham threshold guidance</u>
Escalation and resolving professional disagreements	<u>Resolving professional differences of opinion and escalation</u>
Local Authority Designated Officer	<u>Concerned about an adult working with children</u> 01189372684 LADO@westberks.gov.uk

Appendix B – Safeguarding Concerns Log

Appendix C – Staff Behaviour Log