



## **Bexley Local Safeguarding Children Board**

### **Inter-Agency Protocol & Procedure**

### **Managing Allegations of Abuse Against Staff & Volunteers Who Work With Children & Young People**

**May 2010**

(subject review on publication of any further governmental guidance)

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### **1.1 Introduction on behalf of the Local Safeguarding Children Board**

1.1.1 This protocol and procedure has been produced by the Bexley Local Safeguarding Children Board (LSCB) with full agreement of its partner agencies and applies to all agencies including schools, voluntary organisations and private providers. It should be used by practitioners and managers working with children or with parents/carers when an allegation of abuse is made against a member of staff or a volunteer.

1.1.2 The purpose of the protocol is to ensure key persons and bodies in Bexley work together to safeguard and promote the welfare of children in the discharge of their duties and functions under section 11 Children Act 2004. Working Together to Safeguard Children 2010 provides guidance in chapter 6 (and appendix 5) on managing allegations as well as placing a statutory responsibilities on LSCBs to develop a policy & procedures (chapter 3) in respect of the investigation of allegations concerning people working with children.

1.1.3 This protocol should be read in conjunction with Working Together To Safeguard Children, the London Child Protection Procedures and DCSF Practice Guidance 'Handling Allegations of Abuse against Adults who work with Children & Young People' (draft).

1.1.4 The background to this protocol & procedure comes from a range of public enquiries and reports undertaken over the years including the Warner Report (Choosing with Care), the Utting Report (People Like Us), the Waterhouse Report (Lost in Care) and the Bichard Report following the Soham murders of Jessica Chapman and Holly Wells. All of these reports highlight the issue of abusers who specifically plan to work with children and the gaps in sharing information that allows perpetrators of abuse to continue to be employed.

1.1.5 It is acknowledged that a range of concerns have to be dealt with under these procedures and that some may be found to be unsubstantiated or demonstrably false however this must not influence how cases are managed and the appropriate level of due diligence must be applied to all allegations to ensure both the protection of the child and the employee/volunteer.

### **1.2 Scope of the Protocol and Procedure**

1.2.1 The protocol and procedure applies to a wider range of allegations than just those cases where there is reasonable grounds to consider a child is suffering, or is likely to suffer, significant harm. It also includes cases where it is indicated an individual is unsuitable to work with children in their present position, or in any capacity.

1.2.2 The protocol and procedure should be used in all cases in which it is alleged a person who works with children 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
- OR
- behaved towards a child or children in a way that indicates they are unsuitable to work with children.

1.2.3 Once it is assessed that there are grounds to investigate the allegation (see appendix 2) there should be no presumption of guilt or innocence during the process.

There are up to 3 strands in the consideration of an allegation:

- a police investigation of a possible criminal offence
- enquiries and assessment by Children Social Care about whether a child has suffered significant harm or there is a likelihood of harm and/or is in need of protection or in need of services
- consideration by an employer of disciplinary action in respect of the individual.

1.2.4 Some cases will also require a referral to the Independent Safeguarding Authority (ISA) for consideration of including the person on the ISA Barred Lists, or for consideration by professional bodies or regulators including the GSCC, GTCE and Ofsted.

1.2.5 The protocol and procedure does not replace or take priority over any aspect of employment law.

### **1.3 Roles & Responsibilities**

1.3.1 Working Together identifies 3 statutory roles essential to an effective process for managing allegations. They are the Named Senior Officer, the Local Authority Designated Officer (LADO) and the Senior Manager.

#### **1.3.2 Named Senior Officer**

- All LSCB partner agencies must have a named senior officer
- The role is strategic and has overall responsibility for:
  - ensuring their organisation operates procedures for dealing with allegations in accordance with Working Together
  - resolving any inter-agency issues
  - liaising with the LSCB in respect of how allegations are managed

#### **1.3.3 Local Authority Designated Officer (LADO)**

- In Bexley this role is held by the Team Leader in the Safeguarding Children Service who is also able to delegate functions of the LADO role to members of the Service
- The role relates to the management and oversight of individual cases, is separate from children's social care, has a multi-agency function and is independent of any organisation involved in the allegation concerned
- The LADO provides specific, expert advice and guidance to employers and voluntary organisations
- Acts as a single point of contact for senior managers to contact when an allegation is made or concerns raised
- Provides liaison with the police
- Monitors the progress of all cases to ensure they are dealt with as quickly and consistently as possible through the use of fair and thorough process
- Provides half-yearly reports to the LSCB

#### **1.3.4 Senior Managers**

- All agencies and organisation must ensure that a Senior Manager has been identified
- The senior manager within an organisation is the senior person to whom all allegations or concerns are reported
- Is responsible for ensuring procedures are in place, implemented and followed
- Provides advice, information and guidance for staff within the organisation
- Ensures that allegations are reported to the LADO and that the appropriate consultations take place.

## **1.4 Responsibility to Safeguard Children and Young People & Practice issues**

1.4.1 Safeguarding is everyone's responsibility. All employers have a responsibility to ensure that safer working practices are in place in their organisation and have a responsibility to set personal and professional boundaries for their staff and volunteers and to be explicit about what behaviour is unacceptable and how this will impact on employment.

1.4.2 Senior managers need to exercise their **professional judgement** throughout the managing allegations process. It is important managers are appropriately trained and are able to:

- understand a child's welfare is paramount
- understand the difference between a complaint and an allegation
- listen to the child
- consider the needs of the employee
- consult appropriately with the LADO
- keep an open mind until a conclusion is reached
- consider all options or alternative actions whilst ensuring the child is safeguarded
- know and act in accordance with the law both in terms of safeguarding children and employment
- know and apply their organisation's & LSCB's procedures
- be aware of governmental and professional guidance
- take account of all relevant factors
- give each factor appropriate weight
- apply duty of care to the child and the employee, this may appear to be conflicting responsibilities and needs to be managed.

1.4.3 **Information sharing** is vital to safeguarding and promoting the welfare of children. Guidance can be found in 'Information Sharing: Guidance for Practitioners and Managers' (see appendix 3 for the reference and link)

1.4.4 Every effort should be made to maintain the **confidentiality** of both the victim of the allegation and the alleged perpetrator. Every effort should also be made to guard against publicity while the investigation is being investigated/considered. In accordance with ACPO guidance the police will not provide any information to the press or media that would result in identification unless and until a person is charged with a criminal offence. Should the parents of the child involved contact the press with their story all press enquiries should be managed through the Bexley Press Office and/or the organisation's press office.

1.4.5 **Record keeping** is an integral part of the management of allegations. Records should be kept by those with lead responsibility for managing the allegation including the senior manager and the LADO and should include:

- Record of the allegation by the person to whom the disclosure was made
- Events leading up to the allegation or concern about an adult's behaviour
- The circumstances and context of the allegation
- Professional opinions
- Decisions made and the reasons for them
- Action that is taken
- Final outcome

1.4.6 Employers, managers & officers must ensure records follow the principles of the Data Protection Act 1988, Human Rights Act 1998 and the Freedom of Information Act 2002.

1.4.7 Employers should note that Working Together (appendix 5 paragraph 10) states: *"It is important that employers keep a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and details of any action taken and decisions reached, on a person's confidential personnel file and give a copy to the individual. Such information 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. The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where a future CRB Disclosure reveals information from the police that an allegation was made but did not result in a prosecution or a conviction. And it will prevent unnecessary re-investigation if, as sometimes happens, allegations re-surface after a period of time".*

## **PART 2: Procedures for Managing Allegations**

### **2.1 Initial Response to an Allegation or Concern**

2.1.1 A flow chart is attached in appendix 1.

2.1.2 All partner agency and organisation of Bexley LSCB must have in place procedures for the handling of allegations, these must be in line with this protocol and procedure, the London Child Protection Procedures (15.3), Working Together and any other governmental or professional guidance issued.

2.1.3 Anyone to whom a disclosure of an allegation is made or has concerns about another adult in their organisation must report those concerns to the senior manager in their organisation at the earliest opportunity.

2.1.4 Concerns or allegation about the behaviour of an adult may be brought to the attention of a manager in a variety of ways:

- an allegation made directly by a child or a parent
- an allegation made by a colleague or member of staff
- information from the police or children social care
- information from a third party or the public
- information disclosed anonymously or online
- concerns generated through an employment relationship.

2.1.5 Where there is no employer the allegation must still be brought to the attention of the LADO and the procedures followed.

### **2.2. Initial Action to be taken by the Senior Manager (SM)**

2.2.1 Senior Managers (SM) need to understand the difference between a complaint against a staff member that can be dealt with internally and, if necessary, through a disciplinary procedure and what constitutes an allegation that should be discussed with the LADO. The criteria are set down in 1.2.2 of this document. Definitions are included in appendix 2.

2.2.2 All agencies have a responsibility to ensure staff and volunteers have a clear understanding of what is expected of them in terms of their behaviour and personal and professional boundaries as well as training in safe working practices. This should be encapsulated in a policy within the agency and a Code of Conduct for staff and volunteers.

#### **2.2.3 Receipt of an Allegation:**

On receipt of an allegation the senior manager may undertake some initial enquiries to clarify the extent and nature of the allegation as necessary. The senior manager should ensure that a factual account of the allegation is recorded, signed and dated as well as a chronology of events and any other key information such as details of witnesses or corroborating information. A consultation with the LADO should not be delayed if this information is not readily available. The child making the allegation should NOT be asked to write a statement nor should any witnesses.

#### **2.2.4 Consultation with the LADO:**

(i) The senior manager MUST undertake a consultation with the LADO if the allegations meets the criteria set down in Working Together (see paragraph 1.2.2 of this document) or if the senior manager is unsure if the criteria are met. The role of the

LADO and their independent assessment of the initial information is vital to an effective response to an allegation. The decision of the LADO must be followed. If there is a professional disagreement between the senior manager and the LADO as to whether the criteria are met the problem solving process set out in paragraph 5 of this document must be followed.

(ii) The first point of contact for senior managers in **schools** is with the Schools HR Principal Advisor who will undertake the initial consultation and refer the matter to the LADO.

2.2.5 The senior manager should also seek the advice of the LADO when there are concerns about an employee or volunteer's behaviour that may indicate they are unsuitable to work with children or compromise the ability of the agency to ensure children are safeguarded. Examples could include:

- seriously or repeatedly contravened safe working practice
- exploited or abused position of power
- acted in an unreasonable way considering the nature of work undertaken
- demonstrated a failure to understand how own behaviour or actions could adversely impact on the safety or wellbeing of a child
- failed to understand or recognise clear personal or professional boundaries in their work
- behaved in a way in their personal life which could put children at risk of harm
- become subject to criminal proceedings not related to a child e.g. drugs offences
- become subject to enquiries under child protection procedures

Issues in respect of an employees safeguarding practice, failure to follow procedures or similar concerns should be dealt with under the agency's disciplinary procedures as necessary.

2.2.6 During the consultation with the LADO the next steps should be considered. This should include:

- Are the criteria for managing allegations met or part met?
- Is there evidence that the allegation may be malicious, false or unfounded? If so there would be no further action by LADO. The employer should record the allegation and decision that it is malicious, false or unfounded. Consideration should be given to the needs of the child to ensure that the allegation was not a 'cry for help' for another reason.
- Any immediate safeguarding issues that require action?
- Is there a need to gather more information?
- Whether the criteria for child protection enquiries under sec 47 Children Act 1989 are met. If they are a Strategy Meeting should be convened within the timescales set down in the London Child Protection procedures
- Has a criminal offence possibly been committed? A referral to the Child Abuse Investigation Team must be made.
- If the criteria for managing an allegation has been met but it does not meet the criteria for a sec 47 then a Managing Allegation Strategy Meeting should be convened chaired by the LADO or a member of the Safeguarding Children Service
- Should suspension be considered in order to safeguard other children?

2.2.7 During the course of the consultation a decision should also be made on whom will speak with the child and parents and act as their point of contact throughout any investigation. Information must be given to the child and their parents on the processes that will be followed. See Part 4.

**2.2.8 Initial Action by Police.** For the majority of cases the involvement of the Police will be agreed in consultation between the employer and the LADO as set out above and the actions planned in a Strategy Meeting (see 2.3 below). This will be arranged with the Child Abuse Investigation Team. If however the incident requires immediate police action involving Borough Police Officers and they are called to the site of employment the Protocol for the Management of Allegations involving the Police (see appendix 6) should be followed.

**2.2.9 Employee Information/Suspension/Disciplinary Action:**

Subject to any restrictions agreed with the Police and the LADO information on nature of the allegation and how enquiries will progress should be shared with the employee by their employer. It is the employer's responsibility to ensure the employee is kept informed of the progress of the enquiries, this must be agreed as part of the Strategy Discussion or Managing Allegations Meeting.

2.2.10 The employer should also ensure that the employee receives support from a manager who is not directly involved in the enquiries and that they are aware of the support available through their professional organisation or trade union.

2.2.11 Any decision about suspension of the employee should not be made as a 'knee jerk' reaction and the advice of the LADO should be considered as well as any police investigations. The final decision on whether to suspend a member of staff lies with the agency and their Human Resources Department. Although it should be remembered that suspension should be considered a neutral act and the member of staff will continue to receive their salary it will be recorded on their file. The employer should ensure that the member of staff has access to the appropriate independent advice and support, this may be through a Trades Union, professional organisation or independent advocate. Where a suspension is deemed necessary the individual can be afforded the opportunity to request special leave. This ensures that, in the event of the allegation being unfounded or malicious, there is no record of suspension on file although the record of the allegation remains in line with paragraph 1.4.7 above. In the event that the member of staff does not take the opportunity to request special leave suspension should follow. Suspension should be considered when:

- There is a cause to suspect a child is at risk of significant harm if the person remains in post
- The allegation warrants investigation by the Police
- The allegation is so serious that it might be grounds for dismissal.

**2.3 Action Following Referral to the Local Authority Designated Officer (LADO)**

2.3.1 Following the consultation between the senior manager and the LADO and the decision has been made that the criteria for managing allegations has been met the following actions will be undertaken.

2.3.2 A meeting should be convened within 3 working days either as a **Strategy Meeting under sec 47 Children Act 1989** or a **Managing Allegation Strategy Meeting** by the LADO or Practice Manager in the Safeguarding Service. This will be chaired by the LADO or Practice Manager from the Safeguarding Children Service. At times it may not be possible to keep to this timescale due to the availability of key personnel. If the meeting cannot be held within 3 working days because of the availability of key personnel it must be held within a week.

2.3.3 The following professionals should attend the Meeting:

- The LADO or delegated representative in the Safeguarding Children Service to chair
- Duty social worker or if the child has social worker already their allocated worker
- Detective Sergeant from the Police Child Abuse Investigation Team (CAIT)
- The senior manager from the employing agency
- Human Resources representative, if the allegation is against a member of school staff this should be from the Schools HR Service
- If the allegation is against a foster carer the supervising social worker from the Children Placement Service must attend
- Additional members may be invited depending on the nature of the allegation

2.3.4 The Chair of the meeting has the authority to direct any necessary enquiries and any actions agreed must be completed by the agency/professional to whom they are allocated.

2.3.5 All those attending the Meeting must come prepared with the relevant information from their agency/service, if they are uncertain about what to provide they must discuss this with the LADO or Chair prior to the meeting to ensure they are properly prepared. This should be provided in writing wherever possible and marked confidential. All members are responsible for ensuring that their agency maintains appropriate records of the incident, any enquiries undertaken and their conclusions.

2.3.6 If a representative is not able to attend the meeting they must have a telephone discussion with the Chair prior to the meeting and provide a confidential written report electronically or by fax. They should, if possible, provide a contact so that they can be involved in the final decision making and action planning.

2.3.7 The standard agenda for such meetings is attached in appendix 3. The meeting will consider the following:

- Has the child suffered significant harm?
- Is there a risk of significant harm to others if the employee/volunteer remains in post during any enquiries?
- Has a criminal offence possibly been committed?
- Is there any background employment, police or social care information that is relevant to the enquiry?
- Was the incident witnessed?
- Is there an indication that the behaviour is likely to present a risk to children in the future?
- Confidentiality and information sharing

2.3.8 The meeting will decide on the following:

- Is any action required to protect the child from harm?
- Who will speak to the child?
- Are any further enquiries indicated? If so who will undertake these and in what timescale.
- Should any recommendation be made in respect of suspension or disciplinary action?
- What information can be shared with the employee and by whom?
- What information should be shared with the child and parents and by whom?
- An agreed date for the meeting to consider progress with the enquiries and/or agreed a date by which management of the allegation will be complete

- Subsequent meetings must consider any referral to the Independent Safeguarding Authority

2.3.9 Following the meeting a summary of the decisions and the agreed actions will be circulated within 2 working days.

2.3.10 If the enquiries indicate that the criteria for action under sec 47 Children Act or criminal investigation by the Police a further meeting should be convened to consider any other action required in respect of the suitability of the person to work with children and to agree the information to be shared with the employee, the child and the parents. This meeting can also consider any recommendation to the employer in respect of disciplinary action, further training or supervision. All parties involved must agree that the matter is concluded in a satisfactory way.

## PART 3: Employer's Actions

3.1 All allegations made against a member of staff must be recorded on that person's records with the outcome of the consultation with the LADO and any subsequent action clearly stated. As set down in the quote from Working Together in Part 1 this ensures that both the child and employee are safeguarded and that should the allegation be raised again in the future there is clear evidence of the outcome thus avoiding any re-examination of the issues.

3.2 Employer's action will always be necessary when:

- the multi-agency Strategy or Managing Allegations Meeting has concluded that disciplinary action be considered by the employer
- the matter has been referred to the employer after the police or Crown Prosecution Service (CPS) has determined that a charge or prosecution may not be appropriate
- following the conclusion of legal proceedings
- the police agree that there is sufficient evidence to enable the employer to move forward with their own procedures prior to legal proceedings

3.3 The decision to instigate disciplinary procedures will be based on the nature and seriousness of the allegation. The information from the strategy meeting will inform this decision making.

3.4 When a decision is made to undertake a disciplinary investigation an investigating officer should be nominated and timescales agreed. The LADO will retain a responsibility to monitor the progress of the disciplinary process and provide advice and support as required. The recorded views of the LADO and any other professional consulted in the investigation must be properly recorded and taken into account.

3.5 The investigating officer must undertake a robust and objective fact-finding exercise. The process must ensure that the rigorous standards for safeguarding children are observed whilst ensuring a balance and fairness for the employee.

3.6 If disciplinary action is not required the employer must also consider how the employee is to be supported following the completion of the managing allegations process. Is additional training, support or supervision for that employee indicated? If so that action must be effectively managed and improved practice identified.

**3.7 Referral to the Independent Safeguarding Authority.** If the allegation is substantiated and on conclusion of the case the employer dismisses the person or ceases to use the person's services, or the person ceases to provide their 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. If a referral is appropriate the report should be made within one month. 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.

## **PART 4: Support to the Child and Parents**

4.1 At the beginning of the process it must be agreed between the employer and the LADO who will be the point of contact for the child and parent. They must be fully involved in the process and their views, wishes and feelings appropriately reflected in all discussions and meetings.

4.2 The confidentiality of the process and the person against whom the allegation has been made must also be respected and any information to be shared with the child and their parents must be agreed at the strategy meeting.

4.3 The child and the parent must be informed of the enquiry process and the likely timescales. They must be informed of any decisions and outcome of the enquiries in a timely and appropriate manner. The final decisions and outcome must be provided in writing to them.

4.4 If the allegation is found to be false or unfounded it should be considered by the LADO as to whether there is any indication that this was a 'cry for help' and that the child may be experiencing harm in another part of their life and if any further enquiries in this respect are indicated. The agency will also need to consider what action, if any, should be taken to ensure there is no repetition of any malicious allegation.

## **PART 5: Problem Solving**

5.1 During the managing allegations process professional disagreements may occur. The ultimate responsibility for managing the allegation process lies with the LADO. However if any professional is concerned or dissatisfied with the process or decisions made, in the first instance they should make verbal and written representation to the Chair of the Strategy Meeting. It is the responsibility of the professionals involved to ensure any professional differences are resolved before the child is exposed to further risk of harm.

5.2 If the concerns continue the Chair and/or the professional raising the concern should bring this to the attention of the LADO. The LADO must then consider the concern and speak to all relevant parties, involving their managers if necessary, and review decisions to ensure that some level of consensus is achieved.

5.3 If the professional disagreement is with the LADO then the concerns should be put into writing and sent to the Head of Specialist and Complex Services. The Head of Service will review the case and consider if any other actions other than those recommended by the LADO are appropriate.

5.4 If the parents or the child disagree with any decisions made the Chair must discuss their concerns openly with them and explain the appeal and complaints procedure to them.

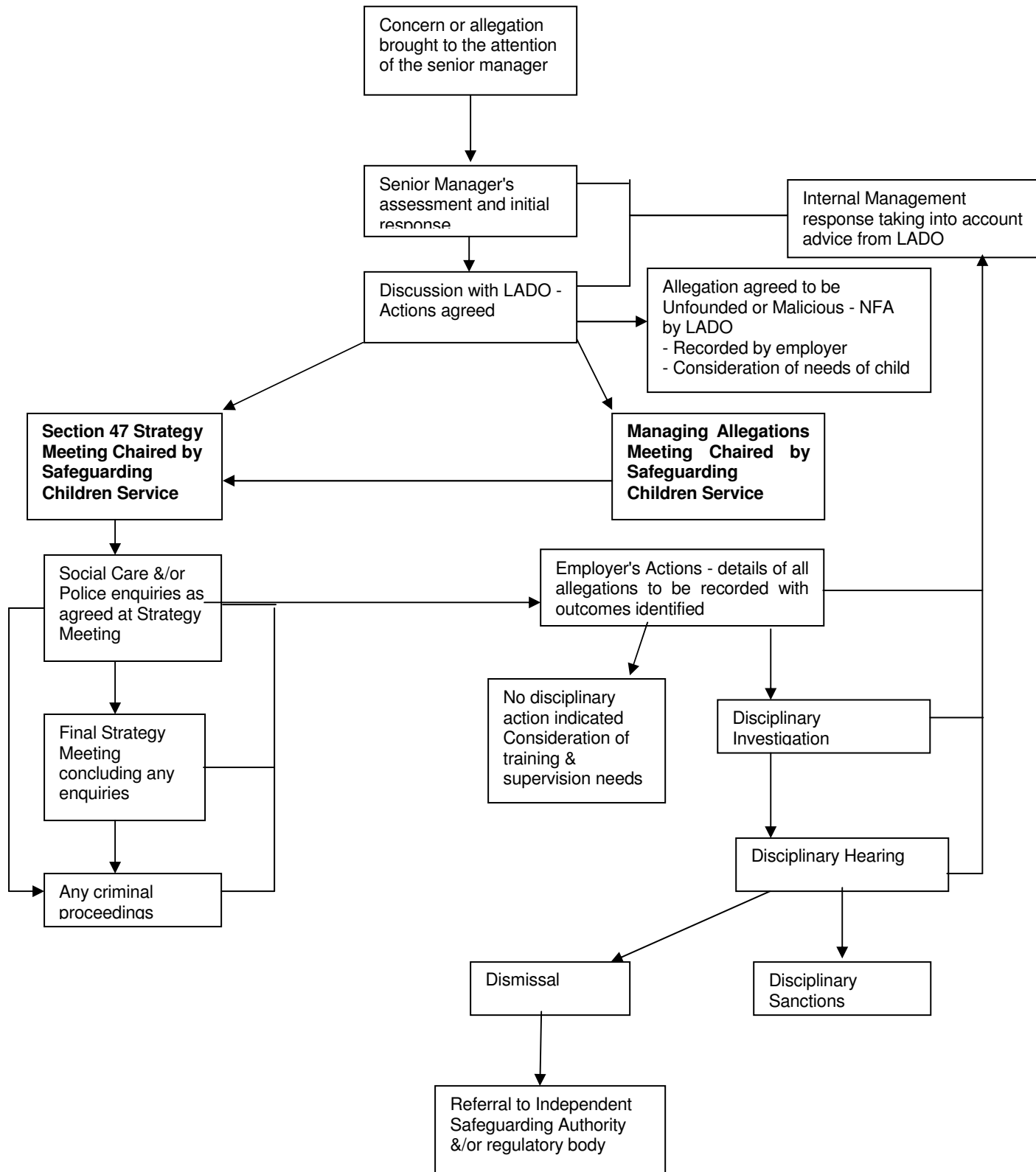
5.5 If a problem solving approach fails to resolve the issue the LB Bexley Complaints Procedure should be followed.

## **PART 6: Role of the LSCB**

6.1 The LSCB has responsibility for ensuring the policy and procedures are in place and for monitoring their effectiveness. The LSCB Executive will consider a 6 monthly report from the LADO. It may undertake periodic audits of practice in respect of managing allegations.

6.2 The monitoring of agencies' responsibilities in respect of managing allegations is included in the biennial audit of Section 11 Children Act 2004 & Section 175 Education Act 2002 duties undertaken by the LSCB. These place a duty on individuals and bodies to ensure that, in the course of their duties, children are safeguarded and their welfare promoted.

# APPENDIX 1: Flow Chart for Managing Allegations



## APPENDIX 2: Definitions

### **Allegation**

Information that comes to light that suggests an employee, volunteer or contractor may have hurt or harmed a child physically, sexually, emotionally or through neglect, committed a criminal offence against a child or has behaved in such a way towards a child or young person that they may be considered as unsuitable to continue in their current employment or in any capacity which involves working with children.

### **Concern**

Behaviour which is of concern to a manager, colleague or employer identified through the normal employer/employee relationship.

### **Complaint**

A concern about an employee or volunteer's practice or behaviour that is of concern to the employer, child or parent but does not involve the risk of harm to a child.

### **Children and Young People**

Throughout this document it refers to the term child/ren this is used to cover all children and young people under the age of 18 years.

### **Adult**

References to 'adults', 'employees' or 'volunteers' refer to any adult who is employed, commissioned, or contracted to work with or on behalf of, children in a paid or unpaid capacity.

### **Employer**

The term 'employer' is used to mean the organisation that employs, contracts or commissions the services of the individual and includes 'employing' the unpaid services of volunteers.

### **Safeguarding and Promoting the Welfare of Children**

Section 11 Children Act 2004 & Section 175 Education Act 2002 place a duty on key bodies and organisations to safeguard and promote the welfare of children. The paramourcy of a child's welfare is enshrined in the Children Act 1989. The safeguarding of children is everyone's responsibility and is the process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they grow up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully (Working Together).

### **Duty of Care**

The duty of an individual or organisation to ensure reasonable steps are taken to ensure the safety of a child involved in any activity or interaction for which that individual or organisation is responsible. This duty is considered to be both legal and moral.

### **Unsubstantiated Allegation**

Refers to an allegation where there is insufficient identifiable evidence to prove or disprove the allegation. The term does not imply guilt or innocence.

**Unfounded Allegation**

Refers to an allegation where there is no evidence or proper basis which supports it being made, or there is evidence to prove that the allegation is untrue. The allegation may have been malicious (see below) or it might indicate the person making the allegation had misinterpreted the incident or was mistaken about what happened or not aware of all the circumstances e.g. witnessing the use of appropriate restraint.

**Malicious Allegation**

Refers to an allegation that has been made, either wholly or in part, with a deliberate intent to deceive or cause harm to the person subject to the allegation. For an allegation to be classed as malicious there has to be evidence of intent to cause harm. Some facts may not be wholly untrue and whilst parts may be fabricated or exaggerated elements may be based on truth.

It must be noted that great care should be exercised when dealing with allegations that are unfounded or malicious and other factors should be considered including:

- child may make an allegation to draw attention to abuse in another part of their life either in their family or community
- parent may make an allegation against a staff member to attempt to evade responsibility for an injury to a child especially in very young children
- pupil may make an allegation to deflect attention from a behaviour management incident
- parent in dispute with a school may make an allegation against a member of staff to strengthen their case
- colleague may make a malicious allegation in an attempt to discredit another member of staff.

All such considerations should be included in the management of allegations process.

## APPENDIX 3: Strategy Meetings Agenda

### INFORMATION FOR THOSE ATTENDING A STRATEGY MEETING

A multi agency meeting, also known as a strategy meeting is held to consider information arising from an allegation or concern about the behaviour of an adult working with children, including volunteers, as required in:

- Appendix 5 of Working Together
- Chapter 5 of Safeguarding Children and Safer Recruitment in Education).
- DCFS Good Practice Guidance, Handling Allegations of Abuse made against Adults who work with Child and Young People

The process of managing allegations starts where information comes to the attention of a manager which suggests that an adult working with children 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; or
- behaved towards a child or children in a way that indicates he/she is unsuitable to work with children.

Each Local Authority has a Local Authority Designated Officer (LADO) to advise and over see allegations or concerns about the behaviour of an adult working with children. Bexley's LADO is also the Team Manager of the Councils Safeguarding Children Service, where the LADO's responsibilities are delegated to experienced children's social care staff.

If from the information received the LADO decides that the threshold for harm has been met, or a criminal act has taken place, or the person's behaviour may indicate that he/she is unsuitable to work with children or young people, the LADO will liaise with key agencies to organise a strategy discussion.

If a strategy discussion is decided on, then it should take the form of a face-to-face meeting wherever possible. It is important that the employer is represented. Other than in exceptional cases, this would normally be the Senior Manager and the meeting should include a representative from the employer's HR service (where applicable). It is also recommended that police, social care and any other agencies or organisations involved should be present.

Those invited to participate in the strategy meeting are advised to bring all relevant information including:

- relevant details of the employee and the child and their family.
- information and contact details of any possible witnesses.
- any other relevant concerns or employment issues regarding the employee.

Should you be dissatisfied about aspects of the chairing and/or the decisions of the strategy meeting, in the first instance you should make your views known to the chair of the strategy meeting. In the event the matter cannot be resolved, please ask for the contact details of their line manager.

### Confidentiality

Information exchanged at the child protection conference is confidential and should only be shared with workers bound by professional confidentiality and only when it is necessary to carry out the child protection plan or protect any child.

### Equal access to services

Equal opportunity requires that the Council recognises and respects cultural and religious diversity and serves all members of the local community making special provision where this is necessary. The Council expects that all members of the conference are treated with respect and courtesy and that derogatory language and behaviour will be challenged.

## STRATEGY MEETING

### AGENDA (INITIAL)

#### Allegations Against Staff & Volunteers Who Work with Children & Young People

1. Introductions and apologies.

2. Setting out the purpose of the strategy meeting;

- The agenda;
- The need for confidentiality;
- Equal opportunities
- Basis for meeting
- Status of recommendations

3. Reason for meeting

- Role of the chair: undertaking duties on behalf of the Local Authority Designated officer

4. Professional/Volunteers details

- Name/DOB/Ethnicity/Position/Employer/Home address/Family details

5. Child's details

- Name/DOB/ Legal status/Ethnicity/Home address/Cognitive ability

6. Child's family composition

7. Details of incident/date/ time

8. Action taken by Employer and employment history

- Suitability to continue in current post
- Internal disciplinary action
- Need to inform the regulatory body
- Need for Legal action
- Is there a need for a press statement

9. Information about the child/ren

- History and cognitive skills
- Previous history of service involvement
- Support for the victim(s)
- Liaison with victim(s)and parents(s)
- Is there a history of complaints
- What are the child's parent(s) views and actions on the allegation.

10. Professional/Volunteer

- Who and what support will be provided for the member of staff
- Who will liaise with them and the decision to convene and the decisions of strategy meetings?

11. Chairs summary

12. Planning

- Decide what information can be shared with whom and when
- Timescales for action
- Identify a lead contact manager/person within each agency

### **Confidentiality**

Information exchanged at the child protection conference is confidential and should only be shared with workers bound by professional confidentiality and only when it is necessary to carry out the child protection plan or protect any child.

### **Equal access to services**

Equal opportunity requires that the Council recognises and respects cultural and religious diversity and serves all members of the local community making special provision where this is necessary. The Council expects that all members of the conference are treated with respect and courtesy and that derogatory language and behaviour will be challenged.

## **STRATEGY MEETING**

### **AGENDA (REVIEW)**

#### **Allegations Against Staff & Volunteers who Work with Children & Young People**

1. Introductions and apologies.
2. Setting out the purpose of the strategy meeting;  
The agenda;
  - The need for confidentiality;
  - Equal opportunities
  - Basis for meeting
  - Status of recommendations
3. Reminder of the concerns and grounds for original strategy meeting
4. Outcome of previous strategy meeting recommendations.
5. Updating information of significant events and agencies contact with the employee and or child and their family.

6. Discussion on action taken by employer and other agencies
7. Required protective action for the:
  - Member of staff/ professional
  - Child/ren
8. Chair summary
9. Action
  - Decision on what information can be shared with whom and when
  - Timescales for action

# **CRIB SHEET FOR CHAIRS – Allegations against Staff & Volunteers who Work with Children & Young People (Initial)**

## 1. Invitations/apologies

## 2. Opening statement:

- Confidentiality \_ need to know basis
- Circulation of minutes: can be used by an employer at a conduct hearing or by regulatory body or at court. In such cases the employee would see the full minutes. Permission of chair required.
- Basis for meeting – Statutory guidance Working Together to Safeguarding Children 2006
- Discrimination
- Status of recommendations  
recommendations should be carried out.

## 3. Reason for meeting

- Role of the chair: duties delegated on behalf of the Local Authority Designated Officer

## 4. Employee's /Volunteers details

- Name/DOB/Ethnicity/Position/Employer/  
Home address/Family details

## 5. Child/ren's details

- Name/ DOB /Legal status /Ethnicity /Home address

## 6. Child/en's family composition:

- What support might be needed for the family

## 7. Details of incident/date time

## 8. Action by employer and employment history

- Has the employer suspended or moved the member of staff to other duties: what is their suitability to continue to work with children. Need for suspension but will this put evidence at risk?
- Any previous allegations or concerns?
- Has the regulatory body been informed?
  - Ofsted Child minders/Nursery
  - Foster carers: IFA maintain records.
  - Teachers: General Teaching Council
  - Nurses and Midwifery Council
- Is there a need for a press statement? This should be done in conjunction with CAIT

## 9. Child/ren

- Who supports the child/ren?
- Who will liaises with the child/ren and parent(s)

## 10. Professional/Volunteer

- What support will be provided for the member of staff and by whom
- Who will liaise with the member of staff or volunteer about the decision to convene and the decisions of strategy meetings.
- Has the employer summarised the allegations made? Include details of how the allegations were made and followed up and the decisions made, with a copy on file and to the employee
- Employer should consider future support, training, supervision and career options
- Employee should be informed of the outcome in writing subject to any strategy recommendations to the contrary.
- Meeting to decide what information can be shared with whom and when:
  - Timescales for action
  - Should the meeting decide no action by CAIT or CYPS state why?
- Has the chair written to the employee with the decision of the meeting and or
  - informed the child
- Has the chair created a folder and entered details on the LADO data base
- Plan next steps, discipline process, liaison with regulatory body monitoring criminal

# **CRIB SHEET FOR CHAIRS – Allegations against Staff & Volunteers who Work with Children & Young People (Review)**

## **1. Invitations/apologies**

## **2. Opening statement**

- Confidentiality - need to know basis
- Circulation of minutes: can be used by an employer at a disciplinary/conduct hearing or by regulatory body or at court. In such cases the employee would see the full minutes Permission of chair required
- Police evidence can be used in disciplinary/conduct hearing.
- Basis for meeting – Statutory guidance Working Together to Safeguarding Children 2006
- Discrimination
- Status of recommendations, recommendations should be carried out.////

## **3. Reason for meeting**

- Role of the chair: duties delegated on behalf of the Local Authority Designated Officer

## **8. Action by employer and employment history**

- Has the employer suspended or moved the member of staff to other duties: what is the suitability of the employee or volunteer to continue to work with children. What is the need for suspension but will this put evidence at risk?
- Any previous allegations or concerns?
- Has the regulatory body been informed?
  - Ofsted Child minders/Nursery
  - Foster carers: IFA maintain records.
  - Teachers: General Teaching Council
  - Nurses and Midwifery Council
- Is there a need for a press statement? This should be done in conjunction with CAIT

## **9. Victim(s) The child/ren**

- Who supports the child/ren?
- Who will liaises with the child/ren and parent(s)

## **10. Professional/Volunteer**

- What support will be provided for the member of staff and by whom.
- Who will liaise with the member of staff or volunteer about the decision to convene and the decisions of strategy meetings.
- Has the employer summarised the allegations made with details of how the allegations were made and a follow up letter with the decisions made sending a copy to the employee and on file.
- Employee should be informed of the outcome in writing subject to any strategy recommendations to the contrary.
- Meeting to decide what information can be shared with whom and when:
- Timescales for action
- Should the meeting decide no action by CAIT or CYPS state why?
- Plans for the chair to write to the professional with the decision of the meeting and/or to inform the child
- Has the chair created a folder and entered details on the LADO data base
- Plan next steps, discipline process, liaison with regulatory body monitoring criminal proceeding

## APPENDIX 4: References

Working Together to Safeguard Children (2010) Chapter 6 & Appendix 5  
<http://publications.dcsf.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DCSF-00305-2010>

London Child Protection Procedures  
<http://www.londonscb.gov.uk/procedures/>

DCSF Draft Practice Guidance 'Handling Allegations of Abuse made Against Adults who Work with Children & Young People'

Safeguarding Children & Safer Recruitment in Education (2006)  
[www.everychildmatters.gov.uk/search/IG175](http://www.everychildmatters.gov.uk/search/IG175)

Guidance for safer Working practice for Adults Working with Children & Young People - DCSF  
<http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00311/>

Information Sharing: Guidance for Practitioners and Managers - DCSF  
<http://www.governornet.co.uk/linkAttachments/Information%20sharing%20guidance%20for%20practitioners%20and%20managers.pdf>

Independent Safeguarding Authority  
[www.isa.gov.org.uk](http://www.isa.gov.org.uk)

Protocol for the Management of Allegations in Schools involving the Police (appendix 6)

## APPENDIX 5: Contacts

### **LADO**

Garry Smale  
Team Manager  
Safeguarding Children Service  
Howbury Centre  
Erith  
01322 356303  
[garry.smale@bexley.gov.uk](mailto:garry.smale@bexley.gov.uk)

Safeguarding Children Service  
Howbury Centre  
01322 356326/356302/356321  
[safeguardingchildrenbexley@bexley.gov.uk](mailto:safeguardingchildrenbexley@bexley.gov.uk)

Lea Dehaney  
Principal Advisor  
Schools HR Service  
Hill View  
Welling  
020 8836 8259  
[lea.dehaney@bexley.gov.uk](mailto:lea.dehaney@bexley.gov.uk)

East Child Care Unit  
Civic Centre  
Bexleyheath  
020 8294 6627

West Child Care Unit  
Southlake Centre  
Thamesmead  
021 8320 6300

LSCB Manager  
Liz Allen  
Hill View  
Welling  
020 8836 8125  
[liz.allen@bexley.gov.uk](mailto:liz.allen@bexley.gov.uk)

[www.bexleylscb.org.uk](http://www.bexleylscb.org.uk)

## **APPENDIX 6: Protocol for the Management of Allegations against School Staff that Involve the Police**

There are a limited number of occasions when police action may be necessary as a result of an incident in a school. Police are obliged to investigate any matter reported to them as a crime. The following protocol has been developed in consultation with the Borough police, LB Bexley and head teachers. It was originally agreed in 2007 and has been revised in 2010.

This protocol is in addition to the LSCB Procedure for Managing Allegations against Staff & Volunteers that involve a child or young person and appears as an appendix to this document.

It aims to support all parties in the management of incidents which cause stress to individuals, whole staff and frequently the local community and specifically provides support to schools in managing incidents involving police action. These can include accusations of assault by staff on pupils or adults as well as criminal activities involving the inappropriate use of technology. It includes any allegation of assault made on a school premises during a school day that requires immediate police action to ensure the safety of those involved or to maintain a crime scene. This may include assaults upon staff by parents or other adults outside the school community.

All parties are agreed to work together within the terms outlined below to ensure the welfare of all children and young people.

### **Schools**

#### **Prevention of allegations**

- All schools should have a safer working practices procedure that all staff work towards. This should include a clear Code of Conduct and advice on how to avoid situations where the adult puts themselves at risk of an allegation being made.
- When dealing with parents it is sensible to have clear agreements which are recorded in writing if they deviate from normal school routine. In the case of pupils with medical needs this could be through their individual medical plan. In the case of pupils with behavioural difficulties this should be through an Individual Behaviour Plan. These need to be reviewed in accordance with the review dates set within the document. As children develop, their needs change as does the capacity of staff to deal with those needs.

#### **Managing allegations**

- If there is an allegation against any member of staff or volunteer in the school involving a child or young person the Managing Allegations procedure should be followed in full.
- If there is the potential for a violent or disruptive incident which is likely to end in injury to persons or damage to property on site, the police should be notified immediately through the emergency number 999. For less urgent concerns the school should contact either their safer neighbourhood team or the local Bexley police on 0208 301 1212. All referrals to the Police in relation to allegations involving a child should be made through the procedures ie a referral to the Local Authority Designated Officer (LADO), through Lea Dehaney, who will involve the Child Abuse Investigation Team (CAIT) as required.
- Where there are parents who are known to be aggressive, consideration should be given to systems within the school to manage incidents appropriately. This might include a covert code to the office either by a card system a coded verbal message. Where a child is used as the messenger, they should be responsible and someone who can be relied upon to manage sensibly. On receipt of the code a senior member of staff who can manage the process should attend immediately. The system should

be reviewed on an annual basis or immediately after an incident, whichever is the sooner.

- The head teacher should notify the chair of governors of the incident and, in the absence of the head, the school should have procedures in place which ensure that a senior member of staff contacts the chair of governors.
- If the allegation involving a child is made against the head teacher the Nominated Governor (usually the Chair) should take on the responsibility of the senior manager for the allegation process.
- In order to manage the situation appropriately, consideration needs to be given to what needs to be said to staff, if anything, when and how. It is always sensible to keep the Deputy Head Teacher informed of incidents that involve the head teacher.
- Once the incident has been resolved consideration needs to be given as to how the community should be informed of the outcome – if indeed it is necessary. A special governors meeting should be held to inform them of the incident, how it was managed and to consider any statement that is to be issued. Advice is available from the local authority through the legal department in order to ensure that the school does not leave itself open to litigation.

### **Recording allegations**

- Where the incident is an allegations involving a child the Managing Allegations procedure should be followed. This requires that the incident is fully recorded but that statements should not be taken from either the child involved or their peers until a plan of investigation has been agreed at a Strategy meeting
- No attempt should be made to interfere with the police investigation by either entering the scene of crime or taking statements. Where the police are not undertaking an investigation and it does not involve an allegation by a child, witness statements need to be taken as soon as possible after the event. These can either be dictated to a third party or drafted by the individual concerned. Statements should be signed, dated and timed and retained for future use.
- Any incident resulting in physical injury to staff, with the agreement of the injured member of staff, should be photographed in case there is a need for evidence at a later stage. The member of staff must receive appropriate medical care and if necessary be advised to visit their doctor for a check up. Injuries to children should not be photographed.
- All incidents involving 'reasonable restraint' as well as unprovoked attacks which result in physical injury to staff should be recorded as soon as possible after the event. The latter need to be recorded on an accident report form and sent to the Health and Safety department for Council monitoring. A log also needs to be kept at the school in order to identify pupils who are more prone to cause injuries and those staff who need greater protection.

### **Supporting police investigations**

- If the police are called to the site, a member of staff should be posted at the gate to escort them directly to the heads office.
- There is a need to gauge the way the police are moving in their investigation. Whilst it is essential that all staff co-operate with their investigation, care needs to be taken to ensure that they do not incriminate themselves. If this appears to be a possibility the individual needs to be advised to contact either their solicitor or their professional association.

Where there is a 'scene of crime' the school should make every effort to 'secure' it eg by locking classrooms. Where there is evidence which may help the investigation the

property should be secured eg confiscation of weapons, hardware, mobile phones etc.

### **Working with the local authority**

- Schools should phone the local authority immediately an arrest occurs. There is a named contact – Lea Dehaney – 0208 8368259
- The investigation of any allegation involving a child will be lead by the LADO - 01322 356303
- Any press enquiries should be referred to the Council press office – 0208 294 6078

### **Local Authority**

- In the event of an arrest there will be a single point of contact with the individual concerned – in the case of head teacher involvement this will be Lea Dehaney.
- The Director will be notified immediately by the named contact.
- The named contact will immediately refer all allegations against staff relating to safeguarding to the Local Authority Designated Officer (LADO). The LADO will decide whether a strategy meeting is required to review and plan any action.
- Where the LA are notified of any incident that may lead to criminal charges the named contact will notify the police of the incident.
- The single point of contact will communicate with the individual on a daily basis until such time as they are either charged or released without charge to keep them informed of progress.
- Mutually agreed meetings will be held between the individual concerned and the named person.
- In the case of a head teacher a return to work interview should be undertaken by the named person. In the case of other staff this should be undertaken by the head teacher with the assistance of the named person if appropriate.
- Where there is a potential difficulty for the member of staff with regard to press coverage or where there are other unacceptable risks, the individual will be advised that they have the right to request leave with pay. In all but exceptional circumstances this will be agreed with the approval of the chair of governors.
- The local authority will liaise with the press office to manage all press coverage on behalf of the school.
- Where appropriate, legal advice will be available to the school. It is sensible for the individual concerned to seek their own legal advice through their own union.
- Whilst respecting the wishes of the children, young people or families, where the facts of the case warrant, information may be shared even where consent has not been given providing there is a sufficient need to override the lack of consent.
- Support from an educational psychologist will be made available if appropriate.

