

# **St Helens Safeguarding Children Board**

## **Procedure for managing allegations against people who work with children and young people**

### **1 Who should use these procedures?**

These procedures should be used by all organisations where people work with or care for children and young people in a paid or voluntary capacity. It also applies to staff or volunteers who come into contact with children through their work.

This includes organisations that use the services of volunteers, people who are self employed as well as service providers, voluntary organisations, employment agencies or business, contractors, fostering services, regulatory bodies, and others that may not have a direct employment relationship with the individual but will need to consider whether to continue to use the persons services, or to provide the person for work with children in the future, or to deregister the individual.

In some circumstances this may encompass more than one organisation e.g. where staff providing services for children in an organisation are employed by a contractor, or where temporary staff are provided by an agency. In those circumstances both the contractor and/or agency, and the organisation in which the accused individual worked will need to be involved in dealing with the allegation.

### **2 Background information**

**2.1** The procedures are based on guidance in Working Together To Safeguard Children 2006, Chapter 6 and Appendix 5. The legal status is that **all** professionals have a duty to cooperate with this guidance. The procedures should be applied when there is an allegation that a person who works with children has:

- Behaved in a way that has harmed, 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.

This may be in connection with his/her employment or voluntary activity, or where:

- Concerns arise about the person's behaviour with regard to his/her own children
- Concerns arise about the behaviour in the private or community life of a partner, member of the household or other family member

If an allegation about a child is made about a person who undertakes a role with vulnerable adults consideration should be given to alerting those who manage her/him in that role.

- The procedures can also be applied if a complaint is made against a person in relation to their work with adult service users which causes concern about the welfare of the adult service user's children.

## 2.2 There may be up to 3 strands in considering a concern or an allegation

- A police investigation of a criminal offence
- Enquiries and assessment by children's social care about whether a child or young person is in need of services, including safeguarding
- Consideration by an employer of disciplinary action in respect of the individual

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

## 3 Roles and responsibilities

For convenience the term employer is used throughout to refer to organisations that have a working relationship with the individual against whom the allegation is made.

### St Helens Safeguarding Board

SHSCB has responsibility for ensuring there are effective inter agency procedures in place for dealing with allegations against the people who work with children and for monitoring and evaluating the effectiveness of those procedures.

- Each member organisation should identify a **Named Senior Officer**
- The SHSCB and St Helens Council will appoint a **Local Authority Designated Officer (LADO)**

All Employers and Organisations

- Each employer should identify at least one **Senior Manager** with responsibility for operational issues.

#### **Named Senior Officer** (see Appendix 1)

The Named Senior Officer will have overall responsibility for:

- Ensuring that the organisation operates these procedures for dealing with allegations
- Resolving any inter agency issues that may arise
- Liaising with the SHSCB

#### **Senior Manager** (see Appendix 1)

Each employer should put in place and operate arrangements for handling allegations in accordance with these procedures.

- All reports of allegations or concerns should be reported to the Senior Manager.
- The Senior Manager should seek advice from the LADO if unclear of the actions to be taken, at any stage in the process.
- The senior manager or their deputy should ensure information is gathered according to these procedures.
- If the allegation meets the criteria for investigation (paragraph 2.1) they should report it to the LADO within 1 working day. If outside of office hours they should consult EDT and/or the police. The LADO must be informed the next working day by the Senior Manager.

#### **Local Authority Designated Officer** (see Appendix 1)

In St Helens the Safeguarding and Review Managers will manage the work of the LADO with overall responsibility being vested in the Safeguarding Children Manager. The Unit managers will:

- 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.

#### **4 Recognising an allegation**

An allegation or complaint may arise from:

- A child or an adult
- A parent/carer
- A member of the public
- Professional person or body

All employers and organisations will/should have policies, procedures and guidance relating to the conduct of employees and volunteers. The procedures should be used to ensure compliance with the procedures. (Appendix 3 “Guidance for Safe Working Practice for Adults who work with Children and Young People” may assist)

The allegation may be that an adult has

- Behaved in a way that has harmed, 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.

This may be in their work capacity or in their private life or may be about the behaviour of their family members.

#### **5 Responding to an allegation or complaint**

The person to whom the allegation/complaint is reported should:

- Treat the matter seriously
- Avoid asking leading questions and keep an open mind
- Make a written record of the information (where possible using the child’s words) including
  - ◊ When the alleged incident took place (time and date)
  - ◊ Who was present
  - ◊ What happened
- Report the matter immediately to the Senior Manager or deputy in his/her absence or where the senior manager is the subject of the allegation.

Advice may be sought at any time from the Safeguarding Children Unit if needed.

#### **Initial Action by the Senior Manager**

The senior manager **should not investigate** the matter by interviewing the accused person, the child, (unless they were the person the child told) or potential witnesses. The only initial assessment at this stage would be to clarify the context of the allegation i.e. to determine if the incident could have happened.

The Senior Manager should:

- Obtain the written details of the allegation, signed and dated by the person receiving the allegation/complaint
- Countersign and date the written details
- Record any other information and names of any potential witnesses
- Record discussions about the child and/or member of staff, any decisions made, and the reason for these decisions.
- If the allegation meets any of the criteria in 2.1 and 2.2 the Senior Manager must report it to the LADO within one working day. This should not be delayed while information is gathered.

If the allegation/complaint constitutes a child protection matter immediate referral should be made to Children's Social Care through the Contact Centre 01744 456600, or outside of normal office hours the Senior Manager should contact EDT 0845 0500148

The LADO must be informed the next working day by the senior manager regardless of immediate action taken.

At any stage the child has a right to make a formal complaint and consideration should be given to how they should be informed of this – this should be considered in the context of the allegation and the needs of the child.

## **6 Responding to a complaint/allegation made to the Police**

If the Police receive a complaint/allegation it should be reported to the Police family Crime investigation Unit who should inform the LADO immediately or as soon as possible the next working day.

## **7 Responding to a complaint/allegation made to children's social care**

If the complaint/allegation is received by children's social care the responsible Team manager should report it immediately to the LADO or as soon as possible the next working day.

## **8 Initial Consideration by the Senior Manager and the LADO**

The Senior Manager and LADO should:

- Establish that the complaint is within the scope of these procedures
- Verify whether there is evidence or information that establishes that the allegation may be unfounded and requires further consideration.
- Consider whether more information is required
- Consider the need for immediate action – Safeguarding, Human Resources action and/or liaison with the police.

The LADO will inform the employer/senior manager of reports made via the Police and Children's Social Care.

The LADO will advise the senior manager on when and how to inform the employee of the complaint/allegation.

## **9 Strategy Discussion and Initial Evaluation Discussion**

If the original allegation falls within the scope of these procedures the strategy meeting must take place even if a child has said they do not want to make a formal complaint or if they wish retract the allegation. The strategy meeting may in some cases be brief but it will document discussions and decisions and the reason for them, including those cases where no further action is needed.

The Police should be informed of any case in which a criminal offence may have been committed. (Whether the child wishes to make a complaint or not)

If there is evidence which suggests the allegation could be substantiated and there is cause to suspect that a child has suffered or is likely to suffer significant harm the

LADO should advise that an immediate referral is made through the Contact Centre to Children's Social Care. A strategy discussion should then be held.

If there is no evidence of significant harm to a particular child/children, eg in pornography cases, but a police investigation might be needed, the LADO should inform the police immediately and initiate an initial discussion with the Police, employer and other agencies involved with the child to evaluate the complaint/allegation and decide how the case should proceed.

Where the threshold has not been met and the police and social care will not be involved in further inquiry the LADO and Senior Manager will be required to agree appropriate action to conclude and record this part of the process.

A strategy discussion or initial evaluation may take the form of several phone discussions which should be recorded.

## **10 The Strategy Meeting**

The meeting should take place within **5 working days** of the allegation being received wherever possible. A manager from the Safeguarding Children Unit will chair the Strategy Meeting, ensure appropriate staff are invited and ensure there is a minute taker.

Invitees to this meeting should be kept to a minimum. It is solely for the purpose of planning the next actions, only professionals agreed as relevant by the Safeguarding Children Unit manager should be invited. This will not include family or carers or all professionals working with the child.

Participants should be sufficiently senior to contribute all relevant available information regarding the complaint/allegation, the child, the accused person and make decisions on behalf of their agency.

When arranging the meeting the manager may advise the following are invited:

- Relevant social worker and team manager
- Foster care or adoption social worker when the allegation is about a foster carer
- Police
- Senior manager for the employer/establishment concerned
- Senior member of employment agency or voluntary organisation
- Those responsible for regulation and inspection e.g. Ofsted
- Human resource representative
- Medical practitioner with specialist knowledge
- Local authority responsible for the child if placed in St Helens by another authority
- Legal representative
- Children's social care if they are involved with the child or have a contribution to make
- Adults social care, where appropriate

Suggested agenda for the Strategy Meeting:

It is important to differentiate information about the child and the adult throughout the meeting and in recording as this information may be shared in HR settings when the child's confidentiality should be kept.

### The adult

- A review of the 3 criteria:

- Behaved in a way that has harmed, 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.
- Review of previous concerns or allegations regarding the conduct of the accused person

### The child/children and Safeguarding Action

- Ensure that arrangements are in place to protect the child/ren involved and any other children affected, including taking emergency action where needed.
- Consideration of what support should be provided to all children and their carers who may have been affected directly and indirectly.
- Consideration of the need for a section 47 inquiry (Children Act 1989) and/or police investigation and the implications.

### Decisions and Planning

- Consideration of whether any parallel disciplinary process should take place.
- Consideration of whether a complex abuse investigation is applicable
- Scope, plan and allocation of tasks for the agreed enquiries including who will be the investigating officer where appropriate
- Decision about what information can be shared, with whom and when.
- Consideration of what support should be provided to the person against whom the complaint/allegation has been made and others who might have been affected.
- Ensure that investigations are sufficiently independent
- Decision on arrangements to inform the child's' parents, and consider how to provide them with support and information during enquiries.
- Make recommendations where appropriate regarding suspension, or alternatives to suspension.
- Consideration of whether the behaviour might make the person unsuitable for work with children ( or with vulnerable adults)
- Consider the need for a recommendation to the employer that they should consider disciplinary action on the basis of unsuitability.
- Agree protocols for reviewing
- Take note of agreed timescales as set out in Working Together to Safeguard Children 2006
- Consider the need to share the statements and evidence with the employer
- Agree how the accused person will be informed of the outcome, by whom and when.
- The outcome should be confirmed in writing to the accused person, the LADO should receive a copy of this.

## **11 Reviewing progress**

The LADO should regularly monitor the progress of cases either by Review Strategy Meetings with the Senior Manager or by liaising with the police and/or children's social care.

A final strategy or evaluation discussion should be held at the end of the enquires to ensure that all tasks have been completed and where appropriate agree an action plan for learning lessons in order to inform future practice.

## **12 Resignations and Compromise Arrangements**

- Working Together To Safeguard Children 2006, Appendix 5, paragraphs 7 and 8 states that compromise agreements should not be used
- The fact that a person tenders his or hers resignation or ceases to provide their services must not prevent an allegation from being followed up in accordance with these procedures and a conclusion reached.
- A so called compromise agreement by which a person agrees to resign, the employer agrees not to pursue disciplinary action and both agree a form of words to be used in any future reference must not be used in situations which are relevant to these procedures. In any event, such an agreement will not prevent a thorough police investigation where appropriate.
- Wherever possible the person should be given a full opportunity to answer the allegation and make representations. The investigations should continue to a conclusion even if the person refuses to cooperate.

## **13 Disciplinary Process or Assessment Regarding Suitability**

The LADO and the designated senior manager should discuss and agree what action is appropriate in all cases where:

- It is clear at the outset or decided by a strategy discussion that the investigations by the police or enquiries by children's social care are not necessary.
- The employer and LADO is informed by the police or the Crown Prosecution Service (CPS) that a criminal investigation and any subsequent trial is complete or that an investigation is to be closed without charge or a prosecution discontinued.

The discussion should consider any potential misconduct or gross misconduct on the part of the staff member and take into account:

- Information provided by the police and or children's social care
- The result of any investigation or trial and the different standard of proof in disciplinary and criminal proceedings.

The options will range from no further action to summary dismissal or not using the person's services in the future.

## **14 Timescales**

Where the initial evaluation decides that the allegation does not involve a possible criminal offence it will be dealt with by the employer who should institute appropriate action within **3 working days** of the Strategy Meeting.

If a disciplinary hearing is required and it can be held without further investigation, the hearing should be held within **15 working days** of the Strategy Meeting.

Where further investigation is needed, the employer and the LADO should discuss who should undertake that. In some circumstances it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the employer to ensure objectivity.

In all cases the investigating officer should aim to provide a report within **10 working days** of the Strategy Meeting.

On receipt of the report, the employer should decide within 2 working days whether a disciplinary hearing is needed, if so the hearing should be held within **15 working days**.

## **15 Sharing Information for Disciplinary Purposes**

Consideration should be given at the beginning of any enquires to informing those involved that statements obtained and information gathered may be used in disciplinary proceedings this will enable information sharing to take place at the earliest opportunity. This will include ensuring the child and parent's are aware of this and that consent issues are dealt with as soon as possible.

If the police or CPS decide not to charge or decide to administer a caution, or the person is acquitted, the police should pass all relevant information to the employer without delay.

If the person is convicted, the police should inform the employer immediately to enable the employer to take the appropriate action.

## **16 Record keeping**

Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual.

The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for ten years if longer.

The record will provide accurate information for any future reference and provide clarification if a future CRB disclosure reveals an allegation that did result in a prosecution or conviction. This record will prevent unnecessary re-investigation if the allegation should resurface.

A copy of the letter to the individual concluding the investigation should be copied to the LADO. It should be clearly noted on this letter who it has been copied to.

Following conclusion of the allegation the LADO may discuss the case with the Senior Manager if there is a need for support or because there are learning points to develop. This discussion should be recorded. The LADO will also encourage Headteachers to share the outcomes with their Chair of Governors.

## **17 Monitoring progress**

The LADO will keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays.

The record will assist the LSCB to monitor and evaluate the effectiveness of the procedures and provide statistical information to the DCFS as required.

The police can consult the Crown Prosecution Service (CPS) at any stage regarding the evidence needed to charge a person, but they should also set target dates for



reviewing the progress of the investigation and consulting the CPS about charging, continuing or closing the investigation.

## **18 Action in respect of Unsubstantiated Concerns**

Where there is insufficient evidence to substantiate an allegation it is the employer's responsibility to consider what further action, if any, should be taken.

## **19 Action in respect of Unfounded Allegations**

Research indicates that totally false allegations are rare and may be a strong indicator of abuse elsewhere requiring further exploration. If an allegation is felt to be false, the employer, in consultation with the LADO, should refer the matter to children's social care to determine whether the child is in need of services, or might have been abused by someone else.

If an allegation has been deliberately invented or malicious, the police should be asked to consider whether any action might be appropriate against the person responsible.

## **20 Referral to DfES List 99, Protection of Children Act list. Protection of Vulnerable Adults Act List, or Regulatory Body**

This guidance should be followed until the introduction of the Vetting and Barring Scheme.

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether a referral should be made for consideration as to the individual being barred from, or have conditions imposed in respect of, working with children.

If it is agreed that a referral is required or desirable, the LADO should advise on the form and content of such a referral and whether it should be made to the Protection of Children Act List (POCA), or DfES list 99, or Protection of Vulnerable Adults Act List (POVA).

The LADO should also advise whether it is appropriate to make a referral to a professional body or regulator.

If a referral is appropriate the report should be made within one month.