

CHILDREN & FAMILIES

A guide for staff and volunteers who work with children where a concern has been raised or an allegation made





Introduction

Any person working or volunteering with children may be the subject of a concern or an allegation at some point in their career. The majority of allegations against staff or volunteers relate to their behaviour in the workplace. However, some concerns may relate to their personal life or the care of their own children. In some cases, there may have been an allegation of abuse against someone closely associated with them, and this person may pose a risk of harm to the children the staff member or volunteer is responsible for.

We understand that this can be a distressing situation for everyone involved. This leaflet sets out what happens in these circumstances.

What happens when an allegation is made?

Every organisation that works with children should have a manager or Designated Safeguarding Lead (DSL) responsible for progressing allegations that a child may have been harmed. When they are informed of the allegation they must contact the Local Authority Designated Officer (LADO) within 24 hours to report the concern. The criteria for making a report to the LADO are that an individual may have:

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

The LADO will agree with the manager/DSL how and when the staff member or volunteer will be informed of the concern. This is dependent upon the nature of the allegation, and any current or ongoing risk to children. If it becomes apparent at any stage that the allegation is false, you will be informed of this and no further action will be taken.

What happens next?

If there is cause to suspect that a child is suffering or likely to suffer significant harm, or a criminal offence might have been committed, an Allegations against Staff and Volunteers (ASV) meeting will be held, involving the police, LADO, your employer, Children's Social Care (CSC) and any other agencies, as appropriate. The purpose of the meeting is to decide the strategy for managing the allegation and will:

- Make the decision as to whether a police investigation is required.
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information.
- Plan enquiries, allocate tasks and set timescales.

- Decide what information can be shared, with whom and when.
- Ensure safety arrangements are in place for the child involved.
- Consider support for the child.
- Consider support for the member of staff against whom the allegation has been made.
- Make recommendations about suspension or alternatives to suspension.
- Identify a lead contact manager within each agency.
- Agree protocols for reviewing investigations and monitoring progress by the LADO.
- Consider issues for the attention of senior management (e.g. media interest).
- Consider risk assessments to inform the employer's safeguarding arrangements.

If there are issues in your personal life, which may be relevant to your role at work, an evaluation will be made by the LADO to decide if the information needs to be shared with your employer. If it is believed that a child is at risk of harm, details will be shared with your employer straight away and you may not be contacted before your employer is told. If there does not appear to be an immediate risk to children, it is likely that you will be offered the chance to share the information with your employer in the first instance. The LADO will then contact your employer to confirm that they are aware of the concerns.

Examples of cause for concern include:

- Your child is the subject of a Child Protection enquiry (Section 47).
- Your child is being supported by a Child Protection plan.
- You have been arrested, cautioned or convicted in relation to offences of violence.
- Drug or alcohol misuse in your personal life.
- There has been an allegation of abuse against a member of your household or a person closely associated with you.



Suspension

Suspension will only be considered where there is cause to suspect a child or other children at your work is/are at risk of harm, or the case is so serious that it might be grounds for dismissal. Your employer will consider carefully whether suspension is warranted and may wish to seek advice from their human resources advisor and the LADO.

An alternative to suspension is redeployment to ensure there is no direct contact with the children or children concerned. This will depend upon the nature of the allegation.



Alleged criminal offence

In some instances the police may decide to proceed with a criminal investigation. This could result in an arrest and possible prosecution based upon the outcome of their investigation. The LADO investigation will be informed by the outcome of the police investigation.



Internal investigations

Your employer may need to conduct an internal investigation in order to proceed. It may be conducted by a senior member of staff or by an independent person, depending on the availability of resources, and the nature and complexity of the case. Where there are criminal proceedings, it may not be possible for the employer to complete their investigations until after the criminal proceedings are concluded.



Volunteers and supply workers

If you are a supply worker or a volunteer, the placing agency should be involved and co-operate in any investigation. If disciplinary procedures do not apply, an investigation may still be necessary to assess your suitability to work with children.



Resignations and compromise agreements

Your employer should try to reach a conclusion regardless of whether you resign or otherwise cease to provide your services, or if you refuse to cooperate. They must not use a 'compromise agreement', i.e. allow you to resign without disciplinary action and with an agreed reference.



Timescales

Cases should be dealt with as quickly as possible, consistent with a fair and thorough investigation. Timescales will depend on factors such as the nature, seriousness and complexity of the allegation. Your case will be monitored by the LADO in order to avoid unnecessary delay.



Support

Being subject to an allegation is likely to be stressful and you must be offered support.

Your employer should:

- advise you to seek support from your Trade Union;
- provide a named support person who will keep you up-to-date with any investigations;
- provide a named support person who will keep you up-to-date with any work matters if you are suspended.
- Your employer could also offer you support via employee resources such as an Employee Assistance Programme or a service similar to this.



Outcomes

Once all the information has been collated, shared and reviewed, the investigation can be concluded. The LADO has a responsibility to review and monitor cases with the aim of achieving a thorough, fair and timely investigation. They also have a statutory responsibility to retain accurate records about the allegation, including those involved, how the matter has been investigated, and the outcomes as being:

- False - sufficient evidence to disprove the allegation.
- Malicious - sufficient evidence to disprove the allegation and when there has been a deliberate act to deceive.
- Substantiated - sufficient evidence to prove the allegation that a child has been harmed or there is a risk of harm.
- Unsubstantiated - insufficient evidence to either prove or disprove the allegation.
- Unfounded - no evidence or proper basis which supports the allegation.

The LADO will give advice on the conclusion of a case about whether a referral to the Disclosure and Barring Service is required.

The LADO will also make a recommendation as to whether a referral needs to be made to a governing body you may be registered to inform of the outcome.

You will be notified of the outcome of the investigation and any action set out that is of relevance to you.



Complaint

If you are dissatisfied with the outcome from the LADO procedures, the complaint needs to be submitted to the LADO's line manager. If you wish to complain about aspects of the investigation, it has to be directed to the organisation/ agency that completed it.

