

Information for Managers and Employers

Managing abuse allegations against adults who work with children



Derby City Council

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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.

Common sense and professional judgement should also 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
- Behaved or may have behaved in a way that indicates they may not be suitable to work 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 mean a referral is needed.

Initial considerations for managers and employers

If you believe that an allegation fits into the above criteria, you should contact the Local Authority Designated Officer (LADO) for a discussion **within one working day**. The first priority however is to consider whether any immediate action needs taking to ensure a child or other children are safe; this may require contact with Emergency Health Services, Police or Social Care.

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. Are there any child(ren) at risk today;
3. Has a crime been committed and this requires a referral to the police;
4. Does there need to be any immediate management action (the employer should also discuss this with their HR);
5. What the subject should be told;
6. How any identified risk is to be managed.

What information is required?

- An account of the allegations in writing using the LADO referral form
- The subject's details, this might also include their family details;
- The child's details, including if the child has a disability;
- If the Police have been informed, the crime reference number.

The LADO will discuss with the employer and agree what investigations are needed and any actions to be undertaken. They will also consult with the Police and Children's Social Care as appropriate. The LADO or Police will confirm whether there is a need to withhold any information from the subject and/or what they may be told when. Employers should not inform subjects about the allegation before they have consulted with the LADO.

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.

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 – this may indicate that a meeting is not necessary. The LADO may agree with the Police and employer that the employer should conduct a preliminary investigation, to establish the facts, any injuries, witnesses, history of allegations against the subject or by this child. The employer may want to seek a written account from

the subject, 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 any account as evidence in their investigation. In some cases, the employer may wish to consider commissioning an independent investigator.

- A Multi agency strategy meeting will take place – 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 including the recording of a clear outcome.

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 investigated. The employer is responsible for putting in place any interim safeguarding measures, to ensure safety, ensure that safeguarding procedures are being followed and that no further incidents of harm can occur to any child/children.

Co-ordination, review and conclusion

Investigations by the employer, Police and/or Social Care will proceed if necessary following the meeting.

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. There may need to be other meetings to share information.

It is essential that the LADO chair is kept updated of the outcomes from LADO recommended actions by each agency involved.

Outcomes

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

- Substantiated: there is sufficient identifiable evidence to prove the allegation; this is on "the balance of probability" independent of any potential prosecution by the Police.

- 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.
- Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation made.

It is the employers' responsibility to update the employee of the outcome of the LADO and inform them of next steps.

The employer must then decide what action to take with the subject at work. 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 considered unsuitable to work with children, it is possible that the employer decides to dismiss or dispense with services. 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** (i) refer the case to the Disclosure and Barring Service for consideration of inclusion on the barred lists and (ii) refer to any professional body. It is a criminal offence not to do so.

Supporting those involved

Employers have (i) a duty of care to the children in their organisation ensuring any immediate welfare or safeguarding need arising out of the allegation is met and (ii) a duty of care to their employees. 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 throughout, as agreed with the LADO, and updating the subject with the outcome.

Key Points

- All allegations which fit the criteria above must be reported to the LADO. This must include situations

where the worker resigns. Compromise agreements are not acceptable in such circumstances.

- The employer is advised to record the rationale for all decisions made in respect of LADO
- Unless the allegation is false the allegation should never be referred as “no further action”.
- There are distinct procedures in place for dealing with complaints and which are separate to how allegations against professionals are managed.
- In relation to allegations being made against professionals it is a shared responsibility to determine whether the agreed threshold for LADO (see above) is met. Just because a child/ individual does not wish to make a complaint arising out of an incident with the subject, does not mean the allegation should not be shared with LADO and/or properly investigated.