WORCESTERSHIRE CHILDREN FIRST

MANAGING ALLEGATIONS GUIDANCE IF YOU HAVE ALLEGATIONS MADE AGAINST YOU

WHAT WILL HAPPEN IF AN ALLEGATION IS MADE?

Most people who work with children act professionally and aim to provide a safe and supportive environment for them. However, sometimes the behaviour of an adult who works with children does not meet expectations (employed or volunteer) as they 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 or
- 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

[Working Together 2018 and Keeping Children Safe in Education 2020]

Allegations or concerns about the behaviour of employees, foster carers or volunteers in relation to children are taken very seriously as people who work with children are in a position of trust.

Investigating allegations and The Designated Officer (LADO)

If an allegation has been made about you or concerns have been expressed about your behaviour in relation to a young person, YOUR EMPLOYER has a duty to report this to the LADO in the **area where you hold the position of trust**.

Your employer should inform you if you have been referred into the LADO service and that you may be subject to a Position of Trust meeting – the only reasons they may not do this is if it may increase the risk to a child or impede on a Police investigation. In addition, your employer will seek your views regarding the allegation against you.

If a meeting is necessary, it will be held as soon as possible after the details of the allegation have been confirmed. The meeting will discuss:

- Details of the allegation
- You and your role with children/young people
- Whether there have been any previous allegations made against you
- The child/young person making the allegation

The meeting is chaired by the LADO who oversees the allegation process. **The LADO does not investigate allegations**. You will not be involved in the meeting nor the children or their family. This is a professionals meeting.

Meetings are usually attended by:

- A representative of your employer or agency and in some case of member of human resources
- A representative from the Police
- Representatives from Health, Legal, and Children's Social Care, depending on the situation or the type of organisation you work for.

Meeting attendees will decide:

- What is required to safeguard the child/ren involved and any other children with whom you may have contact including any children of your own.
- Whether a Police and/or Social Care investigation is required or whether disciplinary procedures (including a referral to professional bodies and/or DBS) should be made
- What information can be shared with you and by whom
- What support should be provided to you and others who may be affected and by whom?

Sometimes additional Position of Trust meetings may be necessary to monitor the progress of the investigation and finally make a determination about the allegation made.

Will you be suspended?

Suspension is a neutral act not a sanction and should not be automatic. However, there may be cases where:

- There is reason to believe a child/ren has suffered or will suffer significant harm
- The allegation warrants investigation by the Police
- The allegation is so serious that it might be grounds for dismissal

You may be suspended if it is thought that your presence in the workplace could hinder the conduct of the investigation.

Where the allegation leads to the involvement of Children's Social Care and/or the Police the LADO will seek their views on suspension and let your employer know.

ONLY your employer has the authority to suspend you, they cannot be required to do so by the local authority or the Police.

Outcomes

As stated earlier there may be one meeting or more depending on the intricacy of the issues. At the final meeting, members of the POT will decide whether the allegation is:

Substantiated: where there is sufficient identifiable evidence to prove the allegation

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

Unfounded: this indicates the person making the allegation has misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances. For an allegation to be classified as unfounded, it is necessary to have evidence to disprove the allegation.

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

Further recommendations may be made in respect of disciplinary actions or support actions such as training and supervision in the workplace. Your employer should inform you of the outcome.

Substantiated allegations

If the allegation is substantiated your employer has a legal duty to refer the matter to the Disclosure and Barring Service (DBS) and any professional regulatory body. DBS has the power to decide whether you should be barred from, or have conditions imposed in respect of working with children and young people.

The relevant legislation is set out in the Protection of Freedoms Act 2012. The duty to refer to DBS remains even if you resign from your post or position as a volunteer (Working together 2018). Notification may also be made to relevant regulatory bodies as deemed necessary.

What is written about you?

Your employer has personnel records which details how the allegation was investigated, any decision reached, and actions taken.

You should clarify arrangements for retention of this information with your employer who should also inform you of what will be disclosed in future references.

DBS checks may reveal the outcome of POT meeting if the Police have attended.

The Local Authority also makes an electronic record of each referral into LADO, this is held on a secure database with restricted access.

Confidentiality

Confidentiality will be maintained and information is restricted to those who have a need to know.

Consideration should also be given to and arrangements put in place if it is likely you will come into contact with the child/ren who made the allegation.

How long will it take?

It is in everyone's interest that cases are dealt with in a timely manner, fairly and thoroughly and that unnecessary delays are avoided. Some cases will take longer because of their specific nature or complexity. LADO will aim to ensure that investigations of allegations are concluded as quickly as possible, particularly if you are suspended.

Your employer should keep you informed and updated throughout the process unless to do so would compromise a disciplinary or criminal investigation or place a child/ren at risk of harm.

Further information

The role of the Designated Officer (LADO) is set out in Working Together to Safeguard Children (2018).

Allegations against teachers, members of staff or volunteers in schools or colleges that provide education for children under 18 years are dealt with as outlined in Keeping Children Safe in Education (2020).

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