

## Volunteers and supply workers

If you are a supply worker or a volunteer, the placing agency should be involved and co-operate in any investigation. If disciplinary procedures do not apply, an investigation may still be necessary to assess your suitability to work with children.

## Resignations and compromise agreements

Your employer should try to reach a conclusion regardless of whether you resign or otherwise cease to provide your services, or if you refuse to co-operate. They must not use a 'compromise agreement', i.e. allow you to resign without disciplinary action and with an agreed reference.

## Timescales

Cases should be dealt with as quickly as possible, consistent with a fair and thorough investigation. Government guidance sets out target timescales, but these will depend on factors such as the nature, seriousness and complexity of the allegation. Your case will be monitored in order to avoid unnecessary delay.

## Support

Everyone who is the subject of an allegation will find it stressful and must be offered support.

Your employer should:

- advise you to seek support from your Trade Union
- provide a named support person who will keep you up-to-date with any investigations
- provide a named support person who will keep you up-to-date with any work matters if you are suspended

It is important that you take up support and you can seek support via your GP if you are severely distressed and your health and general functioning are affected.

## Notifications

Confidentiality should be respected and people only told on a 'need to know' basis. If the matter becomes subject to speculation, your employer, after appropriate consultation, may need to issue a statement for parents, children or the public.

## Record keeping

A comprehensive summary of the case should be kept on your confidential personnel file and retained until normal retirement age or 10 years after the allegation, if longer. This includes allegations found to be without substance. You should be provided with a copy of the summary. Other agencies, if involved, will keep their own records.

## Disclosure and Barring Service (DBS)

The Disclosure and Barring Service (DBS) performs an important role in safer recruitment of people doing certain specified work or volunteering with children. The DBS will support employers in their critical role in ensuring safe recruitment practices.

Your employer, and placing agency if appropriate, has a statutory duty under the Safeguarding Vulnerable Groups Act 2006, to report you to this organisation for consideration of barring you from, or placing restrictions on you, working with children or young people, if:

- the allegation against you is substantiated and
- you are dismissed for misconduct or because you are otherwise considered unsuitable to work with children, or
- you resign before a disciplinary process is completed, and your employer considers that you may have been dismissed

If you are referred, you will be sent a letter explaining the process, including your right to make representation.

The DBS is committed to ensuring barring decisions that are made are fair, consistent and thorough, and a proportionate response to the harm occurred or posed. The DBS is aware of the impact barring or not barring a person can have, both to the person referred and to those with whom they have or could have come into contact.

For further advice and information  
visit our website:  
[www.wscb.org.uk](http://www.wscb.org.uk)

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# A guide for staff and volunteers who work with children and are faced with an allegation

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WANDSWORTH  
**Safeguarding**  
CHILDREN &  
YOUNG PEOPLE

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## Introduction

Any person working or volunteering with children at some point in their career may be the subject of an allegation. The majority of allegations against staff or volunteers relate to their behaviour in the workplace. However some concerns may relate to their personal life or the care of their own children. In some cases there may have been an allegation of abuse against someone closely associated to them and this person may pose a risk of harm to the children the staff or volunteer is responsible for.

We know that this is a distressing situation for everyone involved. This leaflet sets out what happens in these circumstances.

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## What happens when an allegation is made?

Every organisation that works with children should have a manager/CP lead responsible for progressing allegations that a child may have been harmed. When they are informed of the allegation they must contact the Local Authority Designated Officer (LADO) within 24 hours to report the concern. The criteria for making a report to the LADO are that an individual may 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
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children

The LADO will agree with the manager/CP lead how and when you will be informed of the concern and this is dependent on the nature of the allegation. If it becomes apparent at any stage that the allegation is demonstrably false then you will be informed of this and no further action will be taken.

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## What happens next?

If there is cause to suspect a child is suffering or likely to suffer significant harm, or a criminal offence might have been committed, an Allegations Against Staff and Volunteers (ASV) Meeting (previously known as a Strategy Meeting) will be held, involving police, LADO, your employer, Children's Social Care (CSC) and other agencies as appropriate. The aim of the ASV Meeting will be to share relevant information and determine whether an investigation needs to be conducted by:

- CSC under child protection procedures
- police regarding any possible criminal offences
- your employer under disciplinary/ suitability procedures
- If there are issues in your personal life, which may be relevant to your role at work, an evaluation will be made by the LADO, to decide if the information needs to be shared with your employer. If it is believed that a child is at risk of harm, details will be shared with your employer straight away and you may not be contacted before your employer is told. If there does not appear to be an immediate risk to children, it is likely that you would be offered the chance to share the information with your employer in the first instance. The LADO will then contact your employer to confirm they are aware of the concerns.

Examples of these are:

- Your child has been the subject of a child protection enquiry (Section 47)
- 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 in relation to offences of violence
- You have difficulties with drug or alcohol misuse
- There have been an allegation of abuse against a member of your household or a person closely associated to you

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## Suspension

You may be suspended from work or moved to other duties during the process of the investigation. These decisions rest with the employer and they will be guided by the LADO. Suspension or a move to other duties will always be considered when:

- there is cause to suspect a child is at risk of significant harm
- the allegation warrants a police investigation
- it is serious enough to be grounds for dismissal

If suspension is being considered, an interview should be arranged. You have the right to be accompanied by a Trade Union representative or a friend. The meeting is not an examination of the evidence but an opportunity for you to make representations concerning suspension. If you are to return to work after suspension, your employer should consider how best to manage this, e.g. mentoring.

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## Alleged criminal offence

In some instances the police may decide to proceed with a criminal investigation. You may be arrested and interviewed under caution, or invited to assist the police with their investigation. In this instance you **must** seek legal representation and this can be made available through your Trade Union, at the police station, or through a solicitor of your choosing.

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## Internal investigations

Your employer may need to conduct an Internal Management Investigation in order to proceed. It may be conducted by a senior member of staff or by an independent person, depending on the availability of resources and the nature/ complexity of the case. When there are criminal proceedings it may not be possible for the employer to complete their investigations until after the criminal proceedings are concluded.

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