

**Bedford Borough Safeguarding Children Board,
Central Bedfordshire Safeguarding Children Board &
Working together to safeguard children**



BEDFORD BOROUGH, CENTRAL BEDFORDSHIRE
AND LUTON
LOCAL SAFEGUARDING CHILDREN BOARD
PROCEDURES FOR MANAGING ALLEGATIONS AND
CONCERNS REGARDING STAFF, CARERS AND
VOLUNTEERS WORKING WITH CHILDREN AND
YOUNG PEOPLE

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Introduction

Bedford Borough Council, Central Bedfordshire Council, Luton Borough Council and all Local Safeguarding Children Board (LSCB) partner agencies are committed to safeguarding and promoting the welfare of children¹. These are the overarching procedures for dealing with any allegations or concerns regarding the suitability of adults to work in a position of trust with children. They are intended to be congruent with Working Together 2010 (Appendix 5) Safeguarding Children in Education 2004: Safer Recruitment and Selection in Education Settings 2005 and the Bedford Borough, Central Bedfordshire and Luton Local Safeguarding Children Board (LSCB) Interagency Safeguarding Procedures.

All County and unitary local authorities should designate officers to be involved in the management and oversight of individual cases; providing advice and guidance to employers and voluntary organisations and monitoring cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Bedford Borough Council, Central Bedfordshire and Luton Borough Council will have a named officer to fulfil the responsibilities of the Local Authority Designated Officer (LADO). In Central Bedfordshire the LADO is known as the Allegations Manager. In Bedford Borough Council the LADO is known as the Safeguarding and Allegations Officer. In Luton the LADO is known as the Local Authority Designated Officer. Contact details are on the appropriate Local Authority websites.

1. Scope

These procedures are based on the framework for dealing with allegations and concerns of abuse made against a person who works² with children, detailed in Chapter 6 and Appendix 5 of Working Together 2010³, Safeguarding Children in Education 2004: and Safer Recruitment and Selection in Education Setting 2005. In addition, Safeguarding Vulnerable Groups Act 2006' Schedule 3 4(1). They should be followed by all those providing services for children and staff who work with or care for children.

1.2 Compliance with these procedures will help to ensure that allegations of abuse are dealt with expeditiously, consistent with a thorough and fair process.

1.3 These procedures must 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
- possibly 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.

The scope of these procedures is not limited to allegations involving significant harm or risk of significant harm, to a child. The procedures should also be followed for cases that are apparently less serious and must be seen to be followed up in an objective manner. [Refer also to Section 2 – Threshold Considerations]

1.4 These behaviours should be considered by the LADO within the context of the four categories of abuse i.e. physical, sexual and emotional abuse and neglect. These

¹ In this document, as in Working Together to Safeguard Children (2010) and the Children's Acts of 1989 and 2004, a child is anyone who has not reached their 18th birthday; 'children', therefore, means 'children and young people'.

² Throughout these procedures 'staff' and 'work with' includes those who work with children on a voluntary basis.

³ Working Together to Safeguard Children – A guide to inter-agency working to safeguard and promote welfare of children HM government 2010

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 consensual⁴.
- '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.

URL Link to the Sexual Offences Act 2003:

<http://www.legislation.gov.uk/ukpga/2003/42/contents>

- 1.5 All references in this document to "members of staff" should be interpreted as meaning all staff, whether they are in a paid or unpaid capacity, are working as a permanent, temporary or agency staff, a contract worker, consultant, volunteer, approved foster carer, child minder or approved adopter, and those working on or off site.

A 'position of trust' is one in which a member of staff or volunteer is in a position of power or influence over a child by virtue of the work, or nature of the activity being undertaken. The Sexual Offences Act 2003 sets out detailed definitions and a range of criminal offences associated with abuse of such a position.

- 1.6 If an allegation or concern arises about a member of staff, outside of his/her work, and this may present a risk to children for whom the member of staff is responsible, the general principles outlined in these procedures will apply. They will also apply to situations where it is discovered that an individual known to have been involved previously in child abuse is, or has been, working with children. If the member of staff lives in a different authority area to that which covers his/her workplace, liaison should take place between the LADO's in both areas, and an Initial Evaluation Meeting which may also be referred to as a Joint Evaluation Meeting (JEM) convened. It is the Local Authority in which the alleged incident occurred that will take the lead in such situations with input from the LADO from the other Local Authority involved.

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 an Evaluation Meeting led by the LADO should be held to consider:

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

- 1.7 Investigations will be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. Consideration will then be given to whether the matter should be dealt with in accordance with the Organised and

⁴ Sections 16-19 Sexual Offences Act 2003

Complex Abuse procedures, as set out in the LSCB Inter-agency Child Protection Procedures which, if applicable, will take priority.

URL link to the Procedures published on the LSCB website:

http://www.proceduresonline.com/bedford_scb/

- 1.8 Historical allegations must be responded to in the same way as contemporary concerns. It will be important to ascertain whether the person is currently working with children and if that is the case, to consider informing the current employer or voluntary organisation.
- 1.9 Allegations that a child has abused another child in any setting do not fall within these procedures and should be referred to Children's Services and/or the Police and investigated in accordance with local safeguarding procedures.
- 1.10 Each agency has separate complaint procedures - professionals receiving complaints must be alert to the possibility that a complaint may give rise to concerns and allegations which fall into the scope of these procedures, and discuss such with the LADO in accordance with these procedures.

Children living away from home may be particularly vulnerable to abuse. They should have access to clear, effective, user-friendly complaints procedures that are readily accessible to those with disabilities and those for whom English is not their preferred language.

- 1.11 Organisations should give guidance to staff on their duty to their employer, and their professional obligation to raise legitimate concerns about the conduct of colleagues or managers. Staff should refer to their organisation's whistle-blowing procedures and their professional code of conduct for guidance and procedures to address these issues.

2. Threshold Considerations

- 2.1 Concerns about the behaviour of an adult who works with children may be made in the form of complaint or allegation. Initial consideration as to whether there are safeguarding issues should be given to all concerns before any complaints procedure is invoked.

The context in which an incident is alleged to have occurred is significant in understanding whether it is a child protection concern or not. Whilst some behaviour may not constitute a criminal offence, and some may not reach the threshold of significant harm, consideration will need to be given as to whether they indicate unsuitability to work with children. This may include concerns about a person's behaviour in respect of their own children, and occasions when boundaries have been blurred, inappropriate behaviour has taken place, and matters such as fraud or deception.

- 2.3 Suspicions regarding adults in positions of trust must always be carefully considered in terms of:
 - the particular duty of care and responsibilities that they have towards any child with whom they have a relationship
 - the implications that their suspected behaviour regarding one child may have for any others with whom they have a relationship of trust.

- 2.4 Section 47 of the Children Act 1989 imposes a duty to cause enquiries to be made if there is reasonable cause to suspect that a child is suffering or likely to suffer significant harm.
- 2.5 Residential social workers, teachers, foster carers, health workers in residential child care settings, hospital staff and early year's workers are all prohibited by regulations and/or guidance relevant to respective settings from applying more than specified types and levels of restraint to those children for whom they are professionally responsible.
- 2.6 Volunteers who work with children are also expected to maintain standards of conduct comparable to those prescribed for colleagues in paid employment.
- 2.7 All allegations and concerns about staff, carers, approved adopters or volunteers, including physical punishment, use of restraint other than that permitted by law or guidance, should be considered under these procedures.

In addition, separate procedures are available in respect of safeguarding and promoting the welfare of children and young people who are placed away from home, including those with foster carers, and managing allegations in respect of children placed for adoption and children receiving adoption support services.

3. Roles and Responsibilities

- 3.1 Working Together 2010 (6.35) states that Local Authorities should designate a Local Authority Designated Officer (LADO) to:
- be involved in the management and oversight of individual cases
 - provide advice and guidance to employers and voluntary organisations
 - liaise with the police and other agencies
 - monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.
 - Provide statistical reports to the DFE and / or other government body as requested and to the LSCB
- 3.2 Each LSCB member organisation should designate a **Named Senior Officer** who has overall responsibility for ensuring that their organisation operates procedures for dealing with allegations in accordance with the guidance in Appendix 5 Working Together to Safeguard Children 2010; resolving any inter agency issues and liaising with the LSCB on the subject.
- 3.3 All other organisations employing adults who work with children should identify a senior manager to whom allegations or concerns that a member of staff or volunteer may have abused a child should be reported. Their individual agency child protection procedures should explain the role and give full contact details of the senior manager. All staff and volunteers should have the procedures explained to them and receive a copy. The procedures should identify an alternative person to whom reports should be made in the absence of the senior manager or in cases where that person is the subject of the allegation or concern.

4. Principles Underpinning Responses

Timeliness

- 4.1. Any allegation or concern must be dealt with fairly, quickly and consistently, in a way that provides effective protection for the child, and supports the person who is subject of the allegation. Bedford Borough, Central Bedfordshire and Luton Safeguarding Children Board Inter-agency safeguarding procedures set out the timescales within which allegations of harm or potential risk of harm should be responded to in relation to children's social care enquiries carried out. In addition, there are timescales set out in these procedures for other stages of enquiry and investigation in relation to Allegations Management processes [see paragraph 4.10].

Objectivity

- 4.2. In respect of child protection processes and any necessary follow up action, it is not permissible for a member of staff to conduct (though their involvement may be required) a child protection enquiry / LADO investigation about a suspicion or an allegation of abuse. In respect of a:
- relative
 - friend
 - colleague, supervisor/supervisee or someone who has worked with him/her previously in any of these capacities.

Equality and diversity

- 4.3. At all stages of referral, assessment, planning and review, sensitive consideration **must** be given to issues of diversity, and disability so that they are understood and addressed as appropriate.

Confidentiality

- 4.4. Information about an allegation or concern must be restricted to those who have a need to know in order to:
- protect children
 - facilitate enquiries
 - avoid victimisation
 - safeguard the rights of the person about whom the allegation has been made and others who may be affected
 - manage disciplinary/complaints aspects

The police do 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 any exceptional case where the police may depart from that rule e.g. an appeal to trace a suspect, the reasons should be documented, and all partner agencies consulted beforehand.

In each case the LADO with other agency representatives must consider at the Evaluation Meeting or strategy meeting, media considerations and whether and if so which agency's media units should be alerted to and/or involved with a view to preparing a media strategy. Such media strategy should also be able to respond to any enquiries about an allegation or concern which unofficially became public knowledge. The Police and Children Services staff involved in any investigation should be alert to this possibility.

Support

4.5 Support for Child Parents / Carers

- At the Initial evaluation meeting and/or subsequent evaluation / monitoring meeting / strategy meeting (in the case of children social care led enquiries), consideration needs to be given in consultation with the LADO as to how, by whom and when the parent/carers are to be informed about the process and progress of managing the allegations and that an outcome has been reached.
- Where it has been agreed that parent/carers should be informed of the allegation, this should happen as soon as possible provided provision of information and advice does not impede the enquiry, disciplinary or investigative processes. This would normally be the Police, employer or Children Social Care. In some circumstances, the parents/carers may need to be told immediately e.g. the child requires medical treatment.
- The parents/carers, and the child, if of sufficient understanding, should be helped to understand the processes involved and be kept informed about the progress of the case, and the outcome, including where there is no criminal prosecution. This will include the outcome of any disciplinary process but not the deliberations of, or the information used, in a hearing.
- In deciding what information to disclose, Information sharing procedures and protocols will apply. Legal advice should be sought if there is any doubt about the information to disclose.
- In cases where a child may have suffered significant harm, or there may be a criminal prosecution, Children's Services and/ or the Police, as appropriate, should consider what support the child or children involved may need by way of a referral to Children's Services.

4.6 Support for the person subject of the allegation

- The person should not be informed of the allegation until a discussion with the LADO has taken place as this may impede the investigation. The only circumstances where it is acceptable to inform the accused person of the fact of the allegation only, is where there is a delay in contacting the LADO, in which case the decision to share the allegation should be taken to avoid potentially placing children at further risk.
- The LADO will establish whether the Police and/or Children Services staff involved in any investigation want to impose restrictions on the information that can be provided.
- Once the decision has been made to inform the person, the employer should keep the subject of the allegation informed of the progress in the case, and arrange to provide appropriate support to the individual while the case is ongoing. Where appropriate, this may include support via Occupational Health or employee welfare arrangements where those exist. If the person is suspended, the employer should make arrangements to maintain contact with the individual at regular intervals, i.e. weekly/fortnightly.
- If the person is a member of a Trade Union or applicable Professional Association, they should be advised at the outset to contact that body.
- The person who is the subject of the allegation should be treated fairly and honestly, and be helped to understand the concerns expressed, and the processes involved.

Suspension

4.7 Suspension is a neutral act and should not be automatic. It should be considered in any case where:

- there is cause to suspect that a child 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

4.8 The possible risks to children should be evaluated and managed in respect of the child/ren involved and any other children in the individual's home, work or community life. The employer must not suspend people without careful thought. The LADO will seek the views of the police and social care, in respect of the suspension of the individual from contact with children and inform the employer.

4.9 A decision to suspend or temporarily re-deploy staff rests exclusively with the employer / employing agency (school governing body in the case of a school), and they can not be required to do so by any other agency - the employer will consider:

- the safety of the children
- any impact on the enquiry

In some cases it will not be immediately obvious that suspension is appropriate and the need for this course of action may only become clear after information has been shared, and a discussion had, with other agencies and the employer's Human Resources provider.

If a suspended person is to return to work, appropriate help/support and supervision arrangements should be offered and put in place e.g. a phased return and/or provision of a mentor, and how to manage contact with any child/ren who made the allegation.

Resignations and compromise agreements

4.10. The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to co-operate with the process.

Wherever possible, the person should be given a full opportunity to answer the allegation and make representations about it.

The process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available, should continue, even if the person does not co-operate.

It may be difficult to reach a conclusion in these circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

So-called 'Compromise Agreements' 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 these cases.

In any event, such an agreement would 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 where circumstances require it.

Target Timescales

- 4.11 It is in everyone's interest for cases to be dealt with as quickly as possible, consistent with a fair and thorough investigation. Timescales (which are not performance indicators) will depend on nature, seriousness and complexity of allegation/s. It is reasonable to expect that the following timescales should be achieved wherever possible:
- 80% of cases should be resolved within one month
 - 90% within three months
 - All but the most exceptional should be completed within twelve months. It is unlikely that cases requiring criminal prosecution or complex police investigation can be completed in less than three months.

Recording

- 4.12 The employer must keep a clear and comprehensive record on the personnel file of the person against whom the allegation has been made, of
- any allegations made,
 - details of how the allegation was followed up and resolved, and
 - details of any action taken and decisions reached,
- 4.13 The purpose of the record is to
- enable accurate information to be given in response to any future request for a reference.
 - 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 a criminal conviction.
 - prevent unnecessary re-investigation, if, as sometimes happens, allegations re-surface after a period of time.
- 4.14 Where a child has made an allegation, a copy of the statement / record must be kept on the confidential section of the employee's file which is not open to disclosure, together with a record of the outcome of any investigation. For related criminal or civil proceedings, records may be subject to disclosure.
- 4.15 The above records should be retained on file including for people who leave the organisation, at least **until the person reaches normal retirement age or for 10 years if that will be longer.**
- 4.16 The LADO should keep records of the case to ensure and demonstrate that every case is dealt with without undue delay.

5. Process

Reporting concerns/allegations

- 5.1 All allegations or concerns that appear to meet the criteria in paragraph 1.3 must be discussed with the LADO within one working day of receipt.
- 5.2 An allegation against a member of staff may arise from a number of sources, e.g. a report from a child, a concern raised by another adult, a complaint by a parent or carer or to another agency, such as the Police or Children's Services, or a regulatory body such as OFSTED.
- 5.3 The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

He/she should not:

- investigate or ask lead questions if seeking clarification
- make assumptions or offer alternative explanations
- promise confidentiality, but give assurance that the information will only be shared on a 'need to know' basis

The recipient of an allegation must **not** unilaterally determine its validity, and failure to report it in accordance with procedures is a potential disciplinary matter.

He/she should:

- make a written record of the information (where possible in the child/adult's own words) including the time, date and place of incident(s), persons present and what was said.
- clearly sign and date the written record
- immediately report the matter to the Senior Manager identified in the employer's procedure unless that person is the subject of the allegation in which case it should be reported to the designated alternative.
- For schools, if the Head teacher is implicated in the allegation, the matter should be reported to the Chair of Governors.

5.4 Any member of staff who believes that allegations or suspicions which have been reported to the appropriate manager are not being investigated properly has a responsibility to escalate the concerns in accordance with their agencies safeguarding and /or whistle blowing procedures.

5.5 Where there are immediate concerns about a child's safety a referral directly and without delay to the Police and/or Children's Services should be made and not delayed until the LADO is available. The Police and Children's Services will in turn consult with and notify the LADO of the need for their involvement within one working day.

5.6 If an allegation relating to a child is made about a person who undertakes paid or unpaid care of vulnerable adults, consideration must also be given to the possible need to alert the Safeguarding of Vulnerable Adults Manager. Due consideration must be given to whether the risk to children outweighs the employee's (or volunteer's) right to confidentiality before an employer is approached. This process, and the reason for reaching any decision, must be fully documented by the LADO.

Initial Consideration of Allegation

5.7 These procedures need to be applied with common sense and judgement. Some allegations will be so serious as to require immediate referral to the Police and Children Services for investigation. Others may appear at first to be much less serious. It is important though to ensure that even apparently less serious allegations are followed up, and are examined objectively by someone independent. Consequently the LADO should be informed of **all** allegations that are made directly to the Police (which should be communicated directly by the designated police officer) or to any area of Children's Services.

The immediate priority must be to determine whether a child(ren) has/have suffered or is/are at risk of significant harm and/or is in need of protection. If this appears to be the case and is the result of action or inaction by a person who works with and/or has contact with a child or children, there should be an immediate referral to the Police i.e. 999; Children's Services and the LADO. If this is outside normal office hours, the manager should consult the Children Services Emergency Duty Team or Police and inform the LADO within 1 working day.

- 5.8 When informed of a concern or allegation by the person to whom the allegation / concerns were first raised, the manager must not investigate the matter or interview the member of staff, child concerned or potential witnesses.

He/she must:

- 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 incident(s) and names of any potential witnesses
- record discussions about the child and/or member of staff, any decisions made, and the reason for those decisions
- ascertain details, including date of birth and address, of the child(ren) and person(s) accused as far as possible
- report the concerns immediately to the senior manager of their agency.

- 5.9 There are up to 3 strands in the consideration of an allegation or concern:

- a police investigation of a possible criminal offence
- Children Services enquiries and/or assessment about whether a child is in need of protection or services;
- consideration by an employer of disciplinary action

- 5.10 The LADO and the referring manager will consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is within the scope of these procedures and may have some foundation. Care should be taken to verify dates, times, locations and identity of the member of staff.

- 5.11 Procedures need to be applied with common sense and judgement. Some allegations will be so serious as to require immediate referral to Children's Social Care and the Police. Others may appear at first to be much less serious. It is important to ensure that even apparently less serious allegations are seen to be followed up and examined objectively. Consequently, the LADO should be informed of all allegations coming to an employer's attention and satisfy the criteria in Section 1 above - Scope of Allegation. The LADO should also be informed of any allegations that are made directly to the Police or to Children's Social Care.

- 5.12 The LADO and employer should consider whether further details are needed and whether there is evidence / information that establishes the allegations is false or unfounded. See Section 5 – Process.

In the event that the allegation is against an adult who works for an agency or organisation commissioned by another agency i.e. Children's Services or PCT, it is essential that:

- at the earliest opportunity the employer, informs the commissioning agency of the concern/allegation, and the commissioning agency is kept informed of any subsequent actions and invited to any initial evaluation/strategy meetings as appropriate.
- the senior officer/senior manager of the commissioned service informs those responsible for commissioning the service of the concern/allegation.

This will ensure that key decisions in relation to current and future provision of services by an individual and/or agency can be made on an informed and negotiated basis between all partners.

Initial Evaluation of Allegation

Child suffering or likely to suffer significant harm

- 5.13 If there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO should immediately refer to Children's Social Care, which should respond in accordance with strategy discussions / meeting procedure and Section 47 enquiry procedures.

Criminal offence suspected, but significant harm threshold not reached

- 5.14 If 'significant harm' is not considered an issue, but a criminal offence might have been committed, the LADO must immediately liaise with the Police Designated Unit Manager, conduct discussions and share information with any other agencies involved with the child to evaluate the allegation and decide on any other action required e.g. need for disciplinary action. In situations where there is no identified child there is no requirement for the LADO to contact Children's Social Care. However the LADO will check Social Care records and if the child is known to or has been known to Children's Social Care consideration will be given to informing the relevant Social Care team.

Case Subject to police investigation

- 5.15 If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible consistent with a fair and thorough investigation and will keep the progress of the case under review. They should at the outset set a target date for reviewing progress of the investigation and consulting the CPS about whether to proceed with the investigation, charge the individual with an offence, or close the case. Wherever possible that review should take place **no later than four weeks** after the initial evaluation, and if the decision is to continue to investigate the allegation dates for subsequent reviews should be set at that point (it is open to the police to consult the CPS about the evidence that will need to be obtained in order the charge a person with an offence at any stage).

If the police and /or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should pass all information they have which may be relevant to a disciplinary case to the employer without delay. In those circumstances the employer and the local authority designated officer should proceed as described in Section 10 below.

If the person is convicted of an offence the police should also inform the employer straight away so that appropriate action can be taken.

Investigation by Police and/or enquiries by Children's Social Care not required

- 5.16 If there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will convene an immediate Initial Evaluation Meeting with Police and the appropriate Children Services Intake and Assessment team. Undertaking S47 enquiries by Children's Services Intake and Assessment team should not be delayed if an initial evaluation meeting involving the LADO to consider issues in relation to the employee/ volunteer and their consideration can not be held within a time-frame commensurate with ensuring the child's safety and protection. In these circumstances the strategy meeting to determine and institute Section 47 enquiries will take place led by the Intake and Assessment team/ Initial Assessment Team in conjunction with the Police and other agencies as appropriate, and be followed by a subsequent initial evaluation meeting chaired by the LADO which will address the employment related issues.

6. Initial / Joint Evaluation

- 6.1 Wherever possible, the initial evaluation discussion will take the form of a meeting, but on occasions a telephone discussion may be appropriate. Interventions to protect the child must not be delayed if there is a risk of serious harm [see Section 5.10]. The following is a list of possible participants:
- The LADO or agreed manager delegated to act on their behalf.
 - Detective Sergeant
 - Senior Manager of the organisation employing the worker concerned (Head teacher or Chair of Governors in schools)
 - Legal advisor (where appropriate)
 - Supervising social worker and their manager when an allegation is made against a foster carer or approved adopter
 - Those responsible for regulation and inspection where applicable e.g. Ofsted
 - Human Resources Advisor / representative
- 6.2 Human Resources should be informed by their employer or by the LADO in the case of a local authority employee, and be invited where appropriate to the initial evaluation meeting in order to respond to any action required and be aware of any potential disciplinary investigations.

The LADO will retain a copy of the minutes of such meetings with the LADO case records.

- 6.3 Where, the representative of an agency is clearly implicated through an accusation of collusion or failure to respond to previous complaints, it is not be appropriate for him/her to attend the initial evaluation meeting. In these cases the LADO should discuss the issue of attendance with the Police and Children Services and relevant agencies to agree a position.

- 6.4 The initial Evaluation Meeting)

Notwithstanding the provision of para 6.1 to decide whether there should be a Section 47 enquiry and/or police investigation and consider the implications. Where this is applicable, it is important to note that the responsibility for managing the Section 47 enquiry, the allocation of resources and any actions arising from the decision to proceed with Section 47 enquiries rests with the Operational Manager of Children's Services in conjunction with the Police, where there is a criminal investigation.

A checklist and guidance in relation to Initial and Review Evaluation meetings is set out in **Appendix One**.

- 6.6 Actions arising from the joint evaluation meeting should be acted upon by attending representatives and approved and clarified by the chair with clear timescales set. Agreed actions should be circulated within **one (1) working day**. Full minutes of meetings should be circulated within **five (5) working days**.
- 6.7 A final Joint Evaluation Meeting (JEM) should be considered in relevant cases and held at the end of enquiries to:
- to ensure that all tasks have been completed and
 - provide relevant information from Police and/or Children's Services to the employer for disciplinary purposes
 - identify what information will be recorded by the police for the purposes of future CRB checks

- where appropriate, agree an action plan for future practice based on lessons learnt.

Action Following Initial Evaluation

- 6.8 Where the initial evaluation decides that the allegation does not involve a possible criminal offence or children's social care enquiry, it will be dealt with by the employer. In such cases if the nature of the allegation does not require formal disciplinary action, appropriate action should be instituted within 3 working days. If a disciplinary hearing is required it can be heard without further investigation, the hearing should be held within 15 working days.
- 6.9 Where further investigations are required to inform consideration of disciplinary action the employer should discuss who will undertake that with the LADO. In some settings and circumstances it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the employer or the persons line management to ensure objectivity. In any case the investigating officer should aim to provide a report to the employer within 10 working days.
- 6.10 On receipt of the report of the disciplinary investigations, the employer should decide whether a disciplinary hearing is needed within 2 working days, and if a hearing is needed it should be held within 15 working days.

In any case in which children's social care has undertaken enquiries to determine whether the child or children are in need of protection, the employer should take account of relevant information obtained in the course of those enquiries when considering disciplinary action.

The LADO should continue to liaise with the employer to monitor progress of the case, and provide advice/support when required/ requested.

7. Complex Abuse Enquiries

- 7.1 The enquiry should take into account any signs or patterns that could suggest the abuse may be more widespread than it appears, and involves other alleged perpetrators or institutions. Serious consideration must be given to invoking the organised Complex Abuse procedures contained within the Bedfordshire, Central Bedfordshire and Luton LSCB Safeguarding Procedures 2006.
- 7.2 During the course of the enquiries the chair of the joint evaluation meeting who will usually be the LADO or the person deputising on their behalf must be provided with regular progress reports as agreed at the initial evaluation / joint evaluation meeting.

8. Information Sharing

- 8.1 In the strategy discussions/meetings and evaluation discussions/meetings those concerned should share all relevant information they have about the subject of the allegation and about the alleged victim
- 8.2 Wherever possible, the Police should obtain consent from the individuals concerned to share statements and evidence they obtain with the employer and/or regulatory body for disciplinary purposes. This should be done as the investigation proceeds, rather than at its conclusion, so as to enable Police/CPS to share information those agencies may consider relevant without delay when the investigation or any court case is over. If consent is denied, Police will have to request it formally and may need to consult police legal services.
- 8.3 Children's Services will adopt share within the strategy/ evaluation meeting the outcome a similar procedure when making of their enquiries to determine whenever the child/ren named in the allegations is in need of protection or support services,

9. Monitoring

- 9.1 The LADO will monitor and record the progress of each case, either via a review discussion/ review evaluation meeting and/or by liaising with Police and/or Children Social Care colleagues, and the employer as appropriate.

The indicative timescale for the review of progress will be fortnightly or monthly, dependent on the complexity and circumstances of the case, and determined at the Joint Initial Evaluation discussion / meeting and any subsequent Joint Evaluation Meeting (JEM)s.

If the initial evaluation or review discussion has decided that a police investigation is required, the Police Child Abuse Investigation Unit (CAIU) should also set a target date for reviewing the progress of their investigation and consulting with the Crown Prosecution Service as to whether to charge the individual, continue to investigate, or to close the investigation.

Whenever possible that review should take place within four weeks of the decision to initiate a criminal investigation.

The police should inform the LADO of the decisions made, and where target timescales cannot be met, the LADO must record the reasons.

10. Action Following a Criminal Investigation or a Prosecution

A review evaluation meeting should usually be convened when the outcome of enquiries/investigations is known and when a case is to be concluded. At this meeting the issue of terminating a suspension and a potential return to work should be considered. Employers should ensure that they have sought the advice of their HR representative or preferably have their HR representative in attendance at the meeting to ensure the appropriate steps are taken regarding this.

The Police or the CPS should inform the employer and LADO straight away when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to prosecute after the person has been charged. In those circumstances the LADO should discuss with the employer whether any further action is appropriate and, if so how to proceed. The information provided by the police and/or children's social care should inform that decision. Action by the employer, including dismissal, is not ruled out in any of those circumstances. The range of options open will depend on the circumstances of the case and the consideration will need to take account of the result of the police investigation or trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

- 10.1 Consideration may then be given to:

- no further action
- whether unsuitable behaviour has taken place and any further investigation is required to decide how to proceed - usually undertaken by the employer, though he/she may need to commission an independent investigation, dependent on resources and the nature and complexity of the allegation
- summary dismissal in compliance with disciplinary procedures
- decision not to use the person's services in the future

- 10.2 If it is decided on conclusion of the case that a person who has been suspended can return to work, the employer/senior manager should consider how best to facilitate that. Help and support should be offered, including options of a phased return to

work, and/or the provision of a mentor to provide assistance and support in the short term as appropriate. (See paragraph 4.4.2)

- 10.3 The discussion should take into account the different standard of proof in disciplinary (Balance of Probabilities) and criminal proceedings (Beyond Reasonable Doubt).
- 10.4 If formal disciplinary action is not required, appropriate action should be instituted **within three working days**.
- 10.5 If a disciplinary hearing is required and can be held without further investigation, the hearing should be held **within fifteen working days**.
- 10.6 If further investigation is required to inform consideration of disciplinary action, the employer should discuss with their HR representative, who is best positioned to undertake it (in some settings and circumstances, it may be appropriate for the disciplinary investigation to be conducted by a person independent of the employer or the person's line management to ensure objectivity). In any case, the investigating officer should aim to provide a report **within ten working days**.
- 10.7 On receipt of the above report, the employer should decide within two working days whether a disciplinary hearing is needed, and if so, it should be held **within fifteen working days**.
- 10.8 In any case in which the Police have undertaken enquiries to determine whether children are in need of protection, the employer should take account of any relevant information obtained in the course of these enquiries when considering disciplinary action.
- 10.9 The LADO should continue to monitor progress, and record the outcome of any subsequent enquiries by the employer to finally conclude the case.

11. Conclusion and Outcome of Allegations

11.1 All allegations should be managed to achieve one of the following conclusions:

- Allegation substantiated – allegation is supported by evidence
- Allegation unsubstantiated – insufficient evidence to support or refute the allegation (does not imply innocence or guilt)
- Allegation unfounded – evidence disproves the allegation
- Allegation deliberately invented or malicious – evidence to prove a deliberate act to deceive with malicious intent

ACTIONS IN RESPECT OF SUBSTANTIATED ALLEGATIONS

- 11.2 If the allegation or concern is substantiated and, on conclusion of the case, the employer dismisses the person, ceases to use the person's services, or the person ceases to provide his/her services, the employer should consult the LADO about whether a referral to the Independent Safeguarding Authority and / or to a professional or regulatory body is required, such may include the General Social Care Council, General Medical Council, General Teaching Council, OFSTED etc. A referral must always be made if the employer thinks that the individual has harmed a child or poses a risk of harm to children. . If a referral is appropriate the report should be made within one month of the conclusion of the case.
- 11.3 It is the responsibility of the employer to make that referral and to update the LADO of its outcome.

ACTION IN RESPECT OF UNSUBSTANTIATED ALLEGATIONS

- 11.4 When it is concluded after enquiries that there is insufficient evidence to determine whether the allegation is substantiated, a review meeting should be convened to ensure that all the relevant information is passed to the employer. The relevant

senior manager of that agency will consider what further action, if any, should be taken in consultation with the LADO.

- 11.5 The member of staff concerned must be notified of the outcome and the child and his/her parents/carers should also be informed that an outcome has been reached. . In deciding what information to disclose, careful consideration should be given to the Data Protection Act 1998, the law of confidence, and where relevant, the Human Rights Act 1998. Legal advice should be sought if there is any doubt about the information to disclose.
- 11.6 Consideration must be given to:
- any support the staff member may need, particularly if returning to work following suspension
 - the provision of support and counselling to the child, and if appropriate, to his/her parents/carers, taking full account of the child's needs if a seemingly false or malicious allegation has been made..
 - How to manage any future contact between the member of staff and the child/ren who made the allegation

ACTION IN RESPECT OF UNFOUNDED, DELIBERATELY INVENTED OR MALICIOUS ALLEGATIONS

- 11.7 If an allegation is determined to be unfounded, or on rare occasions, to have been deliberately invented or malicious allegations may be an indicator if abuse elsewhere which requires further exploration, the LADO should consider:
- Referring the matter to Children's Social Care to determine if the child is in need of services, or may have been abused by someone else
 - Asking the Police to consider whether any action might be appropriate against the person responsible in the rare event that an allegation was deliberately invented or malicious

12. Learning Lessons

- 12.1 If an allegation is substantiated, 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 in the future. This should include issues arising from any decision to suspend a member of staff, the duration of the suspension and whether or not suspension was justified.
- 12.2 Consideration should be given by the LADO as to whether the circumstances may meet the criteria for a Management Review or Serious Case Review.

13. Allegations against All Adults Working In an Education Setting (Maintained & Independent Schools, Further Education Colleges & Education Establishments)

- 13.1 All education establishments should have clear procedures for dealing with allegations and all staff should understand what to do if they receive an allegation against another member of staff, or if they themselves have concerns about the behaviour of another member of staff (*Ref. 5.2 Safeguarding Children & Safer Recruitment in Education 2007*). Education establishments must also comply with the guidance outlined in this document.
- 13.2 If an allegation is made against any staff member or volunteer of a school or educational establishment, the Headteacher should be informed. Where the allegation is against the head teacher the Chair of Governors should be informed (the

Proprietor of an independent school, Chair of the Corporation for a Further Education College)

- 13.3 All concerns or allegations, from whatever source, which relate to an allegation against a staff member of a school or education establishment, must follow the procedures outlined above.
- 13.4 The Head teacher/Chair of Governors should ensure the immediate safety of the child and follow the above process by contacting the LADO. The Head teacher/Chair of Governors will also need to establish if the incident was part of the school disciplinary process for students or pupils and the entitlement of staff to use reasonable force to control or restrain children in accordance with the law (*Education & Inspections Act 2006 Sections 85-93*).
- 13.5 Head teachers and Chairs of Governors will be expected to follow the above process and procedures as outlined in these procedures. No investigation must take place before consulting the LADO.
- 13.6 Detailed procedures for managing allegations against staff within educational settings are set out in the School Handbook.

14. Allegations against Adults Working In a Children Services Setting

- 14.1 If an allegation is made about any staff member employed by Children's Services, the relevant senior manager for the service area in which the person is employed must inform the Assistant Director who will liaise with the LADO and ensure that an appropriate senior manager attends the initial evaluation meeting and is kept informed of the process.
- 14.2 Achieving an appropriate degree of independent scrutiny over process and an independent element in the investigation may involve:
 - Appointment of external independent investigators to supplement or replace the team and/or oversee the process
 - Use of staff within the organisation who are sufficiently separate from the line management of those against whom the allegation is made
 - A reciprocal arrangement with another Local Authority.
- 14.3 Allegations against agency staff should also be dealt with by following the procedures outlined above. Following receipt of legal advice with respect to confidentiality and preservation of the integrity of the investigation, the employing agency must be informed of the allegation and the outcome of the enquiry.

In the event that the allegation is against an adult who works for an agency or organisation commissioned by another agency i.e. Children's Services or PCT, it is essential that:

- at the earliest opportunity the commissioning agency is informed of the concern/allegation by the LADO, kept informed of any subsequent actions and invited to any initial evaluation/joint evaluation meetings as appropriate
- The senior officer/senior manager of the commissioned service, inform those responsible for commissioning the service of the concern/allegation.

This will ensure that key decisions in relation to current and future provision of services by an individual and/or agency can be made on an informed and negotiated basis between all partners.

- 14.4 Where an allegation concerns a member of staff working in a regulated environment, the relevant regulatory authority i.e. Ofsted and the Care Quality Commission as

applicable, must be notified in accordance with notification requirements and procedures.

- 14.5 Allegations against volunteers should be dealt with in a manner that is consistent with the principles and procedures outlined within these procedures.

15. Allegations against Adults Working In an Under 8s Childcare Setting (Setting On the Early Years Childcare Register)

- 15.1 This setting-specific guidance refers to people working in the following environments or roles:
- Registered child minders
 - Family and Children's Centres
 - Day nurseries
 - Pre-schools including Play groups
 - Holiday and out-of-school schemes
- 15.2 Child minders and everyone working in early years provision should know how to recognise and respond to the indicators of abuse or neglect of a child. Private, voluntary and Independent early years providers caring for children under the age of eight must be registered by Ofsted and should have a written statement based on procedures laid out in the booklet 'What to do if you're worried a child is being abused – Summary' and LSCB guidelines. This statement should clearly outline procedures to be followed in the event of an allegation being made against a member of staff or volunteer.
- 15.3 When Children's Services become aware of any allegation regarding a registered child minder or a member of staff in an early years setting, they must inform the regional Ofsted Complaints Investigation and Enforcement Team.
- 15.4 Where the allegation concerns the registered provider, or is about a member of a registered childminder's family or household, or is about the manager of a registered early years provision, a member of Ofsted must be invited to the Joint Evaluation Meeting (JEM).
- 15.5 Assessment and planning must include consideration of all children using the child minder, as well as implications for any children that have used the facility in the past, and the child minder's own children.
- 15.6 Responses to private child minders should be as for any other member of the public.
- 15.7 The designated senior manager responsible for Early Years Services should always be contacted and notified whenever there is an allegation or concern about an early years setting.
- 15.8 Ofsted's Compliance Investigation and Enforcement Officers will undertake investigations when concerns are raised about the suitability of a person to work with children where the threshold for significant harm is not reached.

These investigations are mandated by Regulations and Early Years Foundation Stage (EYFS) Statutory welfare requirements and are underpinned by guidance and case law. There is a prohibition on corporal punishment, and physical intervention with a child is only permissible in a situation where it is necessary to prevent personal injury to a child, an adult or serious damage to property. This prohibition covers any person looking after a child on the premises, any person in charge or any person living or working on the premises. 'Reasonable chastisement' is not a reasonable excuse in any of the above contexts.

Ofsted have a range of powers they can bring to bear if their investigations indicate on a 'reasonable cause to believe' basis that a person's suitability to provide early

years provision to children is compromised. The Care Standards Tribunal (now Local Safeguarding Board) views the 'reasonable cause to believe' test as falling somewhere between the 'balance of probability' test and 'reasonable cause to suspect' in Section 47 of the Children Act 1989.

16. Allegations against Foster Carers and Adopters

- 16.1 The general principles and processes outlined in these procedures apply to all allegations and concerns about suitability to work with children concerning foster carers and prospective adopters. Specific procedures in relation to managing allegations against foster carers are contained within the LSCB Procedures entitled: **Procedures or Safeguarding and promoting the welfare of children and young people placed away from home including those with foster carers (2008).**
- 16.2 Procedures governing the management of allegations concerning prospective adopters, children placed for adoption and those receiving adoption support services are contained within separate Central Bedfordshire and Bedford Borough Councils' Joint procedures entitled: **Procedures for managing allegations in respect of children placed for adoption or receiving adoption support services. For Luton please contact the LADO.**

17. Whistle Blowing

- 17.1 All staff should be aware of their agency's organisations whistle blowing policy and be able to voice concerns about the attitude or actions of colleagues.
- 17.2 If a member of staff believes a reported concern or allegation is not being dealt with appropriately and falls within the remit of those procedures they can report the matter to the LADO.

Appendix 1: Checklist and guidance in relation to Initial and Review Evaluation meetings

The Initial Evaluation Meeting or subsequent Review Evaluation meetings will need to consider the following issues:

- Notwithstanding the provision of para 6.1, decide whether there should be an s.47 enquiry and/or police investigation. Where this is applicable, it is important to note that the responsibility for managing the section 47 enquiry, the allocation of resources and any actions arising from the decision to proceed with Section 47 enquiries rests with the Operational Manager of Children's Services in conjunction with the Police, where there is a criminal investigation.
- ensure the personal details of the employee/volunteer are correct e.g. DOB and home address
- review any previous concerns or allegations made against the employee/volunteer or the establishment to enable the current allegation to be considered 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
- ensure arrangements are made to protect the child/ren involved. This may involve pre-cautionary suspension or restricted/supervised duties
- consider any risks to the worker's own children or children he/she may have contact with outside of the primary work setting
- Agree whether the allegation meets the threshold for police enquiries and if not consider the implications for the employer in terms of their internal investigation
- agree what information can be shared with whom and by whom and any timescales for this
- consider support needs for the child/ren involved, witnesses, the worker, the parents of any child/ren and other staff members
- consider where relevant which other Local Authorities should be informed
- consider whether a complex abuse investigation is applicable
- if further information is required plan enquiries, allocate tasks and set time-scales
- consider whether any parallel disciplinary process can commence prior to the allocated tasks or ongoing investigation is concluded and arrangements for information sharing
- consider the need for media strategy and how media interest will be managed
- make arrangements to ensure the child's parents/carers are updated during the process of enquiries
- consider the safety of children after the enquiry
- consider linkage and impact on industrial relations, personnel issues, registration and complaints issues.
- agree the process for reviewing investigations and monitoring progress by the LADO, having regard to target timescales
- consider the implications for the future of the establishment where it is considered that abuse or inappropriate behaviour has pervaded the whole staffing group with the involvement or collusion of managers

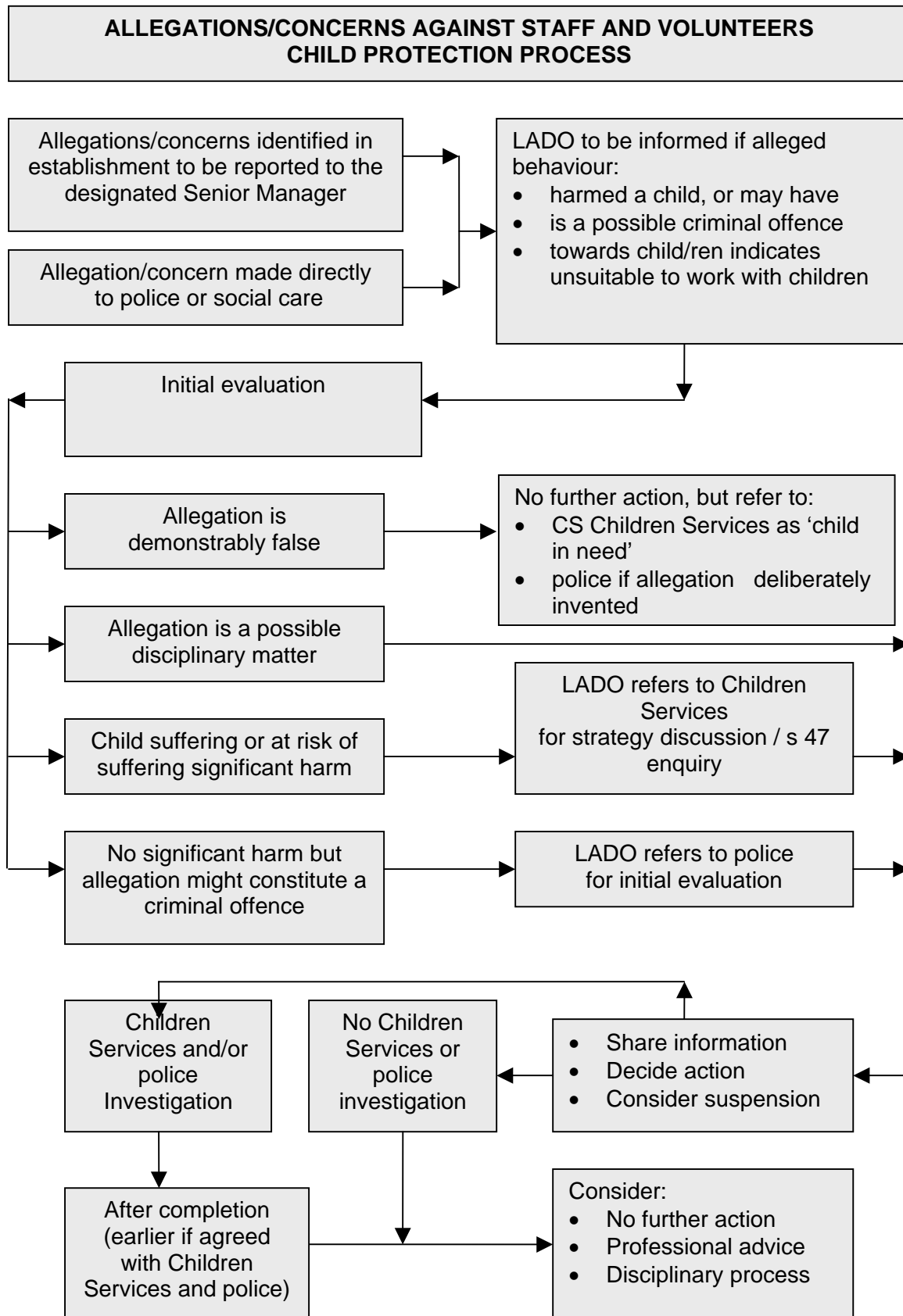
- consider the possible claims for compensation and alert insurers
- consider the need to notify the Chief Executive /Named Senior Officer of the employing agency
- investigating agencies to consider the resource implications indicated by the size of the enquiry
- agree which manager within each agency will be responsible for co-ordinating the investigation
- consider reports that can be made available for consideration of barring
- consider risk assessments to inform the employer's safeguarding arrangements
- agree dates for future Review Evaluation Meeting (REM)s

Actions arising from Initial Evaluation and Review Evaluation meetings should be acted upon by attending representatives and approved and clarified by the chair with clear timescales set. Agreed actions should be circulated within one working day. Full minutes of meetings should be circulated within 5 working days.

A final Evaluation Meeting should be considered in relevant cases and held at the end of enquiries to:

- to ensure that all tasks have been completed and
- provide relevant information from Police and/or Children's Services to the employer for disciplinary purposes
- identify what information will be recorded by the police for the purposes of future CRB checks
- where appropriate, agree an action plan for future practice based on lessons learnt.

Appendix 2: Flowchart



**ALLEGATIONS/CONCERNS AGAINST STAFF AND VOLUNTEERS
DISCIPLINARY/SUITABILITY PROCESS**

