

Information for Managers and Employers

Managing allegations of abuse against adults who work with children

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Introduction

This information leaflet is a brief guide about the framework for managing allegations of abuse made against a person who works with children in a paid or unpaid capacity (known as the subject). It should be followed by all organisations providing services for children and staff, carers or volunteers who work or care for children.

Common sense and judgement should be applied when dealing with allegations.

Full details of the local arrangement about managing allegations are set out in the Derby and Derbyshire Safeguarding Children procedures, located on www.derbyscb.org.uk.

What is an allegation?

Where it is alleged, or there are concerns that a person who works with children, in connection with his/her employment or voluntary activity has:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child;
- Behaved in a way that indicates s/he would pose a risk of harm if they work regularly or closely with children.

Note: All agencies must have mechanisms to identify patterns, complaints or concerns raised about a member of staff, which taken together raise suspicions of harm and therefore if a referral is needed.

Initial considerations for managers & employers

If you are concerned that an allegation fits into the above criteria, you should contact the Local Authority Designated Officer (LADO) for a discussion. The first priority is whether any immediate action needs taking to ensure a child or other children are safe.

In discussion with the LADO, four possible strands will be considered in relation to the allegation:

1. Is a referral to Children's Social Care required;
2. Has a crime been committed and this requires a referral to the police;
3. Does there need to be any immediate disciplinary action (the employer should also discuss this with their HR);
4. What the subject should be told.

What information is required?

- An account of the allegations;
- The subject's details, this might also include their family details;
- The child's details;
- If the Police have been informed, the crime reference number.

The LADO will discuss with the employer and agree what investigations are needed, by whom and how any actions are to be undertaken. They will also consult with the Police and Children's Social Care as appropriate.

Note: The employer is responsible for informing any regulatory bodies such as Ofsted and the Care Quality Commission when the allegation is against a person working in a specific sector. The employer is also responsible for making decisions about what happens to the employee. They may want to seek a written account from the accused person outlining their perspective of events leading to the allegation. If the individual wishes, this account may be shared at the strategy meeting, though they must be made aware that the Police will be present and may use this account as evidence in their investigation.

What are the possible next steps?

* No further action – it is agreed that the threshold is not met and there is clear evidence that the allegation is not a safeguarding matter, or has not occurred at all.

* Internal investigation by employer – it is agreed this does not reach the threshold for a strategy meeting. This view may change once an investigation is completed. In some cases, the employer may wish to consider commissioning an independent investigator.

* Multi agency strategy meeting – it is agreed the threshold for safeguarding is met and agencies need to formally bring together information and make a plan to agree a course of action.

Note: Decisions about suspension are made on a case by case basis and will depend on the nature and seriousness of the allegation. The LADO will offer the employer advice but only the employer can make the decision to suspend a member of staff. Most subjects are not suspended although their working arrangements may be adjusted while the allegation is addressed.

Co-ordination, review and conclusion

The LADO will continue to co-ordinate and monitor the progress of a case to ensure that it is dealt with as quickly as possible consistent with a thorough and fair process.

Outcomes

The outcomes of any LADO referral or strategy meeting will be one of the following:

Substantiated: sufficient identifiable evidence to prove the allegation;

False: sufficient evidence to disprove the allegation;

Malicious: clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;

Unsubstantiated: this is not the same as a false allegation. It means that there is insufficient evidence to prove or disapprove the allegation. The term therefore does not imply guilt or innocence.

Most staff return to the workplace and support should be offered to enable this. They may be offered advice, training, increased supervision or alternative duties. However if it is concluded that someone working with children has harmed a child, or is unsuitable to work with children, it is possible that they should be dismissed by their employer. 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 or her services, the employer must refer the case to the Disclosure and Barring Service for consideration of inclusion on the barred lists and refer to any professional body.

Supporting those involved

Employers have a duty of care to their employees and they should act to manage and minimise the stress of the allegations process. Supporting the subject is key to fulfilling this duty; it is helpful to nominate a named person to provide independent support. This includes keeping the subject informed, as agreed with the LADO. Employers should not inform subjects about the allegation before they have consulted with the LADO; in some case this may only take place after other agencies have been consulted.

Employers are reminded that they continue to have a duty of care to the child and their family.

Key Points

- Regardless of the nature of allegations and who receives the allegation, it must be reported to the LADO. This must include situations where the worker resigns. Compromise agreements are not acceptable in such circumstances.
- Unless the allegation is false the allegation should never be referred as "no further action".
- Complaints procedures are separate to the allegations process and just because someone does not wish to make a complaint, this does not mean the allegation should not be considered and investigated.