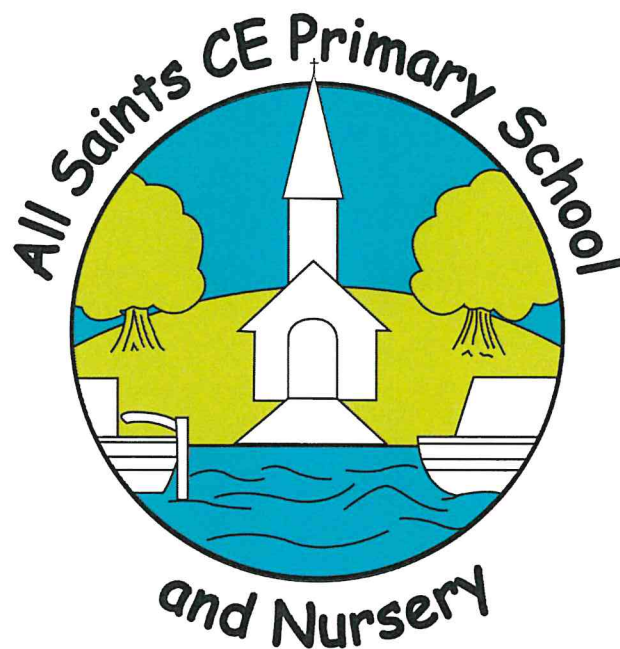


Handling Allegations of abuse made against Adults who Work with Children and Young People Policy



*'Learning for life,
building a firm foundation'*

Review Date: December 2019

Headteacher: Sally Kaminski-Gaze

reveals information from the police that an allegation was made but did not result in a prosecution or conviction.

- prevent unnecessary re-investigation if an allegation resurfaces after a period of time.

Accurate record keeping and retention also allows for patterns of behaviour which may pose a risk to children to be identified. Throughout the process of managing an allegation it is important that a clear chronology of all discussion and actions is maintained by both the LADO and the Senior Manager or employer.

The chronology should start when the Senior Manager contacts the LADO for an initial consultation about an adult working with children.

Basic Minimum information to be recorded

Senior Manager in Organisation (Employer)	Local Authority Designated Officer (LADO)
<p>Staff Member or Volunteer</p> <ul style="list-style-type: none"> ▪ Name ▪ Date of Birth ▪ Address ▪ Title of Job ▪ Employment Status ▪ Any previous concerns <p>Allegation or Concern</p> <ul style="list-style-type: none"> ▪ Nature ▪ Date ▪ Time ▪ Location ▪ Details of witnesses <p>Child or Young Person</p> <ul style="list-style-type: none"> ▪ Name ▪ Date of Birth ▪ Gender <p>Details of colleagues consulted</p> <ul style="list-style-type: none"> ▪ LADO ▪ Human Resources <p>Decisions and action taken/to be taken</p> <p>Information provided to adult subject of the concern</p>	<p>Staff Member or Volunteer</p> <ul style="list-style-type: none"> ▪ Initials ▪ Date of Birth ▪ Agency ▪ Title of Job ▪ Any previous concerns <p>Allegation or Concern</p> <ul style="list-style-type: none"> ▪ Nature ▪ Date ▪ Time ▪ Location <p>Advice Given</p> <p>Action to be taken by LADO</p> <p>Action to be taken by organisation’s senior manager</p>

Date	Date
Signature	Signature

In those cases where the professional judgement of those involved in the initial consideration of the allegation or concern is such that further investigation is necessary or advisable, the record should be extended to contain the following information:

Minimum information for consideration

Senior Manager in Organisation (Employer)	Local Authority Designated Officer (LADO)
<p>Process</p> <ul style="list-style-type: none"> ▪ Summary of meetings ▪ Decisions reached ▪ Any disciplinary action taken ▪ Outcomes 	<ul style="list-style-type: none"> ▪ Name and date of birth of adult ▪ Scope of adult’s contact with children ▪ Details of relevant policies and procedures in place within the adult’s place of work ▪ Details of training received by the adult on expected behaviour <p>Process</p> <ul style="list-style-type: none"> ▪ Notes of meetings ▪ Decisions reached ▪ Outcomes

If, at the end of the process, the employer is dismissed, resigns or, in the case of a volunteer or supply worker, the organisation ceases to use the adult’s services, the employer must make a referral to the ISA and enclose with the referral full details of all the records kept during the process.

See Section 5 on ‘Referral to the Independent Safeguarding Authority’.

Information Sharing

Informing the individual

The person who is the subject of the allegation should generally be informed of the allegation at the *earliest* opportunity. But the possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed. In determining when to inform the individual, consideration should be given to any potential risks to the child involved in the allegations, or to any other children connected to the individual's home, work or community life.

Consideration should also be given to the potential for the individual to impede any investigation, remove or interfere with evidence or to intimidate or coerce potential witnesses. In some cases this will require the employer to delay informing the individual in order to agree the timing with relevant colleagues from police and social care.

Informing parents and children

In some circumstances the employer 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. In other circumstances the parents or carers of a child or children involved should be told about the allegation as soon as possible and the employer should discuss with the LADO how and by whom they should be informed.

Confidentiality and information management

Every effort should be made to maintain confidentiality and guard against unwanted publicity while an allegation is being considered or investigated. The employer's press office, where they have one, should be consulted and the organisation should take advice from police and social care to agree an information management strategy.

This should include:

- Who needs to know and, importantly, exactly what can be shared,
- How to manage speculation, leaks and gossip
- What if any information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if and when it should arise

Information about the child or family should not be shared with the individual against whom the allegation was made or anyone representing them.

Sharing information arising from an investigation

Where the case involves police investigation, the police should obtain consent at the outset from the individuals concerned to share the statements and evidence they obtain with the employer for disciplinary purposes.

Police will then be able, at the conclusion of any formal or judicial process, to provide the employer with relevant information to assist them with their internal disciplinary investigations. Children's social care should adopt a similar procedure so that any information obtained in the course of their enquiries relevant to a disciplinary case can be passed to the employer without delay.

Internal disciplinary Investigations

In all cases, the matter will at some point be referred back to the employer for internal investigation. Information gathered from discussions, evaluations, meetings etc will be shared with the employer to aid their investigations. In some cases this will be because the initial considerations have concluded that there is no criminal element to pursue. In other cases it will be because the police or Crown Prosecution Service determines that a prosecution may not be appropriate for the best interests of the child. It should be referred back if the evidence is deemed insufficient to support a conviction; or it may be re-referred at the conclusion of legal proceedings. Parents should be kept informed about the progress of the case, and they should be made aware of the outcome of any disciplinary process²⁶.

²⁶ Parents are not entitled to know the details of the evidence heard or the deliberations of the disciplinary panel, but they are entitled to know the outcome

Suspension

When should Suspension be considered?

Working Together states²⁷ that suspension should be considered in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be considered grounds for dismissal. However, the guidance also goes on to say that people must not be suspended automatically or without careful thought and that employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children until the allegation or concern is resolved.

Alternatives to suspension

While weighing the factors as to whether suspension is necessary, alternatives to suspension should be considered if available and deemed suitable. This may be achieved by:

- the individual undertaking duties which do not involve direct contact with the child concerned or other children e.g. office work
- providing an assistant/colleague to be present when the worker has contact with children

It may be appropriate to use an alternative to suspension when an allegation is first made. This would allow time for an informed decision regarding suspension to be made and possibly reduce the initial impact of the allegation. This will however depend upon the nature of the allegation.

An interview to consider suspension

Where suspension is being considered, an interview with the member of staff should be arranged. Where police are involved in a criminal investigation, this interview should not be conducted without prior consultation with the officer in charge of the case.

The member of staff should be advised to seek the advice and assistance of his or her trade union, or a friend if s/he is not a member, and offered the opportunity of a brief meeting with the representative or friend before the interview.

The member of staff should be given as much information, including the reasons for any proposed suspension, as is consistent with not interfering with an investigation about the allegation. If it is considered that suspension

²⁷ *Working Together* Appendix 5, Paragraph 20

is necessary, the individual should be advised that he or she is suspended from duty. Written confirmation should be dispatched within one working day, giving the reasons for the suspension.

Support

Any member of staff subject to an allegation, regardless of any decision to suspend or otherwise, should be supported throughout the process via occupational health or employee welfare arrangements where these are available. S/he should also be encouraged to seek advice and support at the earliest opportunity from their professional association or trade union if s/he is a member.

If suspended, the member of staff, or his/her representative, should be given the name of a contact person who should then keep him/her up to date regarding the progress of the case. The need for help and support is equally applicable when considering a suspended person's return to work.

Supply workers and volunteers

With regard to supply workers, it is good practice for the Senior Manager of the organisation to apply the principles of suspension and associated support, wherever possible. Any decision to stop using the services of a supply worker should not be influenced by his/her potential loss of pay.

When the services of agency staff are suspended, that agency should be involved with, and contribute to, the risk assessment of the worker continuing to work with children in another position.

The principles of suspension and support also apply to volunteers.

The employer should maintain a record of the decisions reached regarding suspension, who was involved in making those decisions, the rationale behind them, and details of any action taken.

**Undertaking a Specialist Assessment - Guidance Notes,
Commissioning Template and Assessment Report Template**

A specialist assessment is the means by which information relating to the circumstances, nature and detail of an individual's behaviour is assessed by a suitably qualified person.

Specialist assessments should be commissioned when the context and complexity of an allegation is such that the potential risks of an adult's continued employment must be assessed in order to inform the employer's decision making within the disciplinary process.

Where there is no employer and concerns about an adult have been raised and discussed within a multi-agency initial evaluation or strategy meeting, a conclusion may be reached that a specialist assessment should be commissioned by the LADO on behalf of the LSCB.

Before a specialist assessment is commissioned, the LADO, and where appropriate the investigating officer, should ensure;

- That the reasons for the specialist assessment are clearly recorded
 - a disciplinary investigation undertaken by an employer requires more professional opinion on the behaviour of the adult or;
 - a disciplinary panel requires more information about the behaviour of the adult before reaching an employment decision or;
 - there is no employer, but the reported behaviour of an adult within the local community raises the need for a specialist opinion
- That all relevant information will be made available to the person undertaking the assessment
- That the requirements of the assessment are clearly communicated to the assessor

A specialist assessment should be undertaken by a suitably qualified person and should include:

- a review and analysis of all written records pertaining to the allegation
- information about the adult's response to the allegation

- recommendations which are relevant, explicit and applicable to the specific circumstances relating the allegation

Any request for or commission of a specialist assessment should follow the format outlined below in order to ensure the requirements of the assessment are met.

Commissioning Form for use by Employer or LADO

<p>1. Terms of Reference</p> <ul style="list-style-type: none"> • The reason for the assessment • The parameters of the assessment in seeking to ascertain a professional opinion about: <ul style="list-style-type: none"> ○ Potential risk to children ○ Potential risk to organisation’s ability to safeguard children • What further information is needed • The means by which it will be obtained • Timescales 	<p>Agree ToR with assessor</p>
<p>2. Information provided to Specialist Assessor by the LADO and/or Investigating Officer</p> <ul style="list-style-type: none"> • Details of allegation • The employer’s concerns or those of the multi-agency strategy meeting • The behaviour that individual acknowledges has occurred • The aspects of the allegation that are disputed or denied by the adult • The expected standards of behaviour for the adult’s profession • Confirmation of the agency’s/organisations standards or codes of conduct 	<p>Attach all records</p>
<p>3. Has the individual agreed to contribute to this assessment?</p>	<p>Attach confirmation of agreement</p>

Report Format for Independent Specialist Assessment

CONFIDENTIAL

Independent Assessment Report
into the circumstances surrounding the allegation or concern about

(Initials)

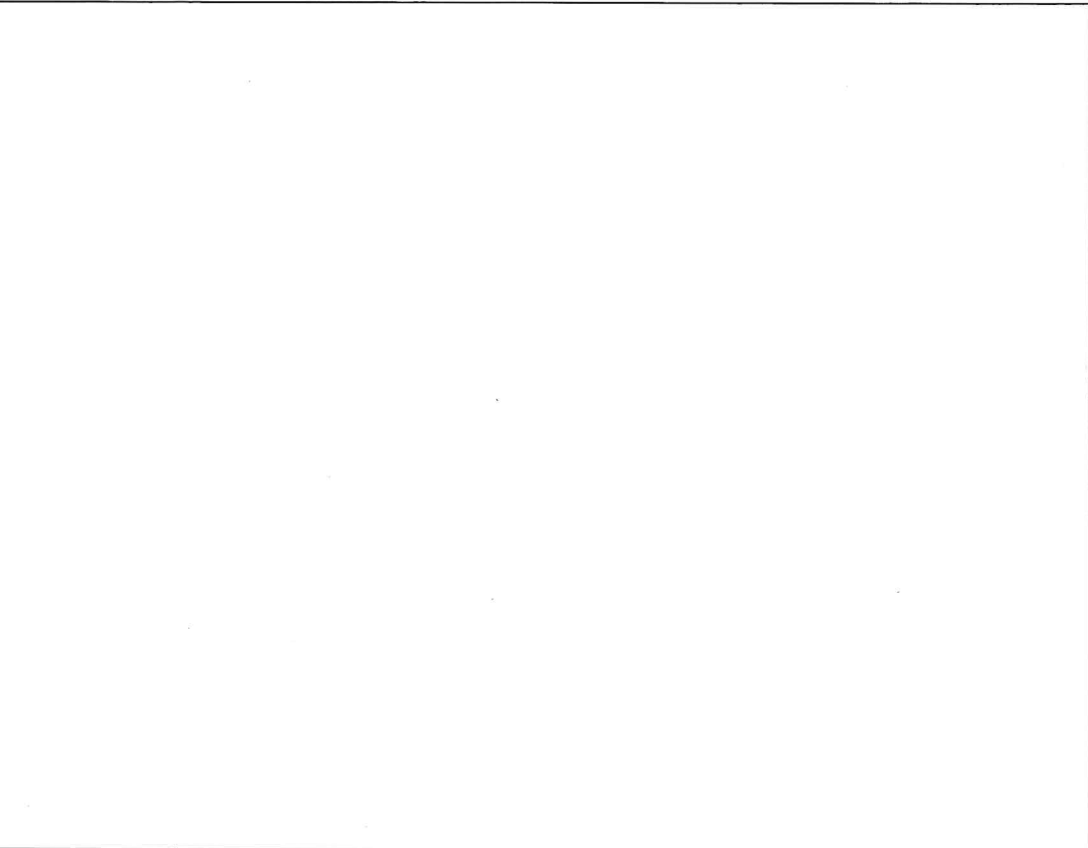
Commissioned by (name and role of individual, name of organisation)

Commissioned from (name of person, professional status and organisation)

Date commission agreed

Date report delivered

<p>1. Reason Specialist assessment was commissioned</p> <ul style="list-style-type: none">• Give a brief outline of circumstances leading to either disciplinary investigation being undertaken or decision by multi-agency strategy meeting to commission report
<p>2. Statement of Professional Integrity</p> <ul style="list-style-type: none">• Give a brief outline of relevant skills, experience and competence to undertake this assessment
<p>3. Terms of Reference</p> <ul style="list-style-type: none">• State the agreement reached between the commissioner and the assessor about the scope of the assessment



4. Sources of Information

- Give details of all records used, for example
 - HR files
 - Social Care Child Protection enquiries
 - Police Records
- Give details of all face-to-face interviews undertaken

5. Professional and Organisational Standards

- Confirm and evidence
 - The organisation's regulations, professional codes of conduct or expected standards of behaviour and accepted good practice
 - Whether the individual saw, signed and acknowledged any written guidance
 - Whether the individual received any induction and on-going training in relation to expected behaviour

<p>6. Case Summary</p> <ul style="list-style-type: none">• Outline and contextualise the concern• Outline professional actions taken to date

7. Background information about the Individual

- **Include**

- Previous alleged behaviour that is disputed
- Previous behaviour that has contravened the organisation's code of conduct
- Previous managerial action

8. Analysis of findings

- Summarise significant points from the report and consider alongside significant aspects of the individual's behaviour
 - Consider what behaviour, if any, the individual agrees has taken place
 - Do these behaviours contravene the code of conduct expected of the individual?
 - Consider individual views and attitudes about the behaviour

- Consider what behaviour has been alleged, what is denied and what the circumstances of the disputed behaviour were
- Consider patterns of agreed and disputed behaviour within the context of relevant research

NB – it is not for the assessor to determine whether or not a disputed allegation is founded.

9. Identification potential risks

- **Based on the analysis of findings above state what risk the individual could pose to the organisation should employment**

continue

Closing Sheet

Signed:

Dated:

Contact:

Specialist Assessment Flowchart

