



## 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 is may pose a risk of harm to children 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 (Working Together 2018-updated 2020)

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

An allegation can be made in a number of ways:

- Directly by the child in person;
- Indirectly, for example by friend/s of the child;
- • Complaint from a parent/carer to a Headteacher/Manager, Children's Social Care or the Police;
- Report from a colleague or another agency;
- Anonymously.

**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 has overall responsibility for the management of allegations. The LADO provides advice and guidance,

liaises with the Police, Social Care Teams, regulatory bodies such as Ofsted and other organisations as needed.

On being informed of an allegation, the LADO undertakes an Initial Evaluation to establish if the threshold of 'risk of significant harm' is met. Where it is not, or a Police or Social Care investigation is not required, for employees the matter may still need to be dealt with under 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.

**Any allegation that meets the threshold for 'harm' or 'risk of harm' will be reported to police and social care for investigation.** 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 in need of 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. To ensure this happens, the LADO will chair a 'Strategy Meeting' to plan any enquiries, allocate tasks and set timescales. The meeting's 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.

These meetings are held under the Local Safeguarding Children Board (LSCB) Procedures: they are not part of any disciplinary procedure. There may be circumstances in which the meeting could take place before you have been made aware of the allegation. Those invited to the Strategy 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 a volunteer). Representatives from Health, Early Years and Education 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 for consulting with the Crown Prosecution Service (CPS) about whether to proceed with the investigation, charge you with an offence or to close the case. 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 a disciplinary case to either the LADO or your manager.

**Disciplinary Investigation:** For employees, a Disciplinary Investigation will take place in accordance with the Disciplinary Policy/Procedure (which you will be provided with a copy of). 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 a 'neutral' act, meaning that 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 and considered. However, alongside the

Police and Social Care, there will be a need for a small number of people to be informed that an allegation has been made and the likely course of action:

- 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 Meeting 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.

Employees and volunteers will be kept informed of the progress of the case by their line manager, or suitable person designated by them.

**Will I be informed of the outcome of the Strategy Meeting?** Depending on the scope and scale of the investigation/s, more than one Strategy Meeting may be needed before an outcome can be arrived at. At the final Strategy Meeting, the outcome of Police and Social Care enquiries will be discussed with your employer and consideration given as to whether you pose a risk to children and your suitability to work with children in your current position.

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 made but the threshold for harm is not met, your manager may deal with the issue as an internal matter. Where an allegation has been substantiated this may not always result in dismissal, but additional training and monitoring may be necessary.

In the event that you are dismissed from your post because of a safeguarding concern, your employer has a statutory duty to refer you to the Disclosure and Barring Service (DBS) for consideration as to whether barring you from working with children is 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 bearing on the safety or welfare of children, and so a resignation would not prevent an allegation from being followed up. Any reference given will make reference to an ongoing investigation. In addition, your employer has a statutory duty to refer you to the Disclosure and Barring Service (DBS) for consideration to be given to barring you from working with children if you resign before a disciplinary process is completed and your manager considers that you may have been dismissed at the outcome of the process.

**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 for 10 years if that is longer. This applies even if you leave. The purpose of this record is to:

- provide clarification in cases where a future Disclosure and Barring Service (DBS) Check reveals information from the Police that an allegation was made but did not result in a prosecution or conviction;
- enable an accurate response to be given to any future request for a reference;
- prevent unnecessary re-investigation if allegations resurface after a period of time.

**Will the details of an allegation appear on my DBS Disclosure Certificate?** Yes if the allegation results in a criminal charge, caution or conviction. However, it is also possible there may be reference to an allegation that did not result in a criminal charge or conviction on a future Enhanced DBS Disclosure Certificate. Such information would be disclosed at the discretion of a senior individual within the Police Force.

**False allegations:** Allegations deemed to be malicious or deliberately invented should be referred to the LADO, and consideration will be given to a referral to Social Care for assessment. This is to rule out the possibility that the child is being abused elsewhere and displacing blame. Experience shows that false/malicious allegations are not the norm: there is often misunderstood /misinterpreted behaviour of the adult, or the child is aggrieved in some way at treatment received. In the event that an allegation is shown to have been invented or malicious, the Headteacher/Senior Manager should consider whether disciplinary action against the individual who made it is appropriate. The Police may also be asked to consider further action, taking into account the circumstances.

### **Where can I get more information?**

- Chapter 8.2 - Local Safeguarding Children Board (LSCB) Procedures - Allegations Against People who Work with Children [sussexchildprotection.procedures.org.uk](https://www.sussexchildprotection.procedures.org.uk)
- 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
- Safeguarding Vulnerable Groups Act 2006
- The Employment Act 2008
- Working Together to Safeguard Children 2015
- Keeping Children Safe in Education 2018
- The Protection of Freedoms Act 2012