



## Information for people working with children who are facing an allegation

### What happens if an allegation is made about me?

Most people working with children either in paid employment or as a volunteer will work professionally and safely. However there are occasions when the behaviour of adults working with children can result in an allegation of harm being made against them. This can be about events in their home life or about their actions at work.

This leaflet will explain what happens when an allegation is made.

### Legislation and Guidance

All allegations are considered in line with the requirements of [Working Together to Safeguard Children 2018](#), [Keeping Children Safe in Education 2020](#) and South Gloucestershire Safeguarding Procedures.

### What Happens When an Allegation is made?

An allegation may be made by, or to a colleague, parent or carer, another professional worker or to the police. When an allegation is made, your employer's Designated Safeguarding Lead or a Senior Manager has a duty to report this to the Local Authority Designated Officer (LADO) within 24 hours.

The LADO will discuss the allegation with them and consider if, based on the information available there is reason to suspect you 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 or she may pose a risk of harm to children or
- Behaved in a way that indicates they may not be suitable to work with children (Keeping Children Safe in Education)

It is unlikely you will be told about the allegation at this point unless it is demonstrably false. If the LADO does not believe the allegation meets the above criteria it will then be managed by your organisation's HR processes.

The LADO may request that further information is obtained before it can be decided if the criteria are met.

If the LADO considers the criteria are met they will arrange an

## Allegations Management Discussion or Meeting

This discussion or meeting will involve your employer, their HR, the police if a criminal offence may have been committed and other agencies as appropriate.

You are not invited to this meeting, neither is the person making the allegation.

The discussion or Meeting is chaired by the LADO whose role is to oversee the investigation process and ensure allegations are robustly and fairly investigated. The LADO **does not** investigate the allegation.

The discussion or meeting will share relevant information and agree if an investigation needs to be undertaken by

- Children's Social Care under Child Protection Procedures in relation to safeguarding any children involved and any other children you have contact with
- The Police if there is a possible criminal offence
- Your employer under disciplinary or suitability procedures

There may be more than one investigation process e.g. a police criminal investigation and an HR Disciplinary investigation.

The discussion/meeting will also agree what you can be told and what support can be offered to you.

If all the information required is available for this meeting the focus will be on agreeing the outcome and any further actions required.

## The Investigation

The investigation will proceed as swiftly as possible ensuring it is through and fair. However some investigations can be very complex and can take some weeks or months. Most allegations are resolved in a few weeks. As part of the investigation you will be interviewed as it is important we hear and understand your account. You can be supported in this interview by your Union representative or a representative from your professional organisation.

If there is a criminal investigation you may be arrested and interviewed under caution and you should obtain legal advice.

## The Outcome of the Investigation

At the end of the investigation the findings are shared with the LADO and an outcome is agreed.

The outcome will be either

- **Substantiated:** where there is sufficient identifiable evidence to prove the allegation.
- **Unfounded:** where there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.
- **Unsubstantiated:** this is where there is insufficient evidence to prove or disprove the allegation; the term, therefore, does not imply guilt or innocence.

- **Malicious:** where there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.

There may be further actions agreed in respect of disciplinary measures or support measure, such as training and supervision in the workplace or changes in processes employed by the organisation.

Your employer will inform you of the outcome and of any further actions that required.

## If an Allegation is Substantiated

If the allegation is substantiated, your employer has a legal duty to refer the matter to the Disclosure and Barring Service (DBS) or other professional regulatory bodies.

The DBS has the power to decide whether you should be barred from, or have conditions imposed in respect of working with, children. This duty remains even if you are no longer employed or working as a volunteer.

## What Can I be told?

Initially you may only be told there has been an allegation. This will be difficult, we appreciate you will want to know the details. However decisions about what information you are told are based upon ensuring the safety and protection of vulnerable children and to ensure any investigation is fair.

Your employer will inform you as soon as possible of the nature of the allegation (unless the police advise against this) and how this will be investigated.

You should be

- Treated fairly and honestly and helped to understand the concerns and the investigation process.
- Be kept informed of the progress and outcome of the investigation and any implications for any disciplinary process.
- Be advised to contact your Union or professional association for support

## Will I be Suspended?

Suspension is a neutral act and not a sanction. This is a decision made by your employer.

However If it is believed a child has suffered or may suffer significant harm, or if there is to be a police investigation, or the allegation is so serious there could be grounds for dismissal, then the LADO will advise that suspension is considered.

## What Records are kept?

The LADO keeps a record of all referrals and investigations on a secure database. These record the allegation, the investigation process and the outcome and agreed actions

Records will also be kept by your employer and by any regulatory and professional body.

## Where there are concerns in your personal life

There can be occasions where issues in your personal life may be relevant to your role at work or your role as a volunteer for example

- Your child has been subject to a Social Care Sect 47 Investigation.
- Your child has a Child Protection Plan.
- You have been the subject of a criminal investigation in relation to offences against children
- You have been arrested ,cautioned or convicted for offences of violence
- You are misusing alcohol or drugs.
- A member of your household or someone closely associated with you is subject to an allegation against children.

When the LADO is informed they will assess if the information needs to be shared with your employer. If it appears a child may be at risk of harm your employer will be contacted so they can take steps necessary to ensure safety. If there is no risk of immediate harm you will be asked to inform your employer of the situation so decisions can be made about any action required. The LADO will then contact your employer to confirm what you have told them and know what actions have been taken, including any actions to support you.