



SOUTH GLOUCESTERSHIRE PROCEDURES FOR MANAGING ALLEGATIONS AGAINST PEOPLE WORKING WITH CHILDREN

Introduction

Despite all efforts to recruit safely there are occasions when allegations of abuse are made against adults working with children either in a paid capacity or as a volunteer. Any allegation of or concern about abusive behaviours towards children must be taken seriously. These procedures are to be followed when such concerns or allegations are raised in connection with their employment or voluntary role within South Gloucestershire. They apply also to foster carers living in South Gloucestershire, irrespective of which Local Authority or Fostering Agency is responsible for the foster carer or the Local Authority responsible for the child/young person in placement.

In these procedures the following definitions are used

- A child is anyone under the age of 18;
- An employee is anyone working with children, be it in an employed (all sectors and settings) or voluntary capacity;
- An employer is anyone working with or providing services to children (all sectors and settings).

Relevant Statutory Guidance

The role of the LADO is set out in **Working Together to Safeguard Children (2018)** and is governed by the Authorities duties under **Section 11 of the Children Act 2004**. Further guidance is provided in **Keeping Children Safe in Education 2020**

Additional relevant legislation is the **Human Rights Act – Article 6** - Right to a fair hearing, ensuring that predetermined judgments are not made without an investigation and ensuring that the individual who has been accused has access to support and information. And **Article 8** –Respect for private and family life

These procedures follow the National LADO Network Principles (2018) of

- Fairness,
- Consistency
- Respect
- Proportionality

When to Use these Procedures

These procedures should be used in all situations where it is alleged that a person who works with children within South Gloucestershire has

- Behaved in a way which has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child;
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children;
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.(Keeping Children Safe in Education Sept 2020)

These behaviours should be considered within the 4 categories of abuse

Physical Abuse

Sexual Abuse

Neglect

Emotional Abuse

And can include concerns in relation to

- Inappropriate behaviours or relationships between members of staff and children /young people e.g. Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual
- Grooming (meeting a child under 16 years with the intent to have a sexual relationship) and other grooming behaviours e.g. inappropriate text/email messages or images, gifts, socialising
- Possession of or the making of indecent images of children
- Becoming involved in a relationship with an ex pupil who is under 18 years old and whom they met at school.
- Inappropriate physical restraint of a child or physically harming a child

The concern or allegation can relate to behaviours both at work and within the employees personal life which could indicate a **'transferable risk'** to the children they work/volunteer with and could indicate an unsuitability to work with children. Any such concerns must be reported to the LADO; examples of such situations:

- As a parent or carer their children are subject of Child Protection Procedures.
- They are closely associated with someone in their personal lives i.e. partner, or a member of their immediate family who may present a risk to children or is being investigated for offences which could present a risk to children.
- They have been arrested for an incident of violence or possession of a weapon.

Key Roles and Responsibilities

The Local Authority Designated Officer (LADO)

Working Together to Safeguard Children 2018 requires that Local Authorities have a designated officer to be involved in the management and oversight of allegations against people who work with children. The LADO will receive reports about concerns or allegations and be involved in the management and oversight of individual cases.

The LADO can also be contacted for advice and consultation, LADO@southglos.gov.uk

A concern or an allegation can come from many sources, can be complex and can refer to current or historical matters. This means it can be difficult to identify if this is a concern, an allegation or a complaint.

Additionally the LADO will

- Liaise with the police and other agencies
- Chair Allegations Management Discussions and Meetings
- Monitor the process to ensure allegations are dealt with as quickly as possible in a thorough and fair manner
- Ensure the correct outcome is reached
- Quality Assure the employers investigation report
- Maintain a confidential record of advice given, allegations made, the investigation process and outcome. These records assist the Local Safeguarding partnership to monitor and evaluate the effectiveness of the procedures for managing allegations and provide information to the Department of Education

The Police

- Will inform the LADO of any police led investigation relating to a person working with children or living in the same household as someone working with children
- Provide information to the LADO and participate in discussions and meetings.
- Ensure the LADO is kept updated re the progress of cases where there is a criminal investigation

The Employing or Voluntary Organization

- Will ensure there is a known named designated senior manager to whom all concerns or allegations should be reported to and a known named deputy whom reports should be made to in the absence of the designated senior manager, or if the allegation is about them
- Will provide information as requested by the LADO in relation to their employee or volunteer
- Participate in allegations management discussions and meetings
- Undertake employer led investigations with support of their HR team and provide the LADO with a copy of their investigation report
- Provide support to the member of staff whom the allegation concerns
- Ensure any learning or development identified in the investigation is undertaken

On Receipt of an Allegation or Concern

You should

- Listen carefully and take seriously what you are told
- Make a written record of the information, if possible use the child's own words, or ask them to write this down, and sign and date this record
- Ask if the child has any injuries; if they do these will need to be dealt with and recorded
- Immediately report the allegation to your Designated Safeguarding Manager/Lead; if they are the subject of the allegation or not available, report to the Deputy Safeguarding Manager
- A very serious allegation may need to be reported immediately to the police. This will enable prompt action and collection of possible evidence

You should not

- Ask any leading questions
- Promise confidentiality; you can give assurances that the information will be shared only with those people who need to know

The Designated Safeguarding Manager/Lead

Must

- If it is considered the allegation could meet the LADO criteria the LADO **must be informed within 24hours**. If the allegation is received out of office hours you should refer to EDT (01454615165)

Should

- Obtain a written record of the allegation (as above) if this has not already been done
- Record any discussions with the child and /or reporting staff member, any decisions made and the reason for this
- You should not undertake any further investigation

If you are unsure if the criteria is met consult with the LADO 01454 868508 or e mail LADO@southglos.gov.uk

Initial Discussion with LADO

The LADO and Senior Safeguarding Manager/Lead will discuss the allegation to establish what action is required. This discussion should take place within 1 working day of receipt of the referral. The reporting Safeguarding Manager/Lead should have as much information as possible available regarding the nature, content and context of the allegation and about the member of staff concerned. However do not delay contacting the LADO if you do not have all of this information.

The LADO will on the basis of the information available determine whether the threshold for an allegation of harm has been met, or if further information is needed and the nature of this and how it will be obtained will be agreed with the Safeguarding Manager /Lead.

If it can be evidenced that that the allegation is false or unfounded this should be recorded and there may need to be consideration of any action required in respect of the person making the allegation.

This initial sharing of information and evaluation may lead to a decision that the incident or behaviour does not suggest that harm has or could have been caused to a child/ children and the LADO will advise the employing organisation to manage this through their HR procedures as a conduct, performance or disciplinary matter. The LADO will record this advice and the justification for the decision. The LADO should be informed of the findings and outcome of the internal investigation. If at any point during this investigation further concerns arise or there is new information that indicates LADO threshold could be met this should be discussed with the LADO and agreement reached re how to proceed.

The Investigation Process

Where it is agreed the LADO threshold is met and an investigation is therefore required, the LADO will consider how the allegation will be investigated as there may be more than one process required i.e.

- A police investigation if a criminal offence may have been committed;
- An investigation by the employing organization including if immediate action is required to safeguard children;
- Where there is a concern that the child/ children involved in the allegation could be at risk of further harm, or the children of the person subject to the allegation could be at risk of harm, then Children's Social Care enquiries will be necessary (Sect 47 enquiry)

If on receipt of the allegation it is possible a criminal offence has been committed the LADO will share the information with police and convene an Allegations Management Meeting which the police will attend. The Allegations Management Discussion/Meeting will agree the investigation process.

The Allegations Management Discussion or Meeting

Where the LADO threshold is believed to be met an Allegations Management Discussion or Meeting will be held. The purpose of this is to share information to enable the nature of the risk to be considered, to plan to ensure the safety of children and agree how the allegation will be investigated and within what timescales. The LADO is responsible for convening, chairing and recording this discussion/meeting and for identifying the agreed actions.

Who May be Invited to an Allegations Management Meeting.

Who will be invited depends upon the allegation. The employer and their HR will always be invited, as will any professional or regulatory body, other people invited may be

- Child's social worker or ART social worker if a Sect 47 Investigation may be required
- Police representative
- Designated safeguarding manager for the employing organization
- The employer's HR representative
- The named Safeguarding Children's Health professional (if the allegations concerns a health worker/professional)
- Fostering Manager and Supervising Social Worker (if the allegation concerns a foster carer)

- Children's Social care Manager and social worker for any children in placement
- Consultant paediatrician
- The Safeguarding Lead from any other employment or voluntary work undertaken by the person whom the allegation is against.
- Any other person the LADO considers appropriate.

The Allegations Management Meeting Will

- Share relevant information about the person whom the allegation is against including any previous concerns or allegations and the outcome of these
- Share relevant information about the child/ren involved
- If appropriate, take account of the entitlement by staff to use reasonable force to control or restrain children (e.g. <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>)
- Agree the investigation process, if there is to be a police investigation into a possible criminal offence this will take place before there can be any investigation by the employing organization
- If it is agreed the investigation will be undertaken by the employer the meeting may identify key areas to be investigated
- Agree any action needed to ensure the safety of children during the investigation, this will include any children in the alleged person's family life whom they have close contact with
- Consider if based on the allegation and information shared the member of staff should remain at work or if Suspension by the employer is required.
- Agree timescales for actions and who will update the LADO of progress/findings
- Identify any support needed for the child/ren involved and who will arrange/offer this
- Identify how the member of staff will be supported and who will do this
- Agree what information can be shared with whom and when and who will do this
- Consider if there will be any media interest and how this will be managed
- Agree arrangements for any future discussions/meetings to share findings agree outcomes or if new information comes to light consider what additional actions may be required

Actions Following the Allegations Management Meeting

The LADO will monitor progress of the investigation, all agencies have a responsibility to undertake their actions as agreed at the Allegations Management meeting and should inform the LADO of the progress and outcome of, as well as seeking advice re any difficulties they encounter. The LADO will record progress updates from agencies and ensure information is shared with the meeting participants. The LADO should be informed if planned timescales cannot be met and will record the reasons why.

The LADO will arrange a final discussion/meeting to share information re the completion of tasks and to agree the investigation outcome and any further action required e.g. training and development, HR Disciplinary action, referral to the regulating body, DBS referral. This discussion will also agree what information can be shared with the person making the allegation; this will usually only be the outcome.

Additionally the role of the LADO is to quality assure all investigations, hence investigation reports should be shared with the LADO before the findings and outcome are shared with the individual concerned.

Outcomes

At the final discussion or meeting the LADO will ensure all the agreed tasks have been completed, agree an outcome for the allegation, identify any further actions e.g. referral to DBS and where appropriate agree an action plan for future practice based on lessons learnt.

The following definitions should be taken into account when agreeing the outcome of the allegation investigation:

Substantiated There is evidence to confirm the allegation and there will always be a need for further action by the employing organization. There may also be a police criminal investigation. Or a Sect 47 Investigation by Children's Social Care.

Unsubstantiated this is where there is insufficient evidence to prove or disprove the allegation; the term, therefore, does not imply guilt or innocence.

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.

Malicious The investigation has identified the allegation has been made with a deliberate intent to deceive or cause harm to the person subject to the allegation.

Substantiated Allegations, Referral to the Disclosure and Barring Service

Where an allegation has been found to be substantiated and the person is dismissed or the employer ceases to use their services or if the person chooses to resign or no longer provide their services, the LADO will discuss with the employer if a referral to the Disclosure and Barring Service (DBS) is required.

If the activity is a regulated one the LADO will require the employer to refer to the DBS and to the professional regulatory body and to inform the person of this. If the person being referred is a teacher they should also be referred to the National College for Teaching and Leadership.

Allegations against People in their Personal lives

If an allegation arises about a member of staff in their personal life the same processes as for any other allegation should be followed. The LADO must be informed and will consider if the allegation indicates a 'transferable risk' i.e. one which could present a risk of harm to children with whom the employee has contact in their work/voluntary role. The LADO may contact the employer for further information about the role in order to assess the level of risk. Where the LADO threshold is believed to be met the LADO will convene an allegations management meeting this will include Children's Social Care if the employee is known to have children or close contact with children in their family lives.

If the member of staff lives in a different Local Authority the LADO will liaise with relevant agencies in that authority sharing information and ensuring the safeguarding of any children in the individuals family

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 of harm to child/ren for whom the member of staff is responsible, through their employment or volunteering. In these circumstances the LADO will hold a discussion/meeting to share relevant information and to consider

- The willingness and ability of the member of staff to protect children
- If measures need to be taken to ensure the protection of children in the family
- If the nature of the allegation and the close connection to the member of staff compromises their role

Timescales for completing investigations of allegations

It is in everyone's interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation; where there is a police investigation this may take some months. The LADO will maintain contact with agencies during the investigation process to ensure investigations progress and to understand the reason for any delay.

We aim to ensure that

- 80 per cent of cases should be resolved within one month;
- 90 per cent should be resolved within three months;
- All but the most exceptional cases should be completed within 12 months.

LADO Records

The LADO maintains confidential and comprehensive records of all referrals, the investigation process and the outcome. A record is also kept of advice provided to employers and organizations for those cases where the LADO threshold is not met. Access to these records are restricted to the LADO, their Business Support and the relevant Senior Manager.

LADO information is not recorded on the child's records. Where there is social work involvement the worker should record the allegation and the actions taken by the worker in response to this and the investigation outcome. If further information is required this can be sought from the LADO. This ensures the confidentiality of personal information about the person subject to the allegation.

Working Together to Safeguard Children states the purpose of record-keeping is to

- Enable accurate information to be given in response to any future requests for a reference
- Provide clarification in cases where a future DBS Enhanced Disclosure reveals information from the police that an allegation was made but did not result in a prosecution or conviction
- Prevent unnecessary re - investigation if an allegation re-surfaces after a period of time

Maintaining accurate records also allows for patterns of behaviour which may pose a risk to children to be identified.

Additionally LADO records are used to provide data and a qualitative analysis for the annual report to the South Gloucestershire Children's Partnership, and any requested information from the Department for Education.