

Allegations of abuse against people who work with children

Staff members who have concerns about the behaviour of a colleague towards a child are undoubtedly placed in a very difficult position. They may worry they have got the situation wrong. All staff must remember that the welfare of the children is paramount. This policy allows staff to raise concerns or an allegation knowing it is in confidence. All concerns should be reported to the designated lead practitioner which is Rebecca Owen or Deputy's Clare Gillies or Clare Cartlidge. If the complaint should be such that it is about the deputy, staff should report to the lead practitioner Rebecca Owen, however if the concern is about the lead or anybody acting as the lead staff this should be reported to the designated trustee, Kelly Cooke.

We ensure staff, volunteers and anyone working in the setting knows how to raise concerns that they may have about the conduct or behaviour of other people including staff/colleagues. We also differentiate between allegations, and concerns about the quality of care or practice and complaints and have a separate process for responding to complaints.

Specifically, the question should be asked as to whether the allegation or concern possibly meets any one of the following thresholds:

- 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
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

The issues in regard to the third and fourth bullet points, whether a person has behaved in a way that indicates they may pose a risk of harm to children or may not be suitable to work with children, may relate to a specific act, or an accumulation of concerns, including behaviours occurring outside of the workplace which invite a judgement in respect of the compatibility of such behaviours with their work role. For example, has a person in a position of trust working with children:

- Contravened or has continued to contravene any safe practice guidance given by his/her organisation or regulatory body;
- Exploited or abused a position of trust;
- Acted in an irresponsible manner which any reasonable person would find alarming or questionable given the nature of work undertaken;
- Demonstrated a failure to understand or appreciate how his/her actions or those of others could adversely impact upon the safety and wellbeing of a child;
- Demonstrated an inability to make sound professional judgements which safeguard the welfare of children;
- Failed to understand or recognise the need for clear personal and professional boundaries in his/her work;
- Behaved in a way in his/her personal life which could put children at risk of harm;
- Become the subject of criminal proceedings not relating to a child but which may indicate risk to children e.g. assault, domestic violence, sexual offences against adults;
- Become subject to enquiries under local child protection procedures;

- Behaved in a way which seriously undermines the trust and confidence placed in him/her by the employer.

If any of these situations apply, then report to the designated lead as soon as possible. The designated lead will then consult with the Local Authority Designated Officer (LADO) within 24 hours of the allegation being made.

Concerns or allegations about the behaviour of an adult in the children's workforce may arise in a number of different ways. For example:

- An allegation made directly by a child or parent/carer
- An allegation made by a colleague or member of staff
- Information from the police or children's social care e.g. information arising from child protection enquiries about a worker's own children
- Information from a third party or member of the public
- Information disclosed anonymously or online
- Concerns generated through an employment relationship

Informing

- All staff report allegations to the designated person.
- The lead practitioners will form a view about what immediate actions are taken to ensure the safety of the children and staff in the setting, and what is acceptable in terms of fact finding.
- It is essential that no investigation occurs and unless the LADO has expressly given consent for this to occur, however the person responding to the allegation does need to have an understanding of what explicitly is being alleged.
- The designated person must take all steps to ensure the safety of children, parents, and staff on that day within the setting.
- The LADO is contacted as soon as possible and within one working day.
- A child protection referral is made by the designated lead if required. The LADO, line managers and local safeguarding children's services can advise on whether a child protection referral is required.
- The duty Local Authority Designated Officer will also provide advice in respect of a range of additional considerations which will require careful judgement. For example:
 - Advice about informing the parents/carers of the child making the allegation and for establishing appropriate levels of support.
 - Whether or not the LADO thinks a criminal offence may have occurred and whether the police should be informed and if so, who will inform them.
 - Whether the LADO is happy for the setting to pursue an internal investigation without input from the LADO, or how the LADO wants to proceed.
 - The use of suspension.
 - Possible risks to other children accessing activities which are linked with the individual in other settings such as scout leader or sports coach.
 - Arrangements for informing the individual who is the subject of the allegation and for establishing appropriate levels of support.
 - The anticipation of any media interest and managing confidentiality issues.

- Setting timescales (where possible) for key actions.
- The designated lead records details of the discussions and liaison with the LADO including dates, type of contact, advice given, actions agreed and updates on the child's file.
- Parents are not normally informed until discussion with the LADO has taken place, however in some circumstances the designated person may need to advise parents of an incident involving their child straight away, for example if the child has been injured and requires medical treatment.
- Staff do not investigate the matter unless the LADO has specifically advised them to investigate internally. Guidance should be sought from the LADO regarding whether or not suspension should be considered. The person dealing with the allegation must take steps to ensure that the immediate safety of children, parents and staff is assured. It may be that in the short-term measures other than suspension, such as requiring a staff member to be office based for a day, or ensuring they do not work unsupervised, can be employed until contact is made with the LADO and advice given.
- Designated person to fill in incident reporting form.
- If after discussion with the designated person, the LADO decides that the allegation is not obviously false, and there is cause to suspect that the child/ren is suffering or likely to suffer significant harm, then the LADO will normally refer the allegation to children's social care.
- If notification to OFSTED is required the designated lead will inform them as soon as possible, but no later than 14 days after the event has occurred.
- Avenues such as performance management or coaching and supervision of staff will also be used instead of disciplinary procedures where these are appropriate and proportionate. If an allegation is ultimately upheld the LADO may also offer a view about what would be a proportionate response in relation to the accused person.
- The designated person must consider revising or writing a new risk assessment where appropriate, for example if the incident related to an instance where a member of staff has physically intervened to ensure a child's safety.
- All allegations are investigated even if the person involved resigns or ceases to be a volunteer.

The designated lead will:

- Offer reassurance that the information will only be shared on a need-to-know basis
- Make a written record of the information and sign and date the written record
- NOT notify the person concerned at this stage
- Refer to the LADO within 24 hours unless an emergency then police immediately
- Make referral to the Disclosure and Barring Service if the member of staff is dismissed because of a proven or strong likelihood of child abuse, inappropriate behaviour towards a child, or other behaviour that may indicate they are unsuitable to work with children such as drug or alcohol abuse, or other concerns raised during supervision when the staff suitability checks are done.

LADO procedure is to:

- Provide advice/ guidance to employers and facilitate an initial discussion
- Liaise with police and other agencies
- Monitor the progress of cases to ensure they are dealt with as quickly as possible, and it is done so fairly and thoroughly
- Seek to resolve any inter- agency issues
- Collect and store all confidentiality information in relation to the allegation

In terms of the Local Authority Designated Officer's (LADO's) contribution to the allegations management process they may, where appropriate:

- Attend, or provide other appropriate contribution to section 47 strategy meeting
- Convene a Position of Trust (POT) meeting (other local authorities may refer to this as a joint evaluation meeting or managing allegations meeting) with the employer and other relevant parties in circumstances whereby a strategy meeting is not appropriate but concerns still need to be considered fully
- Agree an internal course of action to be followed when appropriate e.g. internal enquiries/investigation or disciplinary investigation
- Facilitate communication with relevant regulatory bodies, e.g. Ofsted, Health Care Professions Council (HCPC), Teaching Regulation Agency (TRA), Social Work England (SWE), Disclosure and Barring Service (DBS)
- Bring about the involvement of other key individuals/agencies
- Undertake liaison with other Local Authority Designated Officer (LADO's) where cross border issues exist
- Seek to ensure that the appropriate actions have been taken following the conclusion of an investigation, e.g. referral to the Disclosure and Barring Service

Initial Discussion

An initial discussion will be held with the duty LADO and the designated lead practitioner to consider the nature, content and context of the allegation being made, and to agree an appropriate course of action. If the thresholds are not met, then the complaints procedure will be followed within the setting. If the thresholds are met, then there are three possible scenarios:

1. A police investigation of a possible criminal offence
2. Enquiries and assessment by children's social care about whether a child or young person is in need of protection or in need of services
3. Consideration by an employer of internal enquiries/investigation and /or disciplinary action in respect of the individual

These scenarios are not mutually exclusive and may not appear singularly but in combination.

We would cooperate entirely with any investigation carried out by children's social care in conjunction with the police. Where the management team and children's social care agree it is

appropriate in the circumstances, the member of staff or volunteer will be suspended for the duration of the investigation. This is not an indication of admission that the alleged incident has taken place, but is to protect the staff, as well as children and families, throughout the process. They would always be kept updated on the investigation. Where it is appropriate and practical and agreed with LADO, we will seek to offer an alternative to suspension for the duration of the investigation, if an alternative is available that will safeguard children and not place the affected staff or volunteer at risk.

The following definitions will be used by Staffordshire LADO when determining the outcome of an allegation.

- **Substantiated:** there is sufficient evidence to prove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **False:** there is sufficient evidence to disprove the allegation
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;

In the following circumstances, the employer has a statutory duty to make a referral to the barring and vetting section of the Disclosure and Barring Service (DBS)

- The allegation is substantiated and the person concerned is dismissed for misconduct relating to safeguarding children
- The employer ceases to use the persons services for the same reason (e.g. in the case of a volunteer or a commissioned service)
- The subject of concerns resigns during the course of the investigation and the investigation cannot be fully completed.

Training

The designated lead will receive training as recommended by the Local Safeguarding Children Board, every two years and update their knowledge annually. We will ensure all staff are aware of the procedures for reporting and recording concerns they may have, and all receive updates on safeguarding via emails, online training, and discussions at staff meetings.

Important numbers

Staffordshire
Staffordshire Children's Advice and Support (SCAS)
0300 111 8033
Email: eds.team.manager@staffordshire.gov.uk

8.30 - 5.00 Monday to Thursday
8.30 - 4.30 Friday
Or
EDS (out of hours) 0345 604 2886
Email: eds.team.manager@staffordshire.gov.uk

Non-emergency - Staffordshire Police 101

**Stoke-On-Trent
Stoke-On-Trent Children's Advice and Duty Service
(CHAD)**

01782 235100

8.30 - 6.00 Monday to Thursday

8.30 - 6.00 Friday

Or

Emergency Duty Team (out of hours)

01782 234234

Non-emergency - Staffordshire Police 101

Further guidance can be found using the following links:

Staffordshire: [Section 4A Allegations of Abuse against a Person who Works with Children](#)

Stoke: [DO1 Managing allegations against staff and volunteers working with children and young people \(LADO\)](#)

Any subject of an allegation, or partner agency, who wishes to make a formal complaint about the outcome of an allegation, or the way Staffordshire LADO has managed the process, should contact the customer service and complaints team who will decide on the most appropriate way of investigating the concern: