

local safeguarding children board

Keeping children safe is everyone's responsibility

Brent LSCB
Managing Allegations
made against Staff and
Volunteers working with
Children and Young
People

December 2013

Contents

Section	Content	Page
1	Target Audience	3
2	Scope	3
3	References to 'Staff'	4
4	Safeguarding Environments	4
5	Roles and Responsibilities	5
6	General Considerations - Information Sharing and Notification	6
7	Confidentiality	6
8	Support	7
9	Suspension	7
10	Resignations and "Compromise Agreements"	8
11	Organised and Historical Abuse	8
12	Whistleblowing	8
13	Timescales	8
14	Initial Response to Allegations Or Concerns	9
15	Strategy Discussions/Meetings	10
16	Disciplinary and Suitability Processes	12
17	Supply, Contract and Volunteer Workers	13
18	Sharing Information For Disciplinary Purposes	13
19	Record Keeping and Monitoring Progress	13
20	Unsubstantiated and False Allegations	14
21	Referral To Disclosure and Barring Service (DBS)	15
22	Learning Lessons	15
23	Procedures In Specific Organisations	15
Appendices	Allegations Against Staff/Volunteers Flowchart	16
	Brent Local Authority Designated Officer (LADO) Contacts	17

1 Target Audience

- 1.1. This document is designed to provide guidance to Named Senior Managers, Local Authority Designated Officers (LADOs) and Designated Senior Managers.

2 Scope

- 2.1. These procedures are based on the framework for dealing with allegations of abuse made against a person who works with children, detailed in Chapter 6 and Appendix 5 of Working Together 2010 (no change in 2013). The procedures also incorporate the guidance in Safeguarding Children and Safer Recruitment in Education 2007 and subsequent updates. They should be followed by all organisations providing services for children and young people.
- 2.2. Compliance with these procedures will help to ensure that allegations of abuse are dealt with expeditiously; consistent with a thorough and fair process for all concerned.
- 2.3. These procedures should be applied when there is an allegation or concern that any person who works with children, in connection with his/her employment or voluntary activity, has:
 - Behaved in a way that has harmed a child, or may have harmed a child
 - May have committed a criminal offence against or related to a child
 - Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.
- 2.4. These behaviours should be considered within the context of the four categories of abuse i.e. physical, sexual, emotional abuse and neglect as defined in Working Together 2010 (no change in 2013). These include concerns relating to inappropriate relationships between members of staff and children or young people e.g:
 - Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual
 - 'Grooming' i.e. meeting a child under 16 with intent to commit a relevant offence
 - 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/pseudo-photographs of children

3 References to 'Staff'

3.1. References to 'staff' should be read as including all staff, whether in a paid or voluntary capacity

4 Safeguarding Environments

4.1. All organisations should be proactive in reducing the risk of child abuse taking place within the services they provide by:

- Developing a safeguarding ethos in which children and staff can express their concerns; where staff are encouraged to challenge poor practice constructively; and where 'whistle-blowing' procedures can be engaged without fear. This means that safeguarding policies and procedures are accessible to all and that there are means for communication and access to skilled advice, both internal and external to the organisation.
- Adopting safe recruitment and effective safe termination of employment practices.
- Ensuring that all staff receive appropriate training in child protection: signs, symptoms and referral procedures, which include how to recognise and respond to allegations against staff.
- Ensuring that staff understand what 'safe practice' is and what it is not. In particular, staff must be aware of behaviours that are likely to bring about criminal, child protection or disciplinary action. All staff therefore, should be provided with clear and relevant codes of conduct.
- Ensuring that vulnerabilities expressed by staff are taken seriously and responded to at the earliest stage.
- Ensuring that risk assessments following allegations are undertaken to reduce the likelihood of repetition.

N.B. A failure to report an allegation or concern in accordance with the following procedures is a potential disciplinary matter.

4.2. Staff and volunteers are also strongly advised to report any incident, involving themselves that could give rise to concern, including the potential for misinterpretation by others.

5 Roles and Responsibilities

Named Senior Officers

5.1. Each Brent LSCB member organisation shall identify a named senior officer with overall responsibility for:

- Ensuring that the organisation deals with allegations in accordance with these procedures
- Resolving any inter-agency issues
- Liaising with the LSCB on the subject
- Annual LADO report to the LSCB

Local Authority Designated Officer (LADO)

5.2. Brent Local Authority Officer has specific responsibility for:

- Being involved in the management and oversight of individual cases
- Providing advice and guidance to employers and voluntary organisations
- Liaising with the police and other agencies
- Monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process

5.3. The functions of the LADO are covered by a named officer in Brent Local Authority in the absence of the LADO there will be an identified duty LADO.

5.4. For allegations against staff in Brent Children and Families Department, the functions are carried out by the LADO.

5.5. Where the role of the LADO could be compromised by his/her operational involvement in a case, the Named Senior Officer within the Local Authority will oversee arrangements.

Designated Senior Managers

5.6. All employers providing services for children and young people will have two designated posts:

- A Designated Senior Manager (DSM) to whom allegations or concerns should be reported
- A deputy to whom reports should be made in the absence of the DSM, or where the DSM is the subject of the allegation or concern

5.7. The DSM will:

- Provide a reporting point within the organisation or service for allegations or concerns against staff and volunteers
- Consult with the Local Authority Designated Officer to determine what action, if any, is required

6 General Considerations

Children, young people, parents or carers

6.1. The parent(s) carer(s) and the child, if sufficiently mature should be helped to understand the processes involved and kept informed about the progress of the case and of the outcome. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

Staff and Volunteers Subject to Allegations or Concerns

6.2. The member of staff should:

- Be treated fairly, 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 or related process
- If suspended, be kept up to date about events in the workplace

Ofsted

6.3. Ofsted should be informed of any allegations or concern made against:

- A member of staff in a Nursery/Day Care/School
- A registered Child Minder
- A Foster Carer
- A member of staff in a residential child care facility
- Children Centre

6.4. They should also be invited to take part in any strategy discussions that take place related to such cases involving the above.

7 Confidentiality

7.1. Every effort should be made to maintain confidentiality and guard against publicity whilst an allegation is being investigated or considered. Apart from keeping the child, parents and accused person up to date with the progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries and/or manage related disciplinary or suitability processes.

7.2. All those involved should guard against providing identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances e.g an appeal to trace a suspect. In such cases, the reasons should be documented and partner agencies consulted beforehand.

8 Support

- 8.1. The organisation together with Children's Social Care and/or the Police (where they are involved) should consider the impact on the child concerned and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are addressed.
- 8.2. As soon as possible after an allegation has been received, the accused member of staff should be advised to contact his/her union or professional association, if they are affiliated to one. Human Resources should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's occupational health or employee welfare arrangements.
- 8.3. Where a member of staff returns to work after a period of suspension, the employer should consider what help and support might be appropriate e.g.:
 - A phased return to work
 - Provision of a mentor
 - How best to manage the member of staff's contact with the child concerned, if still in the workplace.

9 Suspension

- 9.1. Suspension is a neutral act and should not be automatic. It should be considered in any case where:
 - There is cause to suspect a child is at risk of significant harm, or
 - The allegation warrants investigation by the police, or
 - The allegations is so serious that it might be grounds for dismissal
- 9.2. The possible risks should be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staff's home, work or community life.
- 9.3. The decision whether to suspend a member of staff rests with the employer. The employer should however, make an informed decision by seeking a recommendation from the LADO and from investigative agencies where they are involved.

10 Resignations and 'Compromise Agreements'

- 10.1. Every effort should be made to reach a conclusion in all cases even if:
- The individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations
 - It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete

NOTE 'Compromise agreements' must not be used. A 'compromise agreement' is where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed.

11 Organised and Historical Abuse

- 11.1. Investigators should be alert to the signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the matter needs to be dealt with in accordance with Complex Abuse Procedures, which if applicable, will take priority.
- 11.2. Historical allegations should be responded to in the same way as contemporary concerns and with the same degree of priority. It will be important to ascertain if the person is currently working with children and if that is the case, to consider whether the current employer should be informed.

12 Whistleblowing

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

13 Timescales

- 13.1. It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided.
- 13.2. Target timescales are set out in these procedures. If these timescales cannot be met, the reasons should be documented e.g. because of specific nature or complexity.

14 Initial Response to Allegations or Concerns

Source of concern

14.1. An allegation against a member of staff may arise from a number of sources e.g.:

- A report from a child victim
- A concern raised by another child/adult in the organisation
- A concern raised by a parent or carer.

Initial action by person receiving or identifying an allegation or concern

14.2. The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

14.3. S/he **should**:

- Instigate immediate medical care where appropriate
- Offer reassurance that the information will only be shared on a 'need to know' basis
- Make a written record of the information (where possible using the child/adult's actual words), including time, date and place of incident(s), person present and what was said.
- Sign and date the written record
- Immediately report the matter to the Designated Senior Manager (DSM), or deputy in his/her absence or where the DSM is the subject of the allegation.

14.4. S/he should **not**:

- Investigate or ask leading questions, if seeking clarification
- Make assumptions or offer alternative explanations
- Promise complete confidentiality

Initial action by the Designated Senior Manager (DSM)

14.5. When informed of a concern or allegation, the DSM should not investigate the matter or interview the member of staff concerned or potential witnesses. S/he should:

- Obtain written details of the concern/allegation, signed and dated by the person receiving (not the child/adult making the allegation)
- Countersign and date the written details
- Record any information about times, dates and location of alleged incident(s) and names of any potential witnesses
- Record discussion about the child and/or member of staff, any decisions made, and the reasons for those decisions.

14.6. If the allegation meets the criteria in paragraph 2.3 the DSM should report it to the LADO **on the same working day** using the LADO referral form (located on

- the Brent LSCB website). Referral **should not** be delayed in order to gather further information.
- 14.7. As soon as possible after an allegation is made, the parents or carers should be informed. Where possible, advice should be sought from the LADO in advance on how this should be managed.
 - 14.8. The LADO should also be consulted about how and when the accused member of staff is to be informed of the allegation. If sharing the information with the member of staff will not impede or undermine any subsequent investigation, there should be no delay in doing so. At this early stage, it is advisable to only explain that an allegation of a child protection nature has been made. The detail of the allegation will be explained by the investigative agencies.
 - 14.9. If an allegation requires immediate attention, but is received outside of normal office hours, the DSM should consult the Social Care Emergency Duty Team or the CAIT via local Police. The DSM should also inform the LADO as soon as possible following this action.
 - 14.10. If a police officer receives an allegation, s/he should, without delay, report it to the Designated Detective Sergeant in the CAIT. The Designated Detective Sergeant should immediately inform the LADO.
 - 14.11. Where a health professional receives an allegation s/he should without delay report it to the Designated Manager. The Designated Manager should immediately inform the LADO.
 - 14.12. If a member of staff from the voluntary sector receives an allegation s/he should without delay report it to their employer. The employer should immediately inform the LADO.
 - 14.13. Similarly, an allegation made directly to Social Care should be immediately reported to the LADO.

15 Strategy Discussions/Meetings

- 15.1. Wherever possible, a strategy discussion should take the form of a meeting which the LADO will chair, however on occasions a telephone discussion may be justified. The following is a list of possible participants:
 - Relevant Social Worker and his/her manager
 - Detective Sergeant
 - DSM for the employer concerned
 - Human Resources representative
 - Legal Adviser where appropriate
 - Senior representative of the employment agency or voluntary organisation if applicable

- Manager from the fostering service provider when an allegation is made against a foster carer
- Supervising Social Worker when an allegation is made against a foster carer
- Those responsible for regulation and inspection where applicable e.g CSCI, Ofsted
- Paediatrician, where applicable
- Relevant agencies, where a child is placed or resident in another authority

15.2. The strategy discussion **should**:

- Ensure that where appropriate, immediate arrangements are made to protect the child/ren involved and any other child/ren possibly affected
- Decide whether there should be a s.47 enquiry and/or police investigation
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information
- 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 control or restrain children e.g. Section 550a Education act 1996
- Consider whether a complex abuse investigation is applicable
- Plan enquiries if needed, allocate tasks and set time-scales
- Decide what information can be shared, with whom and when
- Consider what support should be provided to all children who may be affected
- Consider what support should be provided to the member of staff and others who may be affected
- Ensure that investigations are sufficiently independent
- Make recommendations where appropriate regarding suspension, or alternatives to suspension
- Agree protocols for reviewing investigations and monitoring progress by the LADO, having regard to target timescales
- Consider issues for the attention of senior management e.g. media interest, resource implications
- Agree dates for future strategy discussions

Allegations against staff in their personal lives

15.3. If an allegation or concern arises about a member of staff, outside of his/her work involving children, and this may present a risk to children for whom the member of staff is responsible, the general principles outlined in these procedures still apply.

15.4. The strategy discussion **should** consider whether the concern identified justifies:

- Approaching the member of staff's employer for further information, in order to assess the level of risk; and/or

- Inviting the employer to a further strategy discussion about dealing with the possible risks
- 15.5. If the member of staff lives in a different authority to that which covers his/her workplace, liaison should take place between the relevant agencies in both areas and a joint strategy discussion convened.
- 15.6. In some cases, an allegation of abuse against someone closely associated with a member of staff e.g. partner, member of the family, or other household member, may present a risk to children for whom the member of staff is responsible. In these circumstances, a strategy discussion should be convened to consider:
- The ability and 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 member of staff is compromised

16 Disciplinary and Suitable Processes

- 16.1. The LADO and the DSM should discuss whether an internal disciplinary investigation is appropriate in cases where:
- It is clear at the outset or when decided by a strategy discussion, that a Police investigation or Social Care enquiry is not necessary, or
 - The employer or the LADO is informed by Police or the Crown Prosecution Service (CPS) that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued, or
 - Where the Police and CPS formally agree to a disciplinary investigation running concurrently with their own investigations
- 16.2. The discussion should consider any potential misconduct and/or suitability issues on the part of the member of staff and take into account:
- Information provided by the Police and/or Social Care
 - The result of any investigation or trial
 - The different standard of proof in disciplinary and criminal proceedings
- 16.3. If formal disciplinary action is not required, the employer should institute appropriate action **according to their own in house processes**. If a disciplinary hearing is required, and further investigation is not required, the hearing should follow local HR in house processes.

- 16.4. Each employer will have their own process in place which they should follow, the LADO should be updated regularly.
- 16.5. If at any stage, new information emerges that requires a child protection referral, the disciplinary investigations should be held in abeyance and only resumed if agreed with Social Care and the Police. Consideration should again be given as to whether suspension is appropriate in light of the new information.

17 Supply, Contract and Volunteer Workers

- 17.1. In the case of supply, contract and 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, or provide future work with children, and if not whether to make a report for consideration of barring or other action.

18 Sharing Information for Disciplinary Purposes

- 18.1. Wherever possible, Police and Social Care should, during the course of their investigations and enquiries, obtain consent to provide the employer and/or regulatory body with statements and evidence for disciplinary purposes.
- 18.2. If the Police or the Crown Prosecution Service decides not to charge, or decide to administer a caution, or the person is acquitted, the Police should pass all relevant information to the employer without delay.
- 18.3. If the person is convicted, the Police should inform the employer straight away so that appropriate action can be taken.

19 Record Keeping and Monitoring Progress

- 19.1. Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for 10 years dependant on when retirement is due.
- 19.2. The LADO should keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. The

records will also assist the Brent LSCB to monitor and evaluate the effectiveness of the procedures for managing allegations.

- 19.3. The LADO should monitor and record the progress of each case, either **fortnightly or monthly** depending on its complexity. This could be by way of review strategy discussions or direct liaison with the Police, Social Care, or employer, as appropriate. Where the target timescales cannot be met, the LADO should record the reasons.
- 19.4. If a Police investigation is to be conducted, the Police should set a date for reviewing its progress and consulting the CPS about continuing or closing the investigation or charging the individual. Wherever possible, this should be **no later than 4 weeks** after the strategy discussion. Dates for further reviews should also be agreed, either **fortnightly or monthly** depending on the complexity of the investigation.
- 19.5. Where a disciplinary investigation follows Police or Social Care enquiries, the subsequent decisions made by the employer must be brought back to a final strategy meeting. This is to ensure that any safeguarding issues have been brought to an appropriate resolution for each of the investigative processes engaged (i.e. criminal, child protection and disciplinary).

20 Unsubstantiated and False Allegations

- 20.1. Where it is concluded that there is insufficient evidence to substantiate an allegation, the chair of the strategy discussion should prepare a letter with the summary of the allegation and outcome of the enquiry and forward this to the DSM of the employer to enable her/him to consider what further action, if any, should be taken.
- 20.2. False allegations are rare and may be a strong indicator of abuse taking place elsewhere in a child's life, which requires further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO, should refer the matter to Social Care to determine whether the child is in need of services, or might have been abused by someone else.
- 20.3. If it is established that an allegation has been deliberately invented, the Police should be asked to consider what action may be appropriate.

21 Referral to Disclosure and Barring Service (DBS)

- 21.1. If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether a referral should be made to the Disclosure and Barring Service (DBS) and regulatory body.
- 21.2. In compiling a report for a barring or regulatory body, the employer will be offered guidance by the LADO in:
- Ensuring that wherever possible, the employer receives sufficient evidence from Social Care enquiries and Police investigations
 - Assisting in the interpretation of outcomes and professional opinion
 - Assisting in the identification of risks to children
- 21.3. Employers need to notify the DBS within one working day of the outcome of the strategy discussion. If a referral is to be made it should be submitted **within 1 month**.
- 21.4. Consideration will then be given to whether the individual should be barred from, or have conditions imposed in respect of working with children.

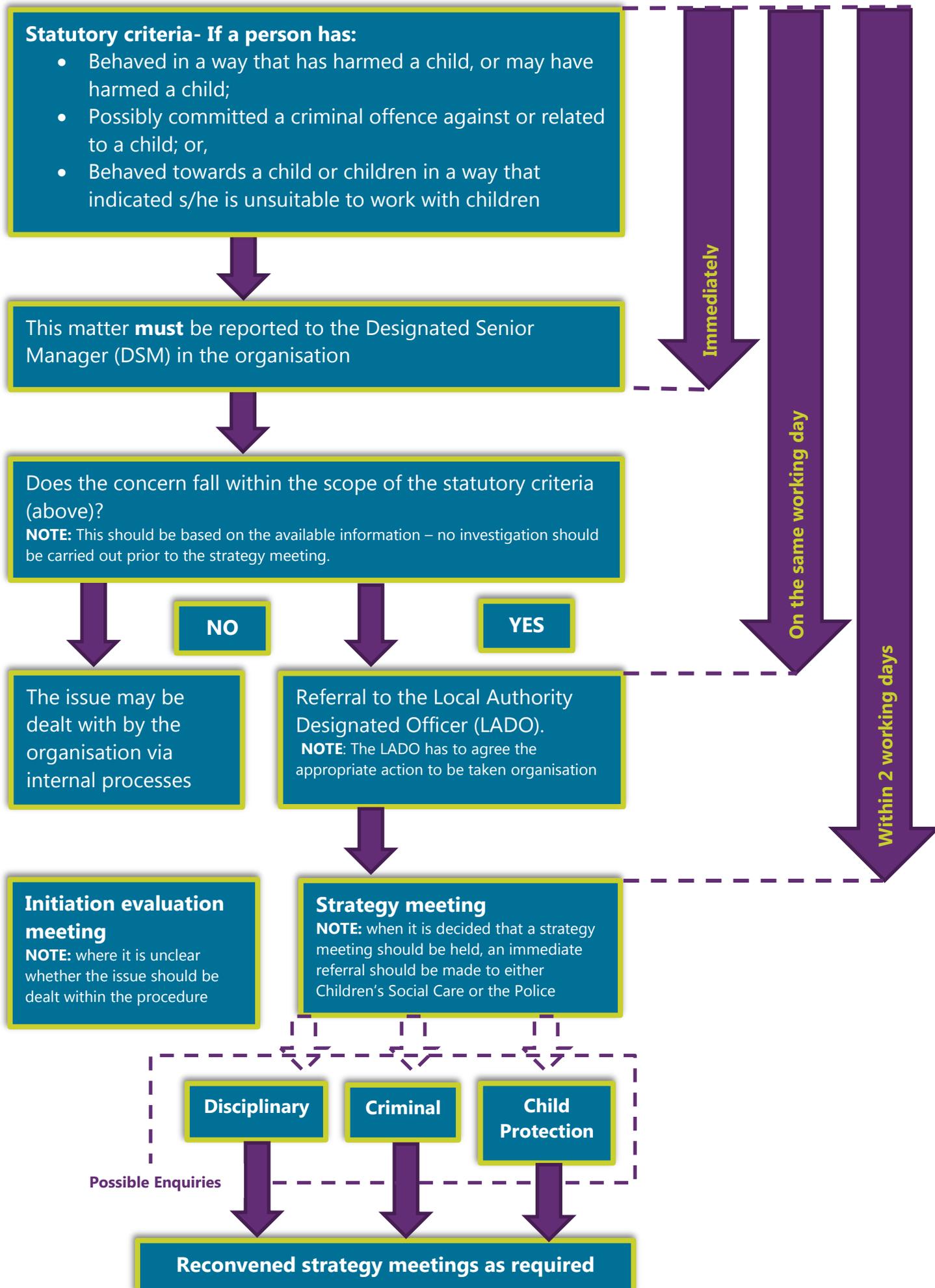
22 Learning Lessons

- 22.1. The LADO will provide regular progress reports and statistics to the Serious Case Review Sub Committee of the LSCB. The Sub Committee will determine whether there are any improvements to be recommended within specific organisations or across multi-agency procedure or practice.

23 Procedures in Specific Organisations

- 23.1. All local procedures for managing allegations against staff and volunteers, who work with children, should be compatible with the Brent LSCB procedures. In addition, they should provide contact details for:
- The Designated Senior Manager in their organisation to whom all allegations should be reported;
 - The Deputy for the DSM; and
 - The Local Authority Designated Officer (LADO)

Allegations Against Staff/Volunteers Flowchart



Brent Local Authority Designated Officer Contacts

The LADO function is currently undertaken by the Child Protection team and this team should be contacted as the first point of call for any LADO.

Any LADO enquiry's should be directed to the email address below and will be responded to within one working day: **(NOTE: Confidential information should not be sent to this email address)**

brent.lado@brent.gov.uk

If you wish to have a discussion prior to making a referral please contact in order:

Sandra Trumper - 020 8937 4834 Mobile 07867 187007

Nefertiti Logan - 020 8937 4842 Mobile 07900 763856

Child Protection Admin Team - 020 8937 3783