

# **MANAGING ALLEGATIONS AGAINST STAFF, CARERS AND VOLUNTEERS WORKING WITH CHILDREN**

**Approved:**

**Date:**

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Manor Community Academy is an inclusive Academy community with a focus upon achievement, progression, enjoyment and a sense of worth. Our vision and values ensure that we are committed to applying this policy in a fair, equitable and consistent manner which will ensure that the aims and objectives of the policy are met and that Manor Community Academy is further enhanced by their application. Throughout the application of this policy, we will remain committed to our principle of care, courtesy and consideration in all that we do to ensure that the needs of all of our stakeholders are met and upheld.

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## POLICY STATEMENT

The framework for managing allegations against people who work with children is set out in '*Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children*' (March 2010). Chapter 6 of the Guidance provides an overview and Appendix 5 provides details of procedures on how allegations should be handled. Chapter 5 of '*Safeguarding Children and Safer Recruitment in Education (2007)*' outlines procedures for dealing with allegations of abuse against teachers and other education staff.

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, is 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 aim of the Procedures is to:

- Ensure that allegations are dealt with quickly and in a fair manner
- Prevent unsuitable people from working with children and young people
- Promote safe practise and challenge poor / unsafe practise
- Contribute to effective partnership working
- Improve practise through sharing experience and lessons learned

This document explains how those procedures should be applied specifically in those Authorities that operate within the Tees Valley. In using this document, please refer to the contact list for the **Local Authority Designated Officer (LADO)** and **Senior Officers** within individual organisations. This contact list is regularly updated and can be found on each LSCB website. A list is also appended to this document.

All references in this document to 'members of staff' should be interpreted as meaning all paid or unpaid staff, including volunteers, sessional staff, foster carers and approved adopters. People whose role places them in '**a position of trust**' will also be considered within the remit of these procedures. Managing Allegations Against Staff, Carers or Volunteers.

## 1 INTRODUCTION

**N.B. The area responsible for implementing these procedures is determined by where the individual, who is the subject of the allegation or concern, works. Should the individual not work in Hartlepool, Middlesbrough, Redcar & Cleveland or Stockton, then the LADO for the relevant area is to be notified.**

1.1 These procedures should be applied in all settings and work places where employees, volunteers and regular visitors either: work with children, are in a position of trust and/or have a duty of care to children. This includes those who:

- Work directly with children;
- Work in a setting where children regard them as a safe and trustworthy adult;
- Have access to sensitive information regarding children;
- Are senior managers who have responsibility for appointing people to work with children.

1.2 The framework for managing cases set out in these procedures 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. They should be used in respect of all circumstances where it is alleged that a person 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.

1.3 This can be in connection with his/her employment or voluntary activity or where:

- there are concerns about a person's behaviour or conduct in their personal or professional life that might indicate their unsuitability to work with children;
- concerns arise about a person's behaviour with regard to his / her own children.
- concerns arise about the behaviour in the private or community life of an individual, their partner, member of their family or other household member

1.4 The procedures also apply where there are concerns relating to inappropriate relationships between those who work with children or young people as outlined in the '*Sexual Offences Act 2003*' namely

- having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (*section 16 – 19 Sexual Offences Act 2003*);
- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (*section 15 Sexual Offences Act 2003*);
- other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text / e-mail messages or images, gifts, socialising etc);
- possession of indecent photographs of children or use of the Internet to access child pornography.

If an allegation relating to a child is made about a person who works with vulnerable adults, consideration should be given to alerting those who manage her /him in that role, using the **Tees Wide LADO / Adult Safeguarding Protocol**.

## 2 ROLES & RESPONSIBILITIES

### LOCAL SAFEGUARDING CHILDREN BOARD

2.1 Local Safeguarding Children Boards (LSCB) have 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 the procedures. Each LSCB member organisation should identify a named **Senior Officer** with overall responsibility for:

- Ensuring that the organisation deals with allegations in accordance with LSCB procedures;
- Resolving any inter-agency issues;
- Liaising with the LSCB.

### LOCAL AUTHORITY

2.2 Councils should appoint an Officer (**LADO**) who will:

- Be involved in the management and oversight of individual cases;
- Provide advice and guidance on managing allegations to employers and voluntary organisations;
- Liaise with the Police and other agencies;
- Monitor the progress of cases to ensure they are dealt with as quickly as possible, using a consistent, thorough and fair process.

### POLICE

2.3 Cleveland Police should identify a **Senior Officer** to:

- Have strategic oversight of the local police arrangements for managing allegations against staff and volunteers;
- Liaise with the LSCB;
- Ensure compliance within the Organisation;

2.4 Identify local **Designated Officers** to:

- Liaise with the Local Authority Designated Officer (LADO)
- Take part in strategy and allegations management evaluation meetings
- Review the progress of the cases in which there is a Police investigation
- Share information as appropriate, on completion of an investigation or related prosecution

### EMPLOYERS

2.5 Employers should:

- Put in place and operate arrangements for dealing with allegations in accordance with these procedures;
- Designate a **Senior Manager** to whom allegations or concerns should be reported and a Deputy to whom reports should be made in the absence of the Designated Senior Manager or where that person is the subject of the allegation or concern;
- Ensure that their Organisation operates procedures for dealing with allegations, resolving any inter agency issues and liaising with the LADO on the subject.

Academy's or other education settings should also refer to Chapter 5 of *Safeguarding Children and Safer Recruitment in Education (DfES 2006)* available at [www.teachernet.gov.uk](http://www.teachernet.gov.uk), which covers issues relating to allegations of abuse made against teachers and other education staff.

### **3. RECOGNISING AND RESPONDING TO AN ALLEGATION**

3.1 There are a number of sources from which a complaint or an allegation might arise including those from:

- A child
- A parent or other adult
- A member of the public
- A colleague (whistle blowing)
- A disciplinary investigation.

#### **INITIAL ACTION BY PERSON RECEIVING OR IDENTIFYING AN ALLEGATION OR CONCERN**

3.2 The person to whom an allegation is first reported should treat the matter seriously and keep an open mind. They should **not**:

- Instigate an investigation;
- Investigate or ask leading questions if seeking clarification;
- Make assumptions or offer alternative explanations;
- Promise confidentiality or give assurance that the information will only be shared on a 'need to know' basis.

3.3 They should:

- Make a written record of the information (where possible in the child's/adults own words), including the time, date and place of incident, persons present and what was said;
- Sign and date the written record;
- Immediately report the matter to the designated Senior Manager, or Deputy in their absence, or where the Senior Manager is the subject of the allegation.
- Consider if the child concerned has suffered, or is at risk of suffering, significant harm (see relevant section in the Local Safeguarding Children's Board Child Protection Procedures) and if this is the case (or if in any doubt), make a referral to Children's Social Care in accordance with LSCB Child Protection Procedures. If the concerns arise outside normal office hours, then the referral should be made to the Emergency Duty Team.

#### **INITIAL ACTION BY THE DESIGNATED SENIOR MANAGER**

3.4 When informed of a concern or allegation, the designated Senior Manager should not investigate the matter or interview the member of staff, child or any potential witnesses. They should:

- Obtain written details of the concern/allegation, signed and dated by the person receiving the allegation;
- Acknowledge receipt of and date the written details;
- Record any information about times, dates and location of incident and names of any potential witnesses;

- Record discussions about the child and/or member of staff, any decisions made and the reasons for those decisions;
- Report the allegation to the LADO within one working day;
- If a child has suffered, or is at risk of suffering, significant harm, ensure that a referral to Children's Social Care has been made.

3.5 Any organisation that receives information regarding a complaint or allegation (including the Police and Social Care) should report it to the LADO **within one working day**. Reporting should not be delayed in order to gather information. If an allegation is received outside normal working hours and requires immediate attention, the designated Senior Manager should consult the local authority Emergency Duty Team or Police and inform the LADO as soon as possible.

3.6 Where the LADO receives a complaint or an allegation from sources other than the Employer, the LADO should consider what information, if any, should be disclosed to the Employer and the pressing need to share the information.

3.7 There are up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence;
- Social care enquiries and/or assessment about whether a child is in need of protection or services;
- Consideration of an investigation under disciplinary procedures.

3.8 The LADO and designated Senior Manager/Deputy should consider whether further details are needed and whether there is evidence or information that establishes that the allegation is false or unfounded. If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO should refer to local authority Children's Social Care and request a strategy meeting is convened.

3.9 The Police must be consulted about any case in which a criminal offence may have been committed. In circumstances where the criteria for a child protection referral is not met, but a Police investigation might be needed, the LADO should immediately inform the Police and convene an initial LADO meeting.

3.10 Where there are concerns regarding the conduct or behaviour of an individual which raises concerns about their suitability to work with children, but the threshold criteria for a child protection referral is not met, an initial LADO meeting should be convened. In some circumstances i.e. when the action needed to be taken is evident, a discussion between the relevant parties may be appropriate instead of convening a meeting.

## **INFORMING THE PARENT(S) AND/OR CHILD**

3.11 The Employer has a responsibility to inform the LADO immediately an allegation is made. If the parent(s) of the child is not already aware of the allegation, the LADO, in consultation with colleagues in the Police and Social Care, will advise the Employer about when and how to do this. In some circumstances, the parent will need to be told straight away; for example if the child has been injured or requires medical treatment. The parent(s), and the child if sufficiently mature, should be helped to understand the processes involved.

## **INFORMING THE REFERRED PERSON**

3.12 The Employer should seek advice from the LADO and the Police about how much information should be disclosed to the referred person. Subject to the restrictions on the information that can be shared, the Employer should, as soon as possible, inform the referred person about the nature of the allegation, how enquiries will be conducted and the possible outcome. The referred member of staff should:

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary process
- If suspended, be kept up to date about events in the workplace

## **INFORMING OFSTED / INDEPENDENT ACADEMYS INSPECTORATE**

3.13 Ofsted or the Independent Schools Inspectorate should be informed by the Employer of any allegation or concern made against a member of staff in any day care establishment for children under 8 years and, if appropriate, by the LADO if the allegation is against a registered child minder. Ofsted should be invited to attend any safeguarding strategy meeting or LADO meeting and kept informed of the progress of the case and the outcome. Managing Allegations Against Staff, Carers or Volunteers 6

3.14 Local authority Children's Social Care should inform Ofsted of all allegations made against a foster carer, prospective adopter, or member of staff in a residential child care facility.

## **STRATEGY MEETING/DISCUSSION AND LADO MEETING**

3.15 If there is cause to suspect a child is suffering, or is likely to suffer, significant harm, a child protection Strategy Meeting/Discussion will be held. This meeting will be held in two parts: the first part of the meeting will be a Strategy Meeting and will focus on the welfare and safety of the child/ren and will be chaired by an experienced Team Manager. The Strategy Meeting should:

- Decide whether there should be a Section 47 enquiry;
- Consider the current allegation in the context of any previous allegations or concerns;
- Where appropriate, take account of any entitlement by staff to use reasonable force to take control or restrain children;
- Consider whether a complex abuse investigation is applicable;
- Ensure that arrangements are made to protect the children involved and any other children affected, including taking emergency action where needed;
- Consider what support should be provided to children who may be affected;
- Agree dates for future Strategy Meetings.

3.16 The second part of the meeting, an initial LADO Meeting, should be chaired by the LADO and should focus on the individual against whom the allegation has been made. The following is a list of possible participants:

- Relevant social worker and their manager
- Police Child Abuse Investigation / Vulnerability Unit
- Designated Senior Manager/Deputy for the employer concerned

- HR representative from the employing organisation
- Senior representative from employment agency, or voluntary organisation, if applicable
- Manager from fostering/adoption service provider when an allegation has been made against a foster carer/adopter
- Those responsible for regulation and inspection, where applicable, e.g. Ofsted

3.17 The LADO meeting should:

- Consider the allegation and whether any investigation under disciplinary procedures is required;
- Discuss any previous allegations or concerns;
- Decide whether there should be a police investigation;
- Plan enquiries if needed, allocate tasks and set timescales;
- Decide what information can be shared, with whom and when;
- Consider what support should be made available to the member of staff, the child and his/her family and any others who may be affected;
- Ensure that investigations are sufficiently independent;
- Make recommendations where appropriate regarding suspension or alternatives to suspension;
- Identify a lead Contact Manager within each agency;
- Agree procedures for reviewing investigations and monitoring progress by the LADO having regard to target timescales;
- Consider any issues for the attention of senior management (e.g. media interest or resource implications);
- Consider whether a referral to the ISA / other regulatory body should be made and by whom;
- Consider risk assessments to inform the employer's safeguarding arrangements;
- Consider the individual's own children/those within their family/any other children they have contact with, and whether a referral needs to be made to Children's Social Care regarding any child/ren within this group
- Agree dates for future LADO meetings.

If a Strategy Meeting is not required, the LADO will convene and chair an initial LADO Meeting, considering the above points.

3.18 If necessary, a second or subsequent LADO meeting should be held to ensure that all tasks have been completed and where appropriate, agree an action plan for future practice based on lessons learned.

## **ALLEGATIONS AGAINST STAFF IN THEIR PERSONAL LIVES**

3.19 If an allegation or concern arises about a member of staff outside of their work with children, and this may present a risk of harm to children for whom the member of staff is responsible, the general principles outlined in these procedures will still apply.

The LADO meeting should decide whether the concern justifies:

Approaching the member of staff's employer for further information, in order to assess the level of harm

Inviting the employer to a LADO meeting

If the member of staff lives in a different authority area to that which covers their workplace, liaison should take place between the relevant agencies in both areas.



3.20 In some cases, an allegation of abuse against someone closely associated with a member of staff may present a risk of harm to children for whom the member of staff is responsible. In these circumstances the LADO meeting should consider:

The ability and/or willingness of the member of staff to adequately protect the children;  
Whether measures need to be put in place to ensure their protection;  
Whether the role of the staff member is compromised.

### **ORGANISED AND HISTORICAL ABUSE**

3.21 Investigators should be alert to signs of organised or widespread abuse and the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with complex abuse procedures which, if applicable, will take priority. Historical allegations should be responded to in the same way as contemporary concerns. It will be important to ascertain if the person is currently working with children and, if so, to consider whether the current employer should be informed

### **WHISTLE-BLOWING**

3.22 All staff should be made aware of the Organisation's whistle-blowing policy and feel confident to voice concerns about the actions or attitude of colleagues. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their Organisation, they should report the matter to the LADO.

### **CROSS BOUNDARY CONSIDERATIONS**

3.23 Allegations or concerns might be raised about individuals who work within more than one authority. When this occurs, the LADO receiving the information should contact the LADO in the area(s) where the individual is also known to work or have contact with children.

3.24 If concerns arise in an individual's private life that have a bearing on their work with children in another authority, the LADO should contact the LADO for that area and offer to attend a LADO meeting to share information and agree any action necessary. Managing Allegations Against Staff, Carers or Volunteers

3.25 The LADO / Adult Safeguarding Protocol should be used when there is a need to share information between authorities that is relevant to an individual who may also work with vulnerable adults.

## **4. ACTIONS AND OUTCOMES**

### **CONFIDENTIALITY**

4.1 Every effort should be made to maintain confidentiality and guard against publicity whilst an allegation is being investigated or considered. Information should be restricted to those who have a need to know in order to protect children, facilitate enquiries and manage disciplinary processes.

4.2 The Police will not provide identifying information to the press or media, until a person is convicted, other than in exceptional circumstances. In such cases, the reasons should be documented and partner agencies consulted beforehand.

## **SUPPORT**

4.3 The employing organisation, together with Children's Social Care and/or the Police where involved, should consider the impact upon the child and provide appropriate support. Liaison between agencies should consider how the child's needs are addressed.

4.4 As soon as practicable after an allegation has been received, the referred member of staff should be advised to contact their union or professional association. The employing organisation should alert their HR advisors in order that support can be offered via the organisation's occupational health or wellbeing arrangements and so that procedures can be adhered to.

## **UNSUBSTANTIATED AND FALSE ALLEGATIONS**

4.5 Following the initial LADO Meeting, if an allegation is determined to be unsubstantiated, the LADO should prepare a separate report of the enquiry and forward it to the designated Senior Manager/Deputy of the employer to enable them to consider what further action, if any, should be taken.

4.6 False allegations are rare, but may be an indicator of abuse elsewhere that requires further exploration. If an allegation is demonstrably false the employer, in consultation with the LADO, should refer the child to Children's Social Care to determine whether the child is in need of services or might have been abused by someone else.

4.7 If it is established that an allegation has been deliberately invented, the Police should be asked to consider whether it might be appropriate to take action against the person responsible.

4.8 At the conclusion of a case in which the allegation is unsubstantiated, the employer should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice to help prevent similar events occurring in the future.

## **DISCIPLINARY PROCESS AND INVESTIGATION**

4.9 In all cases, the LADO, the designated Senior Manager and the Employer's HR representative should discuss whether an investigation under disciplinary procedures is necessary. The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff and take into account: Managing Allegations Against Staff, Carers or Volunteers 9

Information provided by the Police and/or Children's Social Care;  
The result of any investigation;  
The different standard of proof in disciplinary and criminal proceedings.

4.10 In the case of supply, contract or volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the LADO and Employer should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services, provide future work with children, or whether to make a report for consideration for barring or other action.

4.11 If formal disciplinary action is not required the employer should institute any agreed actions arising from the LADO Meeting 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. The timescales detailed will be adhered to wherever possible. However,

where there are good reasons, for example the lack of availability of the trade union representatives, officers or witnesses, each party can request that the other agrees to an extension of the recommended timescales.

4.12 If further investigation is needed to decide upon disciplinary action, the Employer and the LADO should discuss whether the Employer has appropriate resources or whether the Employer should commission an independent investigation because of the nature or complexity of the case or to ensure objectivity. The investigation should not be conducted by a relative or friend of the member of staff.

4.13 The aim of an investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and/or the individual's suitability to work with children. Its purpose is not to prove or disprove the allegation. The investigating officer should aim to provide a report within 10 working days.

4.14 On receipt of the report the employer should decide, within 2 working days, whether a disciplinary hearing is needed. If a hearing is required it should be held within 15 working days. The timescales detailed will be adhered to wherever possible. However, where there are good reasons, for example the lack of availability of the trade union representatives, officers or witnesses, each party can request that the other agrees to an extension of the recommended timescales.

4.15 If at any stage of the investigation new information emerges that requires a child protection referral, the investigation should be held in abeyance and only resumed, if agreed, with Children's Social Care and the Police. Consideration should again be given as to whether suspension is appropriate in light of the new information.

## **SUSPENSION**

4.16 The possible risk of harm to children posed by the referred person needs to be evaluated and managed effectively in respect of the children involved, and any other children who may be at risk in the referred member of staff's home, work or community. In some cases this requires the employer to consider suspending the member of staff. Suspension is a neutral act and is not automatic. It should be considered where:

- There is cause to suspect a child/children is at risk of significant harm;
- The allegation warrants investigation by the Police;
- The allegation is so serious that it might be grounds for dismissal;
- There is cause to suspect that the individual has the potential to intimidate a person(s) whom they know or believe to be involved;
- There is cause to suspect that the individual may have the potential to destroy or contaminate evidence related to the investigation;

4.17 If a strategy meeting is to be held or if Children's Social Care and/or the Police are to make enquiries, the LADO should canvass their views on the risks posed and inform the Employer. Only the Employer has the power to suspend a referred employee and they cannot be required to do so by a local authority or Police

4.18 If a suspended person is to return to work, the Employer should consider what help or support might be appropriate (e.g. a phased return to work, the provision of a mentor), and also how best to manage the member of staff's contact with the child concerned.

## **RESIGNATIONS AND ‘COMPROMISE AGREEMENTS’**

4.19 Every effort should be made to reach a conclusion in all cases even if:

The individual refuses to co-operate, having been given a full opportunity to answer the allegation;

It may not be possible to apply any disciplinary sanctions if a person’s period of notice expires before the process is complete.

4.20 The fact that a person tenders his or her resignation or ceases to provide their services must not prevent an allegation from being followed up in accordance with these procedures. A so-called ‘compromise agreement’ by which a person agrees to resign, the employer agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference, must not be used. In any event, such an agreement will not prevent a thorough police investigation where appropriate, nor can it override an employer’s statutory duty to make a referral to The Independent Safeguarding Authority.

4.21 The LADO should also advise whether it is appropriate to notify a professional body or regulator for example, the General Social Care Council, General Teaching Council or the General Medical Council. Any referral, if appropriate, should be made within one month.

## **RECORD KEEPING**

4.21 Employers should keep a clear and comprehensive summary of the case on a person’s confidential personnel file and give a copy to the individual. The record should include details of:

- Allegations made;
- Details of how the allegation was followed up and resolved;
- Actions taken;
- Decisions reached.

4.23 Such information should be retained on file, including for people who leave the organisation, for at least until the person reaches normal retirement age or for ten years if longer. The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where a future CRB disclosure reveals information from the police that an allegation was made but did not result in a prosecution or conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.

4.24 A central record of allegations will be maintained by the LADO on behalf of partner organisations of each LSCB. The LADO’s records will assist the LSCB to monitor and evaluate the effectiveness of managing allegations and provide statistical information to central government if required.

## **MONITORING PROGRESS**

4.25 The LADO should monitor and record the progress of each case, fortnightly or monthly, depending on its complexity. This could be by way of review LADO Meetings or by direct Managing Allegations Against Staff, Carers or Volunteers communication with the Police, Children’s Social Care or the Employer. Where target timescales cannot be met, the LADO should record the reasons.

4.26 If a police investigation is to be conducted, the police should set a date for reviewing its progress and consulting with the CPS. Wherever possible this should be no later than 4 weeks after the LADO meeting. Dates for any further reviews should be agreed, being either fortnightly or monthly.

## **5. ACTIONS ON CONCLUSION OF A CASE**

5.1 If the allegation is substantiated and the person is dismissed, or the Employer ceases to use the person's services, or the person resigns, the LADO should discuss with the Employer whether a referral should be made to the Independent Safeguarding Authority (ISA) and / or to a regulatory body such as the General Medical Council, General Teaching Council or GSCC. Consideration will then be given as to whether the individual should be barred from, or have conditions imposed in respect of, working with children. If a referral is to be made, a named person should be identified to make that referral.

5.2 If a referral is made, it should be submitted within 1 month of the allegation being substantiated.

5.3 The Employer and the LADO should review the circumstances of each case to determine whether there are any improvements to be made to the Organisation's procedures or practise.

It is in everyone's best interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation. Every effort should be made to avoid any unnecessary delay. It is expected that most cases are resolved within one month, although cases which require a criminal prosecution or a complex police investigation are likely to take longer than three months.