



Working Together
to Safeguard Children



Bedfordshire
county council

BEDFORDSHIRE LOCAL SAFEGUARDING CHILDREN BOARD AND COUNTY COUNCIL PROCEDURES FOR MANAGING ALLEGATIONS AND CONCERNS REGARDING STAFF, CARERS AND VOLUNTEERS WORKING WITH CHILDREN AND YOUNG PEOPLE

NB These procedures must be followed. Allegations or concerns must be discussed with the Allegations Manager (Local Authority Designated Officer¹) within 1 working day. Managers must not begin any investigation prior to this discussion.

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¹ Working Together to Safeguard Children - A guide to inter-agency working to safeguard and promote the welfare of Children HM Government 2006, 6.20 – 6.30; Appendix 5
<http://www.everychildmatters.gov.uk/socialcare/safeguarding/workingtogether/>

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INTRODUCTION

Bedfordshire County Council and all LSCB partner agencies are committed to safeguarding and promoting the welfare of children². These are the umbrella procedures for dealing with any allegations or concerns regarding the suitability of adults to work with children. They are intended to be congruent with Working Together 2006 (Appendix 5) Safeguarding Children in Education 2004: Safer Recruitment and Selection in Education Settings 2005 and the Bedfordshire LSCB interagency safeguarding procedures in respect of managing allegations.

All County Level and unitary local authorities should designate officers to be involved in the management and oversight of individual cases; providing advice and guidance to employers and voluntary organisations and monitoring cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Bedfordshire County Council has appointed a Local Authority Designated Officer (LADO) to be known as the Allegations Manager to fulfil these responsibilities.

SCOPE

- 1.1 These procedures are based on the framework for dealing with allegations of abuse made against a person who works³ with children, detailed in Chapter 6 and Appendix 5 of Working Together 2006⁴, Safeguarding Children in Education 2004: and Safer Recruitment and Selection in Education Settings 2005. They should be followed by all those providing services for children and staff who work with or care for children.
- 1.2 Compliance with these procedures will help to ensure that allegations of abuse are dealt with expeditiously, consistent with a thorough and fair process.
- 1.3 These procedures must be applied when there is an allegation or concern that any 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 towards a child or children in a way that indicates s/he is unsuitable to work with children

The scope of these procedures is not limited to allegations involving significant harm, or risk of significant harm, to a child⁵. The procedures should also be followed for

² In this document, as in Working Together to Safeguard Children (2006) and the Children's Acts of 1989 and 2004, a child is anyone who has not reached their 18th birthday; 'children', therefore, means 'children and young people'.

³ Throughout these procedures 'staff' and 'work with' includes those who work with children on a voluntary basis.

⁴ Working Together to Safeguard Children - A guide to inter-agency working to safeguard and promote the welfare of children HM Government 2006

⁵ Working Together to Safeguard Children - A guide to inter-agency working to safeguard and promote the welfare of children HM Government 2006, 6.25

cases that are apparently less serious and must be seen to be followed up in an objective manner⁶.

1.4 These behaviours should be considered by the Allegations Manager (LADO) within the context of the four categories of abuse i.e. physical, sexual and emotional abuse and neglect. These include concerns relating to inappropriate relationships between members of staff and children or young people e.g:

- having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual⁷
- 'grooming'⁸, i.e. meeting a child under 16 with intent to commit a relevant offence
- other 'grooming' behaviour giving rise to concerns of a broader child protection nature, e.g. inappropriate text/ e-mail messages or images, gifts, socialising etc
- possession of indecent photographs/pseudo-photographs of children

(‘Safeguarding Vulnerable Groups Act 2006’ Schedule 3 4(1) Behaviour.)

1.5 All references in this document to ‘members of staff’ should be interpreted as meaning all staff, whether they are in a paid or unpaid capacity, are working as a permanent, temporary or agency staff, a contract worker, consultant, volunteer, approved foster carer, child minder or approved adopter, and those working on or off site.

1.6 If an allegation or concern arises about a member of staff, outside of his/her work, and this may present a risk to children for whom the member of staff is responsible, the general principles outlined in these procedures will apply. They will also apply to situations where it is discovered that an individual known to have been involved previously in child abuse is, or has been, working with children. If the member of staff lives in a different authority area to that which covers his/her workplace, liaison should take place between the Allegations Managers (LADO’s) in both areas, and a joint strategy discussion convened. In some cases, an allegation of abuse against someone closely associated with a member of staff, e.g. partner, member of the family, or other household member, may present a risk to children for whom the member of staff is responsible. In these circumstances a strategy discussion should be convened to consider:

- the ability and/or willingness of the member of staff to protect the children adequately
- whether measures need to be put in place to ensure their protection
- whether the role of the staff member is compromised

⁶ Working Together to Safeguard Children - A guide to inter-agency working to safeguard and promote the welfare of children HM Government 2006, appendix 5, 13

⁷ Sections 16-19 Sexual Offences Act 2003

⁸ Section 15 Sexual Offences Act 2003

- 1.7 Investigations will be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. Consideration will then be given to whether the matter should be dealt with in accordance with the Organised and Complex Abuse procedures as set out in the LSCB Inter-agency Safeguarding procedures, which, if applicable, will take priority.
- 1.8 Historical allegations must be responded to in the same way as contemporary concerns. It will be important to ascertain whether the person is currently working with children and if that is the case, to consider informing the current employer or voluntary organisation.
- 1.9 If an allegation relating to a child is made about a person who undertakes paid or unpaid care of vulnerable adults, consideration must also be given to the possible need to alert those who manage him/her in that role. Due consideration must be given to whether the risk to children outweighs the employee's (or volunteer's) right to confidentiality before an employer is approached. This process, and the reason for reaching any decision, must be fully documented.
- 1.10 At all stages of referral, assessment, planning and review, sensitive consideration **must** be given to issues of diversity, and disability so that they are understood and accommodated as appropriate. Children living away from home may be particularly vulnerable to abuse and neglect. They should have access to clear, effective, user-friendly complaints procedures that are readily accessible to those with disabilities and those for whom English is not their preferred language. It is important to be aware that allegations and concerns may arise in the context of complaints.
- 1.11 Organisations should give guidance instructing staff on their duty to their employer, and their professional obligation to raise legitimate concerns about the conduct of colleagues or managers. There should be a guarantee that procedures can be invoked in ways that do not prejudice the 'whistle-blower's' own position and prospects.

THRESHOLD CONSIDERATIONS

- 2.1 Concerns about the behaviour of an adult who works with children may be made in the form of a complaint or allegation. Initial consideration as to whether there are safeguarding issues should be given to all concerns before any complaints procedure is invoked. The context in which an incident is alleged to have occurred is significant in understanding whether it is a child protection concern or not. Whilst some behaviour may not constitute a criminal offence, and some may not reach the threshold of significant harm, consideration will need to be given as to whether they indicate unsuitability to work with children. This may include concerns about a person's behaviour in respect of their own children, and occasions when boundaries have been blurred, inappropriate behaviour has taken place, and matters such as fraud or deception are involved.
- 2.2 A 'position of trust' is one in which a member of staff or volunteer is in a position of power or influence over a child by virtue of the work, or nature of the activity being

undertaken. The Sexual Offences Act 2003 sets out detailed definitions and a range of criminal offences associated with abuse of such a position.

- 2.3 Suspicions regarding adults in positions of trust must always be carefully considered in terms of:
- the particular duty of care and responsibilities that they have towards any child with whom they have a relationship of trust
 - the implications that their suspected behaviour regarding one child may have for any others with whom they have a relationship of trust
- 2.4 Section 47 of the Children Act 1989 imposes a duty to cause enquiries to be made if there is reasonable cause to suspect that a child is suffering or likely to suffer significant harm. This duty applies not only in respect of suspicions regarding an identified child within a family, but also in respect of an identified or unidentified child in any other setting, and any identifiable group of children.
- 2.5 Residential social workers, teachers, foster carers, health workers in residential child care settings, hospital staff and early years workers are all prohibited by regulations and/or guidance relevant to respective settings from applying more than specified types and levels of restraint to those children for whom they are professionally responsible. Detailed guidance for schools can be found at www.dfes.gov.uk/publications/guidanceonthelaw/10-98/summary.htm
- 2.6 Volunteers who work with children are also expected to maintain standards of conduct comparable to those prescribed for colleagues in paid employment.
- 2.7 All allegations and concerns about abuse or neglect by staff, carers, approved adopters or volunteers, e.g. physical punishment, use of restraint other than that permitted by law or guidance, should be considered under these procedures.

ROLES AND RESPONSIBILITIES

- 3.1 Working Together (6.23) states that Local Authorities should designate an officer(s), to be known in Bedfordshire as the Allegations Manager to:
- be involved in the management and oversight of individual cases
 - provide advice and guidance to employers and voluntary organisations
 - liaise with the police and other agencies
 - monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.
 - provide statistical reports to the DCSF and to the LSCB

- 3.2 Each LSCB member organisation should designate a **Named Senior Officer** who has overall responsibility for ensuring that their organisation operates procedures for dealing with allegations in accordance with the guidance in Appendix 5 Working Together to Safeguard Children 2006; resolving any inter agency issues and liaising with the LSCB on the subject

In addition each LSCB member organisation should designate a **Senior Manager** to whom allegations or concerns must be reported. The Senior Manager within the organisation has overall responsibility for ensuring procedures are followed at an operational level. This person may be, or may represent the employer

- 3.3 In Children's Social Care the senior manager will be the Heads of Service.
- 3.4 In schools, this will be the Head teacher or the Chair of Governors if the concern/allegation is about the Head teacher.
- 3.5 In all other County Council directorates a senior manager should be identified to whom allegations and concerns must be reported. They in turn will consult with the Allegations Manager.
- 3.6 All other organisations employing adults who work with children should identify a senior manager to whom allegations or concerns that a member of staff or volunteer may have abused a child should be reported. Their child protection procedures should explain the role and give full contact details of the senior manager. All staff and volunteers should have the procedures explained to them and receive a copy. The procedures should also identify an alternative person to whom reports should be made in the absence of the senior manager, or in cases where that person is subject of the allegation or concern.

PRINCIPLES UNDERPINNING RESPONSES

Timeliness

- 4.1 Any allegation or concern of abuse must be dealt with fairly, quickly and consistently, in a way that provides effective protection for the child, and supports the person who is subject of the allegation. Bedfordshire's Local Safeguarding Children Board safeguarding procedures set out the timescales within which allegations of harm or potential risk of harm should be responded to.

Objectivity

- 4.2 A distinction should be drawn between the conduct of enquiries relating to a suspicion or allegation of abuse in respect of child protection processes and any necessary follow up action. It is not permissible for a member of staff to conduct (though their involvement may be required) a child protection enquiry about a suspicion or an allegation of abuse with respect to a
- relative
 - friend

- colleague, supervisor/supervisee or someone who has worked with him/her previously in any of these capacities

If, following the conclusion of child protection processes, further enquiries are pursued for the purpose of disciplinary, regulatory or complaint investigation, the senior manager will play a role. Such investigations should be arranged in a way that avoids the repeated interviewing of children or other vulnerable witnesses.

Confidentiality

4.3 Information about an allegation or concern must be restricted to those who have a need to know in order to:

- protect children
- facilitate enquiries
- avoid victimisation
- safeguard the rights of the person about whom the allegation has been made and others who may be affected
- manage disciplinary/complaints aspects

The police do not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. In any exceptional case where the police may depart from that rule e.g. an appeal to trace a suspect, the reasons should be documented, and all partner agencies consulted beforehand.

In each case the Allegations Manager with other agency representatives must consider at the strategy meeting media considerations and whether and if so which agency's media units should be alerted to and/or involved with a view to preparing a media strategy. Information about an allegation or concern may 'leak out' unofficially into a local community, and police and social care staff involved in any investigation should be alert to this possibility.

Support

4.4.1 Support for Child Parents / Carers

- At the strategy meeting consideration needs to be given in consultation with the Allegations manager how the parents/carers are to be informed about the process and progress of managing the allegations and that an outcome has been reached.
- Parents/carers should then be informed of the allegation as soon as possible provided provision of information and advice does not impede the enquiry, disciplinary or investigative processes. In some circumstances the parents/carers may need to be told immediately e.g. the child requires medical treatment.
- The parents/carers, and the child, if sufficiently mature, should be helped to understand the processes involved and be kept informed about the progress of the case, and the outcome, including where there is no criminal prosecution. This will include the outcome of any disciplinary process but not the deliberations of, or the

information used, in a hearing. In deciding what information to disclose, careful consideration should be given to the Data Protection Act 1998, the law of confidence, and where relevant, the Human Rights Act 1998. Legal advice should be sought if there is any doubt about the information to disclose.

- In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care or the police, as appropriate, should consider what support the child or children involved may need.¹⁰

4.4.2 Support for the person subject of the allegation

- The subject of the allegation should not be informed until discussion with the Allegations Manager has taken place as this may impede the investigation.
- The Allegations Manager will establish whether the police and/or social care staff involved in any investigation want to impose restrictions on the information that can be provided.
- Once the decision has been made to inform the person, the employer should keep the subject of the allegation informed of the progress in the case, and arrange to provide appropriate support to the individual while the case is ongoing. Where appropriate, this may include support via Occupational Health or employee welfare arrangements where those exist. If the person is suspended, the employer should make arrangements to keep the individual informed about developments in the workplace. If the person is a member of a Trades Union or Professional Association, they should be advised at the outset to contact that body.
- The person subject of the allegation should be treated fairly and honestly, and be helped to understand the concerns expressed, and the processes involved.
- The Allegations Manager will ensure that all relevant regulatory bodies are informed of any allegations or concerns and that a representative is invited to take part in any subsequent strategy discussion.

Suspension

4.5.1. Suspension is a neutral act and should not be automatic. It should be considered in any case where:

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

4.5.2 The possible risks to children should be evaluated and managed in respect of the child/ren involved and any other children in the individual's home, work or community

¹⁰ Working Together to Safeguard Children - A guide to inter-agency working to safeguard and promote the welfare of children HM Government 2006, Appendix 5.4

life. The employer must not suspend people without careful thought. The Allegations Manager will canvass the views of the police and social care, and inform the employer in respect of the suspension of the individual from contact with children but only the employer has the power to suspend an employee, and cannot be required to do so by any other agency.

4.5.3 A decision to suspend or temporarily re-deploy staff rests exclusively with the employing agency (school governing body in the case of a school), which should consider:

- the safety of the children
- any impact on the enquiry
- if a suspended person is to return to work, appropriate help/support and supervision arrangements should be offered and put in place eg. a phased return and/or provision of a mentor, and how to manage contact with any child/ren who made the allegation.

Monitoring

4.6.1 The Allegations Manager will monitor and record the progress of each case, either via review strategy discussions or by liaising with police and/or social care colleagues, or employer as appropriate.

4.6.2 The timescale for the review of progress will be either fortnightly or monthly depending on the complexity and circumstances of the case. This will normally be decided at the initial strategy discussion.

4.6.3 If the strategy discussion/ initial evaluation has decided that a police investigation is required, the Police Child Abuse Investigation Unit (CAIU) should also set a target date for reviewing the progress of their investigation, and the consultation with the Crown Prosecution Service as to whether to charge the individual, continue to investigate, or to close the investigation. Whenever possible that review should take place within four weeks of the decision (usually made in the initial strategy discussion) to initiate a criminal investigation. The police should inform the Allegations Manager of the decisions made, and where target timescales cannot be met, the Allegations Manager must record the reasons.

Target Timescales

4.7. It is in everyone's interest for cases to be dealt with as quickly as possible consistent with a fair and thorough investigation. Timescales (which are not performance indicators) will depend on nature, seriousness and complexity of allegation/s. In general the following timescales should be achieved:

- 80% of cases should be resolved within one month
- 90% within three months

- All but the most exceptional should be completed within twelve months. It is unlikely that cases requiring criminal prosecution or complex police investigation can be completed in less than three months.

Recording

- 4.8.1 Full details of the case and the processes followed will be kept by the Allegations Manager. All allegations must be recorded clearly and accurately. Access to this data will be confined to those who have a need to know.
- 4.8.2 The Senior Manager in consultation with the relevant HR department will compile a comprehensive summary of the case record which includes detail of allegations made, how they were followed up and resolved, any action taken and decisions reached will be kept on the person's confidential personnel file, and a copy given to the individual. Such information will be retained on file, including for people who leave the organisation, at least until the person reaches normal retirement age, or for ten years if that is longer. The purpose of the record is enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where a future CRB Disclosure reveals information from the police that an allegation was made but did not result in a prosecution or a conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.

Process

5.1 Reporting concerns/allegations

- 5.1.1 A clear signed, dated and timed written record of any allegation or concern should be made, as near verbatim to what was reported as possible. All allegations or concerns that appear to meet the criteria in paragraph 1.3 must be discussed with the Allegations Manager within 1 working day of receipt.
- 5.1.2 An allegation against a member of staff may arise from a number of sources, e.g. a report from a child, a concern raised by another adult, a complaint by a parent or carer or to another agency, such as the Police or Children's Services
- 5.1.3 The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

He/she should not:

- investigate or ask leading questions if seeking clarification
- make assumptions or offer alternative explanations
- promise confidentiality, but give assurance that the information will only be shared on a 'need to know' basis

- the recipient of an allegation must **not** unilaterally determine its validity, and failure to report it in accordance with procedures is a potential disciplinary matter

He/she should:

- make a written record of the information (where possible in the child/adult's own words) including the time, date and place of incident(s), persons present and what was said.
- clearly sign and date the written record
- immediately report the matter to the line manager who in turn will discuss with the senior manager as described in their own internal agency procedures. Within a school this will be the head teacher. If this manager is implicated in the allegation, the concern must be reported to a senior manager or the designated/named person for child protection in that agency (see 3.2, above). Within a school this will be the Chair of Governors

5.1.4 Any member of staff who believes that allegations or suspicions which have been reported to the appropriate manager are not being investigated properly has a responsibility to report it to a higher level in his/her agency or directly to the Allegations Manager.

5.15 Where there are immediate concerns about a child's safety a referral directly and without delay to the Police and /or Children's Social Care should be made and not delayed until the Allegations manager is available. The Police and Children's Social Care will in turn consult with and notify the Allegations Manager of the need for their involvement.

Initial Consideration of Allegation

5.2.1 These procedures need to be applied with common sense and judgement. Some allegations will be so serious as to require immediate referral to the Allegations Manager and the Police and Social Care for investigation. Others may appear at first to be much less serious. It is important though to ensure that even apparently less serious allegations are followed up, and are examined objectively by someone independent. Consequently the Allegations Manager should be informed of **all** allegations that satisfy the criteria in paragraph 1.3. The Allegations Manager should also be informed of any allegations that are made directly to the police (which should be communicated directly by the designated police officer) or to any area of Children's Services.

The immediate priority must be to determine whether a child(ren) has/have suffered or is/are at risk of significant harm and/or is in need of protection. If this appears to be the case and is the result of action or inaction by a person who works with and/or has contact with a child or children, there should be an immediate referral to the Allegations Manager. Following consultation with the Allegations Manager, the Allegations Manager will make a prompt referral to Children's Social Care in accordance with the agreed procedures established by the LSCB. In the event that

the Allegations Manager is unavailable and there is an identified immediate risk of harm to a child then a referral to Children's Social Care should be made.

5.2.2. When informed of a concern or allegation, the manager must not investigate the matter or interview the member of staff, child concerned or potential witnesses. He/she must:

- obtain written details of the concern/allegation, signed and dated by the person receiving (not the child/adult making the allegation)
- countersign and date the written details
- record any information about times, dates and location of incident(s) and names of any potential witnesses
- record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions
- ascertain details, including date of birth and address, of the child(ren) and person(s) accused as far as possible
- report the concerns immediately to the senior manager of their agency

5.2.3 If an allegation requires immediate attention, but is received outside normal office hours, the manager should consult the social care emergency duty team or local police and inform the Allegations Manager within 1 working day.

5.2.4 There are up to 3 strands in the consideration of an allegation or concern:

- a police investigation of a possible criminal offence
- social care enquiries and/or assessment about whether a child is in need of protection or services;
- consideration by an employer of disciplinary action

5.2.5 The Allegations Manager and line manager and/or senior manager will consider first whether further details are needed and whether there is evidence or information that establishes that the allegation is within the scope of these procedures and may have some foundation. Care should be taken to verify dates, times, locations and identity of the member of staff.

5.2.6 If there is cause to suspect that a child is suffering or is likely to suffer significant harm, the Allegations Manager will convene an immediate strategy discussion with Police and the appropriate social care team.

5.2.7 The Police will be consulted about any case in which a criminal offence may have been committed. If the threshold for significant harm is not reached, but a police investigation might be needed, the Allegations Manager will immediately inform the police and conduct an initial evaluation. This could involve discussions and

information sharing with Children's Social Care, any other agencies involved with the child to evaluate the allegation and decide on any other action needed e.g. the need for disciplinary action. These discussions may be conducted by telephone or may require a face-to-face meeting, depending on the complexity of the circumstances.

- 5.2.8 If clear from the outset, following initial consideration or from the conclusions of the evaluation discussion, that neither the Police nor Children's Social Care need to be involved, the Allegations Manager will discuss next steps with the employer .
- 5.2.9 This discussion must take account of any information provided by the Police and Children's Services.
- 5.2.10 In the event that the allegation is against an adult who works for an agency or organisation commissioned by another agency i.e. Children's Social Care or PCT, it is essential that:
- at the earliest opportunity the commissioning agency is informed of the concern / allegation by the Allegations Manager, kept informed of any subsequent actions and invited to any initial evaluation/strategy meetings as appropriate
 - the senior officer / senior manager of the commissioned service informs those responsible for commissioning the service of the concern / allegation.

This will ensure that key decisions in relation to current and future provision of services by an individual and/or agency can be made on an informed and negotiated basis between all partners.

Managing Issues relating to the Subject of the Allegation

- 5.3.1 The Allegations Manager will always first contact the Police and Social Care if either agency is likely to be involved or a strategy discussion is needed in order to agree what information can be disclosed. The employer, as soon as possible, following briefing from the Allegations Manager, and when the outcome of an initial evaluation and /or strategy meeting is known unless to do so would jeopardise a criminal investigation should inform the subject of the allegation/s.
- 5.3.2 Human Resources should be informed by the employer or by the Allegations Manager and be invited where appropriate to the strategy discussions in order to respond to any action required and be aware of any potential disciplinary investigations.
- 5.3.3 Resignations and compromise agreements
- The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to co-operate with the process. Wherever possible, the person should be given a full opportunity to answer the allegation

and make representations about it. The process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available, should continue, even if that cannot be done or the person does not co-operate. It may be difficult to reach a conclusion in these circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

- So-called 'compromise agreements' – by which a person agrees to resign, the employer agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference – must not be used in these cases. Such an agreement would not prevent a thorough police investigation where appropriate, nor can it override an employer's statutory duty to make a referral to the Protection of Children Act List or DCSF List 99 where circumstances require it.¹¹

STRATEGY DISCUSSIONS

6.1 Wherever possible, the first strategy discussion will take the form of a meeting, but on occasions a telephone discussion may be justified. It should be held within three working days of receipt of the allegation or concern. However, interventions to protect the child must not be delayed if there is a risk of serious harm. The following is a list of possible participants:

- Allegations Manager to chair (if a strategy meeting)
- Detective Sergeant
- Senior Manager of the organisation of the worker concerned (Headteacher or Chair of Governors in schools)
- Human Resources representative
- Legal adviser (where appropriate)
- Supervising social worker and their manager when an allegation is made against a foster carer or approved adopter
- Those responsible for regulation and inspection where applicable e.g. Ofsted

The Allegations Manager will keep a copy of the minutes of such meetings with the case records.

Other possible participants may include:

¹¹ Working Together to Safeguard Children - A guide to inter-agency working to safeguard and promote the welfare of children HM Government 2006, Appendix 5.7

- Consultant paediatrician
- Lead/named/designated professional for child protection for the agency in question
- A representative of the other Local Authority if the child is placed or alleged perpetrator is resident there
- Complaints officer if the concern has arisen from a complaint, or a complaint investigation is in progress

6.3 Where, in exceptional circumstances, the representative of an agency is clearly implicated through an accusation of collusion or failure to respond to previous complaints, it may not be appropriate for him/her to attend the strategy meeting. In these cases the Allegations Manager should discuss the issue of attendance with the Police and Social Care and relevant agencies to agree a position.

6.4 The strategy discussion will:

- decide whether there should be a s.47 enquiry and/or police investigation and consider the implications
- consider whether any parallel disciplinary process can take place and agree protocols for sharing information
- consider the current allegation in the context of any previous allegations or concerns in respect of the individual, the establishment and its leadership.
- where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children
- consider whether a complex abuse investigation is applicable
- plan enquiries if needed, allocate tasks and set time-scales
- decide what information can be shared, with whom and when
- make an initial consideration of suitability to work with children
- consider the need for a media strategy

6.5 This, or a subsequent, strategy discussion should also:

- ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed
- make arrangements to ensure the safety of children known to the individual outside of the workplace
- consider what support should be provided to all children who may be affected

- consider what support should be provided to the member of staff and others who may be affected
- make arrangements to inform the child's parents/carers, and consider how to involve them in the investigation, and provide support and information during the process of enquiries
- consider the safety of children after the enquiry
- consider (where relevant) which other Local Authorities should be informed
- ensure that investigations are sufficiently independent
- make recommendations where appropriate regarding suspension, or alternatives to suspension
- consider linkage and impact on industrial relations, personnel issues, registration and complaints issues
- agree protocols for reviewing investigations and monitoring progress by the Allegations Manager, having regard to the target timescales
- consider the need to interview other members of staff and ex-members of staff
- consider the implications for the future of the establishment where it is considered that abuse or inappropriate behaviour has pervaded the whole staffing group with the involvement or collusion of managers
- consider possible claims for compensation and alert insurers
- consider the need to notify the Chief Executive / Named Senior Officer of the employing agency
- identify the information to be shared with the alleged abuser
- agree how any anticipated media interest will be managed
- investigating agencies to consider the resource implications indicated by the size of the enquiry
- agree which manager within each agency will be responsible for co-ordinating the investigation
- consider reports for consideration of barring
- consider risk assessments to inform the employer's safeguarding arrangements
- agree dates for future strategy discussions (preferably within one month of the referral being received with a view to concluding the enquiry as soon as possible)

- agree frequency of review of the case.
- 6.6. Actions arising from the strategy meeting should be approved by the chair and circulated within one working day and full minutes circulated within 5 working days
- 6.7 It is important to note that the responsibility for managing the section 47 enquiry, the allocation of resources and any actions arising from the decision to proceed with s 47 enquiries rests with the operational manager Children's Social Care in conjunction where there is a criminal investigation with the Police.
- 6.7 A final strategy discussion should be held at the end of enquiries to:
- to ensure that all tasks have been completed and
 - provide relevant information from Police and/or Children's Services to the employer for disciplinary purposes
 - identify what information will be recorded by the police for the purposes of future CRB checks
 - where appropriate, agree an action plan for future practice based on lessons learnt

CONDUCT OF THE ENQUIRY

- 7.1 The enquiry should take into account any signs or patterns that could suggest the abuse may be more widespread than it appears, and involves other alleged perpetrators or institutions. Serious consideration must be given to invoking the organised Complex Abuse procedures contained within the Bedfordshire LSCB Safeguarding Procedures 2006.
- 7.2 During the course of the enquiries the chair of the strategy meeting who will usually be the Allegations Manager or the person deputising on their behalf must be provided with regular progress reports as agreed at the initial strategy meeting.

INFORMATION SHARING

- 8.1 In the strategy discussions/meetings and evaluation discussions/meetings those concerned should share all information they have about the subject of the allegation and about the alleged victim.
- 8.2 Wherever possible, the police should obtain consent from the individuals concerned to share statements and evidence they obtain for disciplinary purposes with the employer and/or regulatory body. This should be done as the investigation proceeds, rather than at its conclusion, so as to enable police/CPS to share information those agencies may consider relevant without delay when the investigation or any court case is over. If consent is denied, police will have to request it formally and may need to consult the police legal services.

- 8.3 Children's Services will adopt a similar procedure when making enquiries to determine whenever the child/ren named in the allegations is in need of protection or support services, so that any information obtained in the course of those enquiries, and relevant to a disciplinary case, can be passed to employers without delay.
- 8.4 If the person is convicted, the police should also inform the employer immediately so that appropriate action can be taken.

ACTION FOLLOWING S.47 ENQUIRY &/OR CRIMINAL INVESTIGATION

- 9.1 The Police or CPS should inform the employer and Allegations Manager straightaway when:
- A criminal investigation and any subsequent trial is complete
 - It is decided to close an investigation without charge
 - It is decided not to prosecute after the person has been charged
- 9.2 The information provided by the Police and/or Children's Services should inform a consequent discussion between the Allegations Manager and employer of the next steps which may include:
- no further action
 - unsuitable behaviour has taken place - further investigation to decide how to proceed (action to be agreed with employer)
 - disciplinary action (usually undertaken by the employer, though he/she may need to commission an independent investigation, dependent on resources and the nature and complexity of the allegation)
 - summary dismissal
 - decision not to use the person's services in the future
- 9.3 If it is decided on conclusion of the case that a person who has been suspended can return to work the employer / senior manager should consider how best to facilitate that. Help and support should be offered, including options of a phased return to work, and/or the provision of a mentor to provide assistance and support in the short term as appropriate. (see paragraph 4.4.2).
- 9.4 The discussion should take into account the different standard of proof in disciplinary (balance of probabilities) and criminal proceedings (beyond all reasonable doubt).
- 9.5 If formal disciplinary action is not required, appropriate action should be instituted within three working days.

- 9.6 If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within fifteen working days.
- 9.7 If further investigation is required to inform consideration of disciplinary action, the employer should discuss with the Allegations Manager who is best positioned to undertake it (in some settings and circumstances, it may be appropriate for the disciplinary investigation to be conducted by a person independent of the employer or the person's line management to ensure objectivity). In any case, the investigating officer should aim to provide a report within ten working days.
- 9.8 On receipt of the above report, the employer should decide within two working days whether a disciplinary hearing is needed, and if so, it should be held within fifteen working days.
- 9.9 In any case in which Children's Services has undertaken enquiries to determine whether children are in need of protection, the employer should take account of any relevant information obtained in the course of these enquiries when considering disciplinary action.
- 9.10 The Allegations Manager should continue to liaise with the employer to monitor progress, and advise/support where appropriate.

ACTIONS IN RESPECT OF SUBSTANTIATED ALLEGATIONS

- 10.1 If the allegation or concern is substantiated and, on conclusion of the case, the employer dismisses the person, ceases to use the person's services, or the person ceases to provide his/her services, the employer should consult the Allegations Manager about whether a referral to the PoCA list or DCSF List 99 is required, or advisable, and the form and content of such a referral.
- 10.2 The Allegations Manager should also advise whether it is appropriate to make a referral to a professional or regulatory body e.g. General Social Care Council, General Medical Council, OfSTED etc.

If a referral is appropriate the report should be made within one month of the conclusion of the case.

ACTION IN RESPECT OF UNSUBSTANTIATED OR FALSE ALLEGATIONS

- 11.1 When it is concluded after enquiries that there is insufficient evidence to determine whether the allegation is substantiated, the chair of the strategy meeting will ensure that relevant information is passed to the employer. The relevant senior manager of that agency will consider what further action, if any, should be taken in consultation with the Allegations Manager.
- 11.2 The member of staff concerned must be notified in writing of the outcome and the child and his/her parents/carers should also be informed that an outcome has been reached. However information cannot be shared fully following teachers' disciplinary hearings. In deciding what information to disclose, careful consideration should be

given to the Data Protection Act 1998, the law of confidence, and where relevant, the Human Rights Act 1998. Legal advice should be sought if there is any doubt about the information to disclose.

11.3 Consideration must be given to:

- Any support the staff member may need
- The provision of support or counselling to the child, and if appropriate, to his/her parents/carers, taking full account of the child's needs if a seemingly false or malicious allegation has been made. False allegations may be an indicator of abuse elsewhere which requires further exploration.
- How to manage any future contact between the member of staff and the child/ren who made the allegation

11.4 In the rare event that an allegation is shown to have been deliberately invented or malicious, the police should be asked to consider whether any action might be appropriate against the person responsible.¹²

DISCIPLINARY PROCEDURES

12.1 Any disciplinary process must be clearly separated from child protection enquiries. Child protection enquiries take priority over any disciplinary investigations, and will determine whether the investigations are carried out concurrently.

12.2 The fact that there may be insufficient evidence to support a police investigation or prosecution should not prevent any action being taken that is necessary to safeguard a child's welfare.

12.3 It may be the allegation was prompted by inappropriate behaviour, not considered sufficiently harmful under the child protection procedures, but consideration of suitability to work with children and/or action under disciplinary procedures might be required.

12.4 All possible steps should be taken to avoid repeat interviewing of a child.

LEARNING LESSONS

13.1 If an allegation is substantiated, the employer should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice to help prevent similar events in the future.

13.2 Consideration should be given by the Allegations Manager as to whether the circumstances may meet the criteria for a Management Review or Serious Case Review.

¹² Working Together to Safeguard Children - A guide to inter-agency working to safeguard and promote the welfare of children HM Government 2006, Appendix 5.30

ALLEGATIONS AGAINST ALL ADULTS WORKING IN AN EDUCATION SETTING (Maintained & Independent Schools, FE Colleges & Education Establishments)

- 14.1 All education establishments should have clear procedures for dealing with allegations and all staff should understand what to do if they receive an allegation against another member of staff, or if they themselves have concerns about the behaviour of another member of staff. (*Ref. 5.2 Safeguarding Children & Safer Recruitment in Education 2007*). Education establishments must also comply with the guidance outlined in this document.
- 14.2 If an allegation is made against any staff member or volunteer of a school or educational establishment, the head teacher should be informed. Where the allegation is against the head teacher the Chair of Governors should be informed. (the Proprietor of an independent school, Chair of the Corporation for an F.E. College)
- 14.3 All concerns or allegations, from whatever source, which relate to an allegation against a staff member of a school or education establishment must follow the procedures outlined above.
- 14.4 The Head teacher/ Chair of Governors should ensure the immediate safety of the child and follow the above process (see s5) by contacting the Allegations Manager. The Head teacher/ Chair of Governors will also need to establish if the incident was part of the school disciplinary process for students or pupils and the entitlement of staff to use reasonable force to control or restrain children in accordance with the law (*Education & Inspections Act 2006 S 85-93*).
- 14.5 Head teachers and Chairs of Governors will be expected to follow the above process and procedures as outlined in these procedures. No investigation must take place before consulting the Allegations Manager.
- 14.6 Detailed procedures for managing allegations against staff within educational settings is set out in the School Handbook.

ALLEGATIONS AGAINST ADULTS WORKING IN A SOCIAL CARE SETTING

- 15.1 If an allegation is made about any staff member employed by Children's Services, the relevant senior manager for the service area in which the person is employed must inform the Assistant Director who will liaise with the Allegations Manager and ensure that an appropriate senior manager attends the strategy meeting and is kept informed of the process.
- 15.2 Achieving an appropriate degree of independent scrutiny over process and an independent element in the investigation may involve:
- Appointment of external independent investigators to supplement or replace the team and/or oversee the process.

- Use of staff within the organisation who are sufficiently separate from the line management of those against whom the allegation is made
- A reciprocal arrangement with another Local Authority

15.3 Allegations against agency staff should also be dealt with by following the procedures outlined above. The employing agency must (following receipt of legal advice with respect to confidentiality and preservation of the integrity of the investigation) be informed of the allegation and the outcome of the enquiry.

In the event that the allegation is against an adult who works for an agency of organisation commissioned by another agency i.e. Children's Social Care or PCT, it is essential that:

- at the earliest opportunity the commissioning agency is informed of the concern / allegation by the Allegations Manager, kept informed of any subsequent actions and invited to any initial evaluation /strategy meetings as appropriate.
- the senior officer / senior manager of the commissioned service informs those responsible for commissioning the service of the concern / allegation.

This will ensure that key decisions in relation to current and future provision of services by an individual and/or agency can be made on an informed and negotiated basis between all partners.

15.4 Where an allegation concerns a member of staff working in a regulated environment, OfSTED and the Commission for Social Care (CSCI) must be notified of any action taken under the child protection procedures in any residential establishment.

15.5 Allegations against volunteers should be dealt with in a manner that is consistent with the principles and procedures outlined within these procedures.

The organisation using the volunteer should (following receipt of legal advice with respect to confidentiality and preservation of the integrity of the investigation) be informed of the allegation and the outcome of the enquiry.

ALLEGATIONS AGAINST ADULTS WORKING IN AN UNDER 8s SETTING

16.1 This setting-specific guidance refers to people working in the following environments or roles:

- Registered child minders
- Family and Children's Centres
- Day nurseries
- Pre-schools
- Playgroups
- Holiday and out-of-school schemes

16.2 Child minders and everyone working in day care services should know how to recognise and respond to the possible abuse or neglect of a child. Private, voluntary and Independent day care providers caring for children under the age of eight must be

registered by Ofsted, and should have a written statement based on procedures laid out in the booklet 'What to do if you're worried a child is being abused- Summary', and LSCB guidelines. This statement should clearly outline procedures to be followed in the event of an allegation being made against a member of staff or volunteer.

- 16.3 When Children's Social Care become aware of any allegation regarding a registered child minder or a member of staff in a day care setting, they must inform the regional OfSTED Complaints Investigation and Enforcement Team.
- 16.4 Where the allegation concerns the registered provider, is about a member of a registered childminder's family or household, or is about the manager of a registered day provision, a member of Ofsted staff must be invited to the strategy discussion.
- 16.5 Assessment and planning must include consideration of all children using the child minder, as well as implications for any children that have used the facility in the past, and the child minder's own children
- 16.6 Responses to private child minders should be as for any other member of the public.
- 16.7 The Head of Commissioning, Early Years and Extended Services team should always be contacted whenever there is an allegation or concern about an early years setting.
- 16.8 OfSTED'S Compliance Investigation and Enforcement officers will undertake investigations when doubts are raised about the suitability of a person to work with children when the threshold for significant harm is not reached.

These investigations are mandated by National Standards for Under Eights Day Care and Child Minding, and are underpinned by guidance and case law. There is a prohibition on corporal punishment, and physical intervention with a child is only permissible in a situation where it is necessary to prevent personal injury to a child, an adult or serious damage to property. This prohibition covers any person looking after a child on the premises, any person in charge or any person living or working on the premises. 'Reasonable chastisement' is not a reasonable excuse in any of the above contexts.

OfSTED have a range of powers they can bring to bear if their investigations indicate on a 'reasonable cause to believe' basis that a person's suitability to provide day care to children is compromised. The Care Standards Tribunal views the 'reasonable cause to believe' test as falling somewhere between the balance of probability test and 'reasonable cause to suspect' in Section 47 of the Children Act 1989.

ALLEGATIONS AGAINST FOSTER CARERS and ADOPTERS

- 17.1. The general principles and processes outlined in these procedures apply to all allegations and concerns about suitability to work with children concerning foster carers and prospective adopters. Specific procedures in relation to managing allegations against foster carers are contained within the document entitled: **Procedures for safeguarding and promoting the welfare of children and young people placed away from home including those with foster carers (2008).**

17.2 Procedures governing the management of allegations concerning prospective adopters, children placed for adoption and those receiving adoption support services are contained within separate procedures entitled: **Procedures for managing allegations in respect of children placed for adoption or receiving adoption support services (2008).**

ALLEGATIONS AGAINST STAFF IN THEIR PERSONAL LIVES.

18.1 If an allegation or concern arises about a member of staff outside of their work with children, and this may present a risk of harm to children for whom the member of staff is responsible, the general principles outlined in these procedures will apply.

18.2 The strategy discussion should decide whether the concern justifies:

- Approaching the members of staff's employer for further information in order to assess the risk of harm and /or
- Inviting the employer to a further strategy meeting about dealing with the possible risk of harm.

18.3 If the member of staff lives in a different authority to that which covers their workplace, liaison should take place between the relevant agencies in both areas and a strategy meeting convened if appropriate.

18.4 In some cases an allegation against someone closely associated with a member of staff eg a partner, member of the family, may present a risk of harm to children for whom the member of staff is responsible. In these circumstances a strategy meeting/ discussion should be convened to consider:

- The ability and /or willingness of the member of staff to adequately protect the child
- Whether measures need to be put in place to ensure their protection
- Whether the role of the member of staff is compromised

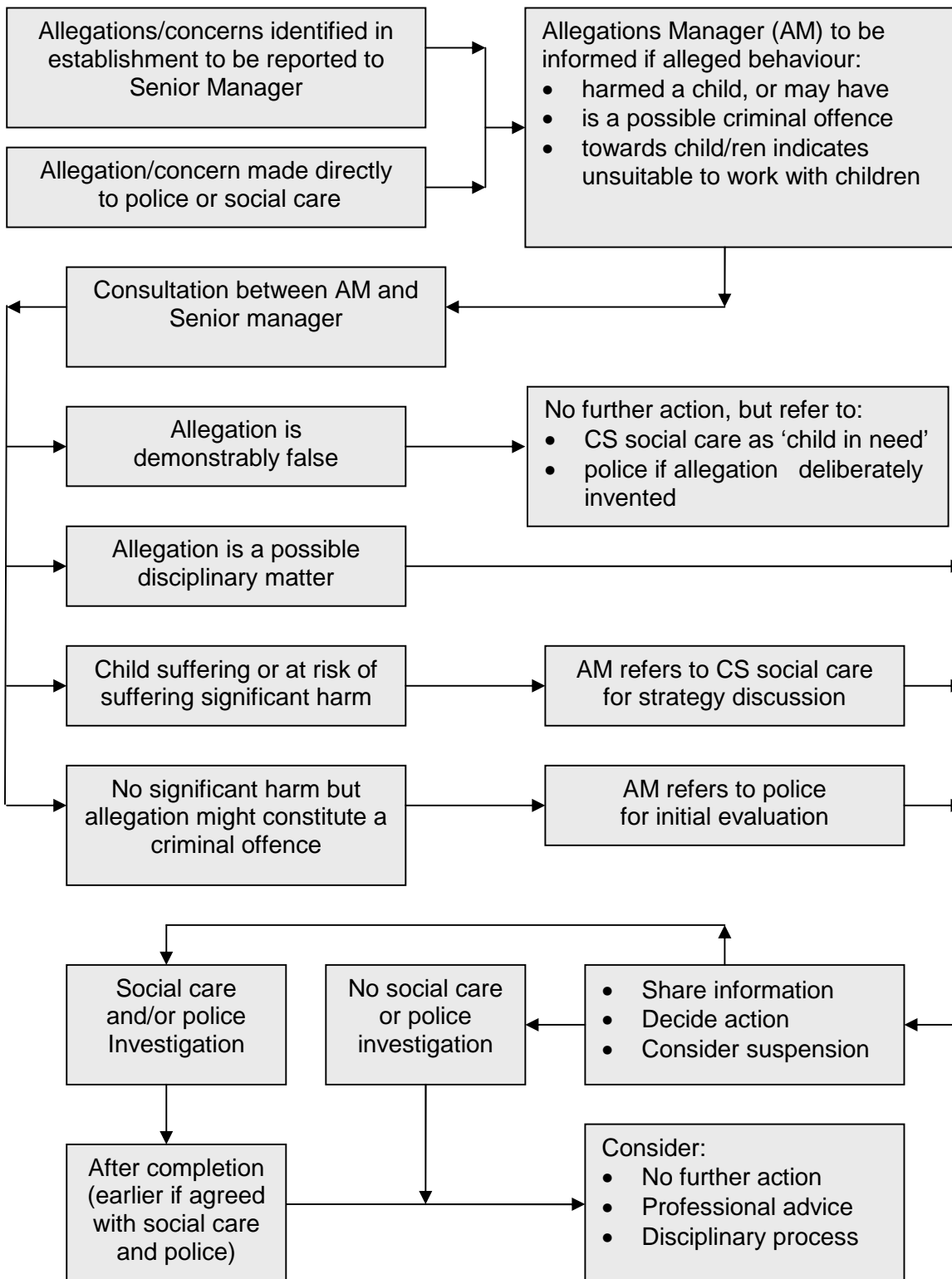
and dependent on the outcome of the above take appropriate steps as necessary.

WHISTLE BLOWING

19.1 All staff should be aware of their agency's organisations whistle blowing policy and be able to voice concerns about the attitude or actions of colleagues.

19.2 If a member of staff believes a reported concern or allegation is not being dealt with appropriately and falls within the remit of these procedures they can report the matter to the Allegations Manager.

ALLEGATIONS/CONCERNS AGAINST STAFF AND VOLUNTEERS CHILD PROTECTION PROCESS



ALLEGATIONS/CONCERNS AGAINST STAFF AND VOLUNTEERS DISCIPLINARY/SUITABILITY PROCESS

