



Information for Employees and Volunteers regarding the Management of Allegations of Abuse against Adults who work with, care for, or volunteer with Children

Becoming the subject of an allegation is inevitably difficult and distressing for everyone involved and is likely to cause a great deal of anxiety and concern. We recognise that the impact on you, your family and the child concerned can be far reaching. We are committed to providing fair treatment and to achieving just outcomes for all concerned.

This guide is intended to help you to be as well informed as possible should you be faced with an allegation. It provides an explanation of the process that will be followed and offers information about appropriate support and guidance.

Some of the information contained in this leaflet only applies to employees, not volunteers. Where this is the case, this is clearly indicated. Please note that the term 'manager' could apply to your line manager, your Headteacher or another relevant manager within the school or service in which you work/volunteer, and the expressions 'child' and 'children' are used to refer to both children and young people.

What is an allegation? An allegation refers to any information or concern which suggests an adult 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, or
- Behaved in a way towards a child or children that indicates s/he may pose a risk of harm to children.

An allegation can arise in connection with your work, your own children or other children living outside the family. It can relate to a current or historical concern.

An allegation can be made in different ways;

- Directly by the child in person.
- Indirectly, for example by friend of the child.
- A complaint from a parent/carer to a member of staff/manager, Children's Social Care or the Police.
- A report from a colleague or another agency.
- Or anonymously, for example via the NSPCC.

What happens when an allegation is made? All allegations are taken seriously and acted upon. The management of allegations exists both to protect children and those who work with them. When an allegation is made, a Designated Safeguarding Lead in the organisation, Police or Children's Social Care should immediately refer to the Local Authority Designated

Officer* (LADO). The LADO is a qualified social work manager within Children's Services and gives advice and guidance to employers, organisations and other individuals who have concerns about the behaviour of an adult who works with children and young people. The LADO has overall responsibility for the management of allegations.

On being informed of an allegation, the LADO undertakes an Initial Evaluation to establish if the threshold of 'risk of harm' is met. This may be in consultation with Police and/ or Children's Social Care. Where the threshold for an investigation by another agency is not met, for employees the matter may still need to be dealt with under formal disciplinary procedures. One reason for this, is that the burden of proof in criminal cases is beyond reasonable doubt', whereas the civil threshold of 'the balance of probabilities' applies to disciplinary proceedings.

Harm is defined under the four categories of abuse; Physical, Sexual, Neglect and Emotional.

Where the threshold for 'harm' or 'risk of harm' is met, investigations may have three related, but independent, strands;

- Enquiries and assessment by Children's Social Care regarding whether a child is in need of protection or services.
- A Police investigation into a possible criminal offence.
- Consideration by the employer of whether disciplinary action is necessary.

These three strands need to be thoroughly assessed and a definite conclusion reached on each of them. The LADO will chair a 'Strategy Discussion' to plan any enquiries, allocate tasks and set timescales. This may be in the form of a meeting. The primary focus is on safeguarding and promoting the welfare of the child, but it's also about ensuring a fair process for you, as the adult. It will consider not only the children directly involved in the allegation, but also any other children who could have suffered, or are at risk of suffering, harm. This could include your own children.

Strategy Discussions/Meetings are held under Brighton and Hove's Safeguarding Children Partnership (BHSCP) procedures. They are not part of any disciplinary procedure, and you will not be invited to attend. They may take place before you have been made aware of the allegation. Those invited to the meeting include representatives from the Police and the relevant Social Care Teams, a named Senior Officer/Manager from your place of work and a Human Resources Advisor (unless you are a volunteer). Professionals involved with the child also are invited. All relevant information will be shared and together they will consider the nature, content and context of the allegation and agree the course of action to be taken.

Cases subject to Police Investigation: If a criminal investigation is required, the Police will set target dates for reviewing progress and may consult with the Crown Prosecution Service (CPS) about the investigation. If the Police and/or CPS decide either not to charge you or to administer a Caution, or if a Court acquits you, the Police will consider what information would be relevant to disclose to assist the employer with a disciplinary case.

Disciplinary Investigation: For employees a Disciplinary Investigation will take place in accordance with the Disciplinary Policy/Procedure of the employer. In some cases you will have been told to refrain from attending work. When an investigation is in progress, you may be suspended from duties. Suspension will not take place without careful thought and consideration being given to other suitable alternatives, such as a transfer of duties or

additional supervision. Suspension acts as a protection to both the child/children involved and yourself. It is to provide a neutral position and its use does not mean you are automatically considered blameworthy of the allegation.

Will anybody else be notified? Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated. However, alongside Police and Children's Social Care, there may be a need for certain people to be informed that an allegation has been made and the likely course of action. This may include, but are not limited to;

- The child/young person concerned, their parents/carers and any party making an allegation
- You – at the appropriate time
- Your manager
- In schools, the Chair of Governors
- The Local Authority Designated Officer
- Potentially the relevant regulatory body e.g. Ofsted and/or
- Your professional body e.g. the General Medical Council (GMC)
- The Disclosure and Barring Service (DBS)

Where there is concern the matter has or may become common knowledge or subject to speculation, it may become necessary to convene a media Strategy Discussion and issue a brief statement for parents, children and members of the public.

Support for Employees: You will be:

- a) advised to contact your Trade Union representative and/or professional association;
- b) offered the services of a Staff Counselling Service, if available.
- c) Employees **and volunteers** will be kept informed of the progress of the case by their line manager, or a suitable, named, person designated by them.

What happens after an investigation has taken place? You should be informed of the outcome by those agencies conducting the investigation. Police and/or Children's Social Care enquiries will be reviewed. The outcome of the allegation will be one of the following;

Substantiated: The allegation supported by evidence of proof.

Unsubstantiated: The allegation is neither proven nor disproven.

Unfounded: There is evidence that the allegation did not or could not have happened. The information may have been misinterpreted.

False: There is sufficient evidence to disprove the allegation.

Malicious: There is evidence the allegation has been deliberately invented to deceive or cause the adult harm.

Consideration will be given as to whether you pose a risk to children, and your suitability to work with children. Recommendations will be made to your employer about the level of risk and/or any training issues that may have been identified. Where an allegation has been substantiated this may not always result in dismissal, but may result in additional training and monitoring being considered appropriate.

What if I resign during the disciplinary investigation? It is important that every effort is made to reach and record a conclusion in all cases of allegations and so resignation would not prevent an allegation from being followed up. Any reference will inform potential employers to an ongoing investigation, as may an Enhanced DBS check.

What about my return to work? Where it is decided that you can return to work, your employer will consider how best to facilitate this. This may include a phased return.

Will the details of the allegation stay on my personal employment file? Details of allegations that are found to have been malicious or deliberately invented should not be retained on personnel records. A clear and comprehensive summary of all other allegations made, their chronology, and decisions reached, will be kept on file at least until you reach normal retirement age, or 10 years from the date of the allegation if this is longer.

Will the details of an allegation appear on my Enhanced DBS Disclosure Certificate? Yes if the allegation results in a criminal charge, caution or conviction. It is also possible there may be reference to substantiated allegations that did not result in a criminal charge or conviction. You have a right of appeal to both Police and the DBS regarding any disclosure.

False and Malicious allegations: Allegations deemed to be malicious or deliberately invented should be referred to the LADO. Consideration will be given to a referral to Children's Social Care. This is to rule out the possibility that the child is being abused elsewhere and displacing blame. Experience, and statistics show that false/malicious allegations are not the norm. There is often misunderstood or misinterpreted behaviour of the adult, or the child/young person is aggrieved in some way at treatment received.

If an allegation is shown to have been false or malicious, then an employer should consider whether any action, including disciplinary, should be initiated against the individual who made it. The Police may also consider further action for wasting their time (section 5(2) of the Criminal Law Act 1967) time, and/or of perverting the course of justice.

Where can I get more information?

- Chapter 8.2 - Pan Sussex Child Protection and Safeguarding Procedures
[Allegations Management Procedures](#)
- Dealing with allegations against teachers and other staff in schools
[DfE Keeping Children Safe in Education](#)
- Your Manager/Human Resources Advisor
- The Disclosure and Barring Service
<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

Key Legislation

- Children Act 1989
- Education Act 2002
- Children Act 2004 – Every Child Matters, Change for Children
- Working Together to Safeguard Children 2018
- Keeping Children Safe in Education 2018