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Date 21 January 2015

## **Headteachers & Chairs of Governors**

Dear Colleagues

### **Procedure for Managing Allegations Against Staff, Carers and Volunteers**

Please find attached a revised procedure to be utilised where an allegation of abuse is made against a person who works with children in any setting.

The procedure has been reviewed in the light of the most recent guidance provided by the Department for Education.

The key additions/amendments are:-

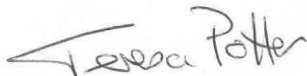
- Strengthened requirements on the need to consider all options to avoid the suspension of staff, where this is contemplated.
- Classification of allegations into one of five categories, to be used when determining the outcome of an allegation.
- Emphasis on the need for immediate reporting to the local authority designated officer (LADO).
- The potential for the Headteacher/Chair of Governors to undertake an initial clarification and evaluation of the allegation with the LADO, which would inform a decision on any further action.
- The possibility that the school's disciplinary procedures may be followed in parallel with a Police investigation. Schools need to consult with the LA when contemplating such action, following receipt of the Police view.
- Action in respect of unfounded or malicious allegations.

- Clarification on referral to the Disclosure and Barring Service.
- Additional reference to providing support for employees who are the subject of allegations.
- Advice on confidentiality, record keeping and providing references.

This procedure has been developed in line with the Derbyshire Safeguarding Children Board – Derby and Derbyshire Safeguarding Children Procedures. Schools should formally adopt the procedure and ensure all relevant personnel are informed of the contents, where the document can be assessed and the relevant in-school processes to support adherence to the requirements.

For any queries about the procedure, please contact Teresa Potter or Less Biggs on 01629 535751. All consultants and senior consultants in the schools' team can be contacted for support in the application of the procedure.

Yours faithfully

A handwritten signature in black ink that reads "Teresa Potter". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Teresa Potter  
**Senior HR Consultant**

# **Procedure for Managing Allegations Against Staff, Carers and Volunteers**

Derbyshire Safeguarding Children Board -  
Derby and Derbyshire Safeguarding Children Procedures  
based on Working Together to Safeguard Children

June 2013

## **Procedure for Managing Allegations Against Staff, Carers and Volunteers**

### **SCOPE**

1. Procedure to be followed in Managing Allegations of Abuse against Staff/Volunteers Working with Children in any Setting.
2. Procedure to be followed in Managing Allegation of Abuse against Foster Carers/Carers of a child Placed for Adoption.
3. Standards and Principles to be followed by all Agencies and Individuals Caring for Children in Relation to Managing Allegations of Abuse.

This guidance is about managing cases of allegations of abuse against a person who works with children in any setting. All allegations of abuse of children by a professional, staff member, foster carer or volunteer (from a Local Safeguarding Children Board (LSCB) member or associate member agency) should be taken seriously and treated in accordance with the procedures set out in Section 11 of Allegations against Staff/Carers and Volunteers Derby & Derbyshire Safeguarding Children Procedures.

For the purpose of this procedure, the scope applied is to a wider range of allegations than those in which there is reasonable cause to believe a child is suffering, or is likely to suffer, significant harm. It should be used in respect of all cases in which it is alleged that a person who works with children 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; or,
- behaved towards a child or children in a way that indicates s/he would pose a risk of harm if they work regularly or closely with children.

### **1. Procedure to be Followed in Managing Allegation of Abuse Against Staff/Volunteer Working with Children in any Setting**

#### **First Steps Initial Screening**

A school should clarify in its own procedures that all allegations should be reported immediately to the Headteacher/Principal and, in their absence or in cases where the Headteacher/principal is the subject of the allegation, to the Chair of Governors. The designated case manager will then follow the procedures.

The first priority must be to ensure the immediate safety of the child and any other children affected or in contact with the individual (including their own children). In a residential setting, it will be appropriate to consider what supervision arrangements are required to safeguard the child.

Procedures need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by the local authority's children's social care services. In these cases, local employer arrangements should be followed to resolve cases without delay. Some allegations will be so serious as to require immediate referral to Children's Services and the Police for investigation. Others may be much less serious and at first sight might not seem to warrant consideration of a Police investigation, or enquiries by Children's Services. However, it is important to ensure that even apparently less serious allegations are examined objectively by someone independent of the case. The Local Authority Designated Officer (LADO) for allegations will provide this independence (the details and remit of this post is discussed later in this procedure). Any decision to deviate from the advice of the LADO must be discussed and authorised by a senior manager within the employing organisation.

### **The Local Authority Designated Officer is Sara Bartlett.**

Consequently, the LADO should immediately be informed of all allegations that come to the employer's attention and appear to meet the criteria/scope of this policy as described above.

The following definitions should be used when determining the outcome of allegation investigations:

- a. **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- b. **False:** there is sufficient evidence to disprove the allegation;
- c. **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- d. **Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances;
- e. **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

It is expected that employers will make arrangements to ensure that all allegations with regard to individuals who work with children will be notified to the allegations safeguarding named person within the organisation. This initial discussion should take place within 1 working day. The purpose is to consider the nature, content and context of the allegation and agree a course of action. The case manager will liaise with the LADO and establish the following:

- That the allegation is within the scope of these procedures (see paragraph above)
- That the allegation is not demonstrably false or unfounded.

- The nature of the concern, how and why they have arisen, and any previous information about the child/ accused person and their relationship (refer to Section 11)
- Any background information relevant to the allegation
- Any arrangements to secure the immediate safety of the child/ren including ensuring the individual's own children are safeguarded
- Necessity for a strategy meeting and if the police and children's services should be contacted.
- Where an allegation is unlikely to lead to a police investigation, eg a physical intervention in a school classroom that is likely to constitute an assault, witness statements should be taken as soon as possible, including from the staff complained against.

The LADO should also be informed of any allegations that are made directly to the police (which should be communicated via the Police Force' Designated Officer) or to Children's Services.

The LADO may ask the case manager to provide or obtain other relevant additional information. Such as previous history, whether the child and family have made similar allegations and the individual's current contact with children.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in which case this decision and a justification for it should be recorded by both the case manager and the LADO, and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the LADO what action should follow both in respect of the individual and those who made the initial allegation.

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

- A Police investigation of a possible criminal offence;
- Children's Social Care enquiries and/or assessment about whether a child is in need of protection or services;
- Consideration by an employer of disciplinary action.

Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the case manager. In those circumstances, the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal, or a decision not to use the person's services in future.

Suspension, while the case is investigated, should not be the default position: an individual should be suspended only if there is no reasonable alternative.

In some cases, further investigation will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the case manager how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the school staff.

However, in other circumstances, such as lack of appropriate resource within the school or the nature or complexity of the allegation, will require an independent investigator. The local authority can provide for an independent investigation of allegations, as part of the HR services that schools can buy in from the authority.

If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour. A Strategy discussion should be convened in accordance with Working Together to Safeguard Children. This meeting does not include the person against whom the allegation is made.

If the parents/carers of the child concerned are not already aware of the allegation, the LADO will also discuss how and by whom they should be informed. In circumstances in which the police or children's services may need to be involved, the LADO should consult those colleagues about how best to inform parents. However, in some circumstances an employer may need to advise parents of an incident involving their child straight away particularly if a child requires medical treatment.

The case manager should inform the accused person about the allegation as soon as possible after consulting the LADO. It is extremely important that the employer provides them with as much information as possible at this time. However, where a strategy discussion is needed, or it is clear that Police or Children's Social Care may need to be involved, that should not be done until those agencies have been consulted, and have agreed what information can be disclosed to the accused. Minutes from the Strategy Meeting should not be shared with the accused person without the prior agreement of the Chair of the meeting. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step. (Please see further information on suspension below).

If the person is a member of a union or professional association s/he should be advised to seek support from that organisation. **However, it is anticipated that even if Police/Children's Social Care involvement is required, the person will be notified of the allegation's existence within 3 working days.**

There are 4 possible outcomes to the first steps of the investigation:

1. **There is cause to suspect a child is suffering or is likely to suffer significant harm: -**

In this event a referral to children's services must be made. They will undertake an initial assessment and if there remains concerns that the child is at risk of suffering significant harm, a strategy meeting should be arranged.

**2. The threshold of significant harm is not considered to be reached, but there is cause to suspect that a criminal offence has been committed and a police investigation is necessary.**

In cases where the threshold of significant harm is not reached, but further investigation such as police investigation is required the LADO should have further discussions with the police, the employer, and any other agency involved to evaluate the allegation and decide how it should be dealt with. This can be face to face meeting or telephone discussion. It should share available information about the allegation and the person against whom the allegation has been made, consider whether a Police investigation is needed and if so, agree the timing and conduct of that. In cases where a police investigation is necessary the **initial evaluation** should also consider whether there are matters which can be taken forward through a disciplinary process in parallel with the criminal process, or whether any disciplinary action will need to wait completion of the police enquiries and/or prosecution. It will be normal for these cases to be led by the **Police Child Abuse Unit**. If the initial evaluation identifies concerns about the welfare of a child a referral should be made to Children's Social Care, with parental consent. Children's Social Care will conduct an initial assessment.

**3. The threshold of significant harm is not considered to be reached and a police investigation is not necessary,**

The LADO should discuss the next steps with the case manager. In those circumstances, the options open to the school depend on the nature and circumstances of the allegation and the evidence and information available. If action is required this will involve taking disciplinary action, which may lead to dismissal, or a decision not to use the person's services in future. Initial suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.

**4. No further action is required within this policy**

**Second Steps - Initial Assessment/Strategy Meeting**

Consequently, if there is cause to suspect a child is suffering or is likely to suffer significant harm, a referral must be made through Call Derbyshire.

If there are concerns to suspect a child is suffering or is likely to suffer or has made an allegation against a professional/volunteer or an adult with responsibility for that child working in a professional capacity, the concern will be passed to the LADO Business Services Officer who will inform the LADO.

The allegations form (see Appendix 1) will be sent to the referrer for completion to include details of the adult who is the cause of concern, the employer, details of the child, the nature of the allegation and any actions that have been taken thus far and should be returned to [professionalallegations@derbyshire.gov.uk](mailto:professionalallegations@derbyshire.gov.uk).



## **For Children's Social Care:**

Any investigation may well have three related, but independent strands:

- Child protection enquiries, relating to the safety and welfare of any children who are or who may have been involved including the alleged person's own children or children within his/her care
- A police investigation into a possible offence.
- Disciplinary procedures, where it appears that the allegations may amount to misconduct or gross misconduct on the part of staff. A similar, process will need to be in place for responding to concerns about volunteers. In the case of day care or foster care providers, issues of continuing approval will need to be addressed.

It is essential that the common facts of the alleged abuse are applied independently to each of the three strands of possible enquiries/investigation. The fact that a prosecution is not possible does not mean that action in relation to safeguarding children, or employee discipline, is not necessary or feasible. The important thing is that each aspect is thoroughly assessed, and a definite conclusion reached.

The LADO will be responsible for providing monitoring information to LSCB and for tracking outcomes of cases. To enable effective tracking, Call Derbyshire will forward all referrals to the Business Service Officer who will maintain the database on behalf of LSCB. In addition a copy of the Record of outcomes of strategy meeting must be copied to the Business Service Officer. This is for ALL strategy meetings/discussions.

On receipt of a referral of an allegation, the child's social worker/service manager (where relevant) will liaise with the Police and make initial enquiries. If the enquiries identifies a child may be at risk of significant harm/has suffered harm a strategy meeting will be arranged following Section 47 guidance.

## **Strategy Meeting**

Experience has shown that the strategy meeting is crucial to the effective planning, co-ordination and carrying out of enquiries, and that a meeting, rather than a telephone discussion, is essential in these cases. In some cases it may be necessary to initiate enquiries following a telephone discussion, for example in order to interview a child quickly or to preserve forensic evidence, but a strategy meeting should still follow.

The Chair will be responsible for ensuring the meeting is properly recorded and details of decisions made sent to all invites. There is a need to ensure that the Chair is independent of the individual involved in the allegation.

The following should be invited to the meeting except where it may be prejudicial to the investigation:

- The statutory agencies responsible for carrying out the investigation, i.e. Police/Children's Social Care (this will be the relevant duty social worker but if the

child is an open case, these enquires will be undertaken in conjunction with the child's social worker)

- Manager of the establishment or service concerned, taking care to avoid any conflict of interest; e.g. where the allegation is against a Head teacher, the attendance of the Chair of Governors may be appropriate
- Advisory staff e.g. the employing organisation's Human Resources Advisor/Legal Services Advisor/representative from the Local Authority Legal Services
- In the case of alleged abuse in a registered or regulated setting, there should be liaison with the relevant regulatory body e.g. OFSTED, and they should be invited to strategy meetings. **The employing organisation will hold copies of protocols and take responsibility for liaison with the relevant regulatory body.**
- Consideration should also be given to inviting the Regulation 33 Officer/Independent Reviewing Officer if the allegation is made by a child in public care

Particular attention needs to be given to the following issues in the Strategy meeting:

- Whether the criteria are met for a criminal and/or child protection investigation as opposed to, or as well as, a disciplinary or complaints investigation. If the criteria are not met, the meeting will refer the matter back to the responsible agency to consider any remaining personnel issues. If the criteria are met, the remaining issues should be considered.
- How information can be shared between the three strands. Within agreed bounds of confidentiality, information should be shared as freely as possible in the interests of both fairness and a thorough assessment of all the facts. Many organisations allow statements and staff interviews given as part of an investigation to be used in internal disciplinary processes and this must be made clear in agency specific procedures. It is good practice to advise those interviewed that information and evidence may be shared between the three strands.
- Who will be responsible for carrying out social work enquiries and how can the required independent element be ensured. There are a range of options which can be considered, (where the case is open to social care, the child's social worker will have a key role): an independent agency could be commissioned to undertake the investigation, staff from another Local Authority can be invited to undertake the investigation or staff from another area who do not know the staff/volunteer involved could be asked.
- Who will provide support to the staff member, volunteer (refer to Section 11 – Allegations against staff, carers and volunteers). This includes the need to keep the accused person informed of the process and decisions relating to the allegation. It is good practice for the accused person to be provided with the substance of the allegation within 3 days. Review meetings relating to the investigation should be conducted at least 4 weekly with the person being updated on the outcome. This will normally be the responsibility of the employer.

- Any immediate issues of safeguarding children, if not already addressed.
- What will the timescale for enquiries be? It is in everyone's interests to ensure that enquiries are completed as quickly as possible, consistent with a thorough assessment.
- The police and other relevant agencies should agree jointly when to inform the accused person of allegations which are the subject of criminal proceedings. The general principle is that the person must be kept informed in a timely manner.
- What information will be shared with the child's parents/carers (or the parents/carers of other children affected) and when.
- Whether the strategy meeting should reconvene to review progress, and make further plans. If so, a time and venue should be set. This must be no later than 4 weeks from the initial meeting.

**The strategy meeting must consider any risks to the alleged individuals own children or children they come into contact with on a regular basis.**

- If the person is subject to registration or regulation by a professional body, the strategy meeting should discuss if informing the professional body is appropriate at this stage of the investigation. This includes the necessity of contacting related advisory bodies/agencies that hold a contact with the organisation concerned as appropriate.
- If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take account of the fact that care staff, teachers and other school staff are entitled to use reasonable force to control or restrain children in certain circumstances. Further guidance relative to teaching staff is available in s550A of the Education Act 1996. Additional non-statutory guidance, issued in 2012, can be found on the DfE website  
<https://www.education.gov.uk/aboutdfe/statutory/g0076914/dealing-with-allegations-of-abuse/duties-as-an-employer-and-employee>

**Refer to template for agenda for strategy meetings where allegation is made against individual working with children.**

**Investigating Allegations**

Those undertaking investigations should be alert to any sign or pattern which suggests that the abuse is more widespread or organised than it appears at first sight, or that it involves other perpetrators or institutions. It is important not to make assumptions that initial signs will be directly related to abuse, and to consider occasions where boundaries have been blurred, inappropriate behaviour has taken place, and matters such as fraud, deception or pornography have been involved.

The risk of harm to children posed by the person under investigation should be effectively evaluated and managed - in respect of the child(ren) involved in the allegations, and any other children in the individual's home, work or community life.

A record should be kept of the main discussion points, decisions agreed and reasons for those decisions. The Record of Outcome of Strategy Meeting must be completed.

### **Outcomes of Strategy Meeting**

**The threshold of significant harm is considered to be reached and a police investigation is necessary, and the employer may wish to take disciplinary action in respect of the individual.**

If there is cause to suspect a child is suffering or is likely to suffer significant harm, an enquiry in accordance the procedures set out in Section 11 of the LSCB procedures should be completed. The Core Assessment is the means by which a Section 47 enquiry is carried out.

If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible in a manner which is consistent, fair and thorough and will keep the progress of the case under review. They should at the outset set a target date for reviewing progress of the investigation and consulting the CPS about whether to proceed with the investigation, charge the individual with an offence, or close the investigation. Wherever possible that review should take place **no later than 4 weeks** after the initial evaluation/strategy meeting and if the decision is to continue to investigate the allegation, dates for subsequent reviews should be set at that point. The employer should establish from the Police whether the organisation's disciplinary procedures may be followed in parallel with the criminal investigation.

If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should pass all information they have which may be relevant to a disciplinary case to the employer without delay. In those circumstances the employer should proceed as described below.

### **Action Following a Criminal Investigation or a Prosecution**

**The police or the CPS should inform the employer and LADO straightaway when a criminal investigation and any subsequent trial are complete, or if it is decided to close an investigation without charge, or not to proceed with prosecution after the person has been charged. In those circumstances the employer should decide whether any further action is appropriate and, if so, how to proceed. If the threshold of significant harm is not considered to be reached the employer may still wish to take disciplinary action in respect of the individual.**

The information provided by the police and/or children's services should inform that decision. Disciplinary or human resource management action by the employer, including dismissal, is not ruled out in any of those circumstances. The range of options open will depend on the circumstances of the case and the consideration will need to take account the result of the police investigation or trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

The options open to the employer will range from taking no further action to summary dismissal or a decision not to use the person's services in future. In the case of supply,

contract or volunteer staff, the normal disciplinary procedure may not apply. In these circumstances the LADO and employer should act jointly with the providing agency.

In some cases further investigation will be needed to enable a decision about how to proceed. If so, the employer must consider how and by whom the investigation will be undertaken. That should normally be undertaken by the employer. However in some circumstances appropriate resources may not be available in the employer's organisation or the nature and complexity of the allegation might point to the employer commissioning an independent investigation. Any commissioned investigation must make it clear that all information obtained as part of the investigation will be shared with the investigation team if any related subsequent allegations are made within a relevant timescale and the employer considers them to be related.

### **Action in Respect of Unfounded or Malicious Allegations**

If an allegation is determined to be unfounded or malicious, the employer and LADO should refer the matter to children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the Headteacher or principal should consider whether any disciplinary action is appropriate against the pupil who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she was not a pupil. In September 2010 the Crown Prosecution Service published guidance for the police on harassment under the Protection from Harassment Act 1997.

### **Action on Conclusion of the Case**

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the LADO and employer should consider whether a referral to the Disclosure and Barring Service (DBS) is required, for consideration of inclusion on the barred lists, and the form and content of a referral. Additionally, if the person is subject to registration or regulation by a professional body or regulator, for example by the General Social Care Council, General Medical Council, Teaching Agency etc. the Designated Officer should advise on whether a referral to that body is appropriate. If the professional body has already been notified, they must be informed of the outcome of the investigation.

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. In such circumstances, the duty to refer an individual to the DBS arises where an employer has removed the individual from relevant work with children or the person has chosen to cease relevant work in circumstances where they would have been removed had they not done so. The DBS will consider whether to bar the person from working in regulated activity, which will include most work in schools and other educational establishments. Local authorities, schools and other bodies all have a statutory duty to make reports, and to provide relevant information to the DBS. Referrals should be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person's services.

If it is decided on the conclusion of the case that a person who has been suspended can return to work the employer should consider how best to facilitate that. The employer consult the LADO about any required safeguarding measures. Most people will benefit from some help and support to return to work after a very stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The employer should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still in the workplace.

At conclusion of a case it is essential that agreement is reached on the following:

- What information will be given to the child/ parents and persons affected by the investigation and how and by whom this will be done
- What information will be placed on files relating to children and staff.
- In the case of malicious allegations whether the record of this should be destroyed.

The Business Services Officer MUST be notified of the outcomes of all cases, including the outcome of any disciplinary action. In addition, she will ensure that the employer is informed about the outcomes of any criminal or child protection enquiry.

## **2. Procedure to be Followed in Managing Allegation of Abuse Against Foster Carers/Carers of a Child Placed for Adoption**

For the purpose of this procedure, the scope applied is to a wider range of allegations than those in which there is reasonable cause to believe a child is suffering, or is likely to suffer, significant harm. It should be used in respect of all cases in which it is alleged that a person who works with children 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; or,
- behaved towards a child or children in a way that indicates s/he would pose a risk of harm if they work regularly or closely with children.

### **First Steps Initial Screening**

The first priority must be to ensure the immediate safety of the child. If emergency action is required consideration must be given to securing both the child's safety and placement stability. For example, it may be possible to make arrangements for the foster carer or a member of their family to live elsewhere while an enquiry is underway or for a safe care plan to be put in place.

Procedures need to be applied with common sense and judgement. Some allegations will be so serious as to require immediate action and investigation either by the Police or through a Section 47 Enquiry. Others may be much less serious and at first sight

might not seem to warrant consideration of a police investigation, or enquiries under Section 47. However, it is important to ensure that even apparently less serious allegations are taken seriously and that they are examined objectively by someone independent to the case. In the first instance the Child's Social Worker must discuss the allegation with the Family Placement Officer (supervising social worker) and their respective managers to gain background information and to discuss any immediate actions.

Consequently, if the allegation meets the criteria/scope for this policy (as described above) the Child's Social Worker/Fostering Service Manager must notify the LADO.

### **The Local Authority Designated Officer (LADO)**

It is expected that the fostering service will identify a senior person with responsibility for managing allegations. The Deputy Assistant Director (safeguarding and specialist services) will be the named person with responsibility for managing allegations within the fostering service

The LADO will liaise with the relevant staff from the fostering service (Manager of Child's Social Worker/ Fostering Service Manager) and establish the following:

- That the allegation is within the scope of these procedures,
- That the allegation is not demonstrably false or unfounded
- The nature of the concern, how and why they have arisen, and any previous information about the child/ foster carer/adopter can normally be shared as background information
- The legal status of the child
- The local authority responsible for the child
- The length of time in placement with foster carers,
- Information about other children in the foster placement
- Any action already taken
- Any arrangements to secure the immediate safety of the child/ ren including ensuring the individual's own children are safeguarded or those with whom they have regular contact.
- Necessity for an initial assessment
- Necessity for a strategy meeting and if the police should be contacted.

**If the allegation is serious, the LADO will contact the Assistant Director (safeguarding and specialist services).**

**Note: Children should not be removed from placement due to allegation without authorisation of Deputy Assistant Director (safeguarding and specialise services) Any decision to deviate from the advice of the LADO must be discussed and authorised by Assistant Director (safeguarding and specialist services).**

The LADO should also be informed of any allegations that are made directly to the police (which should be communicated via the Police Force' Designated Officer) or to Children's Services. The LADO will ensure that allegations which meet the criteria are logged within Call Derbyshire.

If the parents (those with parental responsibility) for the child concerned are not already aware of the allegation, the LADO will also discuss how and by whom they should be informed. In circumstances in which the police or section 47 enquiries may be needed, the LADO should consult those colleagues about how best to inform parents. **If the child is subject to a legal order, legal services must be notified.**

The LADO will also discuss with the fostering service representative who should inform the carer/adopter about the allegation. The Fostering Social Worker will take responsibility for all communications with the carer and provide a link between the Fostering/Adoption Service even when an Independent Support Worker has been appointed. However, where a strategy discussion is needed, or it is clear that police or enquires under s 47 may be needed, that should not be done until those agencies have been consulted, and have agreed what information can be disclosed to the person. **It is anticipated that even if police involvement is required and or Section 47 enquires are necessary, the person will be notified of the allegations existence within 3 working days.**

There are 4 possible outcomes to the first steps of the investigation:

- **There is cause to suspect a child is suffering or is likely to suffer significant harm** - In this event an initial assessment should be completed, although the initial assessment period may be very brief it if is clear that the threshold of significant harm is met, in which case a Sec 47 enquiry will commence. In this event step 2 strategy meeting should be arranged.

If the allegation needs to progress to an initial assessment and/or a strategy meeting is required, the Fostering Supervising Social Worker will also notify the following of all allegations (If not already aware):

- Deputy Assistant Director (Safeguarding and Specialist Services)
- Local Authority Legal Services (this will be relevant for any case where the child is subject to proceedings)
- If appropriate, the LADO will notify Ofsted using notification schedule if not already aware (Schedule 8 of the Fostering Service Regulations 2002)

The Fostering Social Worker (FSW) will also liaise with appropriate managers to agree whether no further placements are made until the matter is resolved and that the Service Managers of any other children in placement are advised so placements



can be reviewed. The FSW will also need to consider the welfare of other children placed with the foster carer/ adopter and if there is cause to suspend the foster carer (section 11)The safety and welfare of the individual's own children and those they are in regular contact with must also be considered.

- **The threshold of significant harm is not considered to be reached, but there is cause to suspect that a criminal offence has been committed and a police investigation is necessary.** In cases where a formal strategy discussion is not considered appropriate because the threshold of "significant harm" is not reached, but a police investigation might be needed, the LADO should conduct an Initial Evaluation through discussions with the police, the child's Social worker and the FSW and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with. (NB The police must be consulted about any case in which a criminal offence may have been committed.) An initial assessment of the allegation may be helpful to inform this discussion. Like a strategy discussion the **initial evaluation** may not need to be a face to face meeting. It should share available information about the allegation and the person against whom the allegation has been made, consider whether a police investigation is needed and if so, agree the timing and conduct of that. In cases where a police investigation is necessary the initial evaluation should also consider whether there are matters which can be taken forward with regard to the individuals continued suitability to foster in parallel with the criminal process, or whether any action will need to wait for completion of the police enquiries and/or prosecution. It will be normal for these cases to be led by the **Police Child Abuse Unit**. If the initial evaluation identifies concerns about the welfare of a child, further assessment of the child's needs should be completed by the child's Social Worker. A core assessment may be appropriate.
- **The threshold of significant harm is not considered to be reached and a police investigation is not necessary, but the fostering service may wish to take action in respect of the individual's continued approval to foster/ adopt.** In the case of a carer pending adoption, any concern regarding suitability to adopt must be referred to Disruption Procedures
- **No further action is required.**

Where the first 3 outcomes are all applicable, the three strands must be co-ordinated.

Normally any criminal and/or child protection enquiries will precede a review into a carer's suitability to continue to foster/adopt, and as far as possible, children should only be interviewed once.

### **Second Steps - Initial Assessment/Strategy Meeting**

Consequently, if there is **cause to suspect a child is suffering or is likely to suffer significant harm**, the Child's Social Worker must be notified if not already aware. The Child's Social Worker will ensure that the LADO has all relevant details and that their manager and the Fostering Service Manager of the case is aware.

Any investigation may well have three related, but independent strands:

- Child protection enquiries, relating to the safety and welfare of any children who are or who may have been involved including the alleged person's own children or children within his/ her care
- A police investigation into a possible offence.
- Consideration of the carer's suitability to adopt/ foster in relation to the nature of the care they are able to offer or the quality of their practice as governed by the Fostering Service Regulations and National Minimum Standards.

It is essential that the common facts of the alleged abuse are applied independently to each of the three strands of possible enquiries/investigation. The fact that a prosecution is not possible does not mean that action in relation to safeguarding children, or suitability to foster, is not necessary or feasible. The important thing is that each aspect is thoroughly assessed, and a definite conclusion reached.

The LADO will be responsible for providing monitoring information to LSCB and for tracking outcomes of cases. To enable effective tracking, Call Derbyshire will forward all referrals/running records to the Business Services Officer who will maintain the database on behalf of LSCB. In addition a copy of the Record of outcomes of strategy meeting must be copied to the Business Services Officer. This is for ALL strategy meetings/discussions.

The FSW will take responsibility for all communications with the carer to keep them informed unless otherwise agreed in the Strategy Meeting. In addition he/she must ensure that the carer is provided with immediate information, and advice from an independent source. In addition to foster carers being offered an Independent Support Worker, Fosterline is open between 9am- 5pm Monday - Friday and carers should be signposted to this as a source of advice.

On receipt of the running record the Child's Social Worker (where relevant) will liaise with the Police and make enquiries through completion of an Initial Assessment. The initial assessment period may be very brief if it identifies the child is at risk of significant harm/has suffered harm where a strategy meeting will be arranged to plan the Section 47 enquiry(ies). The Child's Social Worker will jointly agree with the LADO who will chair the strategy meeting and take responsibility for sending invitations and contacting the convening team who will arranging a venue, minute taker.

Experience has shown that the strategy meeting is crucial to the effective planning, co-ordination and carrying out of enquiries, and that a meeting, rather than a telephone discussion, is essential in these cases. In some cases it may be necessary to initiate enquiries following a telephone discussion, for example in order to interview a child quickly or to preserve forensic evidence, but a strategy meeting should still follow.

The Chair will be will be responsible for ensuring the meeting is properly recorded and details of decisions made sent to all invites. There is a need to ensure that the Chair is not familiar with any individual involved in the allegation so that they can be independent. **The chair must write to the foster carer/adopter to formally notify them of the outcome of the strategy meeting.**

The following should be invited to the meeting except where it may be prejudicial to the investigation:

- The statutory agencies responsible for carrying out the investigation, i.e. Police/Social Care, (Note: the Child's Social Worker will normally take responsibility for undertaking the Sec 47 enquiry).
- Fostering Service Manager/Supervising Social Worker,
- Child's Social Worker and their line manager
- The Social Worker and Line Manager of any children currently in placement with the foster carer/adopter
- The Independent Reviewing Officer will normally be invited to a meeting where the allegation is made by a child in public care
- Advisory staff e.g. the LA's Human Resources Advisers, representative from the Local Authority Legal Services. Consideration should be given to inviting the Professional Advisor to the Fostering Panel in an advisory capacity
- As fostering and adoption is a regulated service, Ofsted must be invited to strategy meetings. The LADO will be responsible for notifying Ofsted of the allegation.
- By exception, it may be appropriate to invite the Social Worker of children previously placed with the foster carers, however this should not be routine and the decision to invite will be based on relevant information
- Particular attention needs to be given to the following issues in the Strategy meeting:
  - Whether the criteria are met for a criminal and/or child protection investigation as opposed to a review into suitability to continue to foster or complaints investigation. If the criteria are not met, the meeting will refer the matter back to the fostering service and family placement will consider remaining personnel/training or suitability to foster issues. If the criteria are met, the remaining issues should be considered.
  - How information can be shared between the three strands. Within agreed bounds of confidentiality, information should be shared as freely as possible in the interests of both fairness and a thorough assessment of all the facts. In relation to fostering/adoption, statements and interviews given as part of an investigation will be used in any internal review processes. It is good practice to advise those interviewed that information and evidence may be shared between the three strands.
  - Who will be responsible for carrying out social work enquiries and how will the independent element be ensured. There are a range of options which can be considered: an independent agency could be commissioned to undertake the investigation, staff from another Local Authority can be invited to undertake the investigation or staff from another area who do not know the foster carers could be asked.

- A plan on informing carers and those with parental responsibility about the outcome of the strategy meeting both verbally and in writing. The presumption is that ALL information will be shared so the meeting will need to agree what information CANNOT be shared and the reasons for not sharing any information. The Chair of the strategy meeting will formally write to foster carer/adopter to notify them of the outcome in addition to the Supervising Social worker (Family Placement Officer) providing verbal feedback within 3 working days.
- Who will provide support to the carer: The FSW will provide the link between the carer and the fostering service/adoption service and will have continuing responsibility to keeping the carer updated about the investigation and ensuring their views are taken into account during the management of the investigation. He/She will verbally feedback on the outcome of all strategy meetings, unless otherwise agreed at the Strategy Meeting.
- The foster carer will be offered an Independent Support Worker, which will be coordinated by the FSW.
- Any immediate issues of safeguarding children, if not already addressed.
- What will the timescale for enquiries be? It is in everyone's interests to ensure that enquiries are completed as quickly as possible, consistent with a thorough assessment. Review meetings relating to the investigation should be conducted at least 4 weekly with the person being updated on the outcome.
- The police and other relevant agencies should agree jointly when to inform the accused person of allegations which are the subject of criminal proceedings.
- What information will be shared with the child's parents (or the parents of other children affected) and when. There may be a requirement to delay informing the person's with parental responsibility for the child due to a range of issues. The strategy meeting will need to agree who will take this responsibility.
- Whether the strategy meeting should reconvene to review progress, and make further plans. If so, a time and venue should be set. This must be no later than 4 weeks from the initial meeting.
- The strategy meeting must consider any risks to the alleged individual's own children and other children in their care together with children who may have previously been placed with the foster carer.
- If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take account of the fact that carers must conform to National Minimum Standards.

**Refer to template for agenda for strategy meetings where allegation is made against individual working with children**

## Investigating Allegations

For investigations into allegations relating to carers who are approved by the Authority's Fostering Adoption Service there is a need to ensure independence. Options for ensuring the investigation will be carried out by an independent person to avoid any conflict of interest include: an independent agency could be commissioned to undertake the investigation, staff from another Local Authority can be invited to undertake the investigation or staff from another area who do not know the carer involved could be asked.

Those undertaking investigations should be alert to any sign or pattern which suggests that the abuse is more widespread or organised than it appears at first sight, or that it involves other perpetrators or institutions. It is important not to assume that initial signs will necessarily be related directly to abuse, and to consider occasions where boundaries have been blurred, inappropriate behaviour has taken place, and matters such as fraud, deception or pornography have been involved.

The risk of harm to children posed by the person under investigation should be effectively evaluated and managed - in respect of the child(ren) involved in the allegations, and any other children in the individual's home, work or community life.

A record should be kept of the main discussion points, decisions agreed and reasons for those decisions. The Record of Outcome of Strategy Meeting must be completed.

## Outcomes of Strategy Meeting

**The threshold of significant harm is considered to be reached and a police investigation is necessary, and the fostering service wishes to consider suitability to continue to foster.**

If there is cause to suspect a child is suffering or is likely to suffer significant harm, an enquiry in accordance the procedures set out in Section C of the LSCB procedures should be completed. The Core Assessment is the means by which a Section 47 enquiry is carried out.

If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible in a manner which is consistent, fair and thorough and which will keep the progress of the case under review. They should at the outset set a target date for reviewing progress of the investigation and consulting the CPS about whether to proceed with the investigation, charge the individual with an offence, or close the investigation. Wherever possible that review should take place **no later than 4 weeks** after the initial evaluation/ strategy meeting and if the decision is to continue to investigate the allegation, dates for subsequent reviews should be set at that point.

If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should pass all information they have which may be relevant to review into continued suitability to foster.

## **Action Following a Criminal Investigation or a Prosecution**

The police or the CPS should inform the LADO who will inform the named person for allegations management within the fostering service straightaway when a criminal investigation and any subsequent trial are complete, or if it is decided to close an investigation without charge, or not to prosecute after the person has been charged. In those circumstances the LADO should agree with the named person for allegations management within the fostering service whether any further action is appropriate and, if so, how to proceed. The information provided by the police and/or any Section 47 enquiries should inform that decision. Action in relation to continuing approval as foster carer/adopters and referral under the Fostering Service Regulations to Panel is not ruled out in any of those circumstances. For adopters, refer to Disruption Procedures. The range of options open will depend on the circumstances of the case and the consideration will need to take account of the result of the police investigation or trial, as well as the different standard of proof required for criminal proceedings.

**The threshold of significant harm is not considered to be reached and a police investigation is not necessary, but the fostering service may wish to consider a review of the foster carer's approval.**

If the complaint or allegation is such that it is clear that investigations by police and/or enquiries under Section 47 are not necessary, or the strategy meeting/discussion or initial evaluation decides that is the case, the fostering service may want to review approval. When a decision is taken that a review of a carer's approval to foster is required it should be conducted by a suitability qualified independent person (who does not know anyone involved in the investigation) who will prepare a report for the fostering panel with recommendations on:

- The foster carers suitability and competence to foster
- Any variations in the terms of approval
- Any needs they may have for further training and development or other assistance

The review should be completed within 4 weeks commencing from the date when the investigation officer was appointed. The Professional Advisor to the Fostering Panel will be able to offer advice on this process. The normal procedures relating to a review of foster carers suitability to foster as laid out under Fostering Service Regulations 2002 should be followed.

## **Action in Respect of False or Unfounded Allegations**

If an allegation is determined to be unfounded, the fostering service should consider whether the child concerned is in need of services, or may have been abused by someone else. In the rare event that an allegation is shown to have been deliberately invented or malicious, agencies should be asked to consider whether any action might be appropriate against the person responsible

## **Action on Conclusion of the Case**

If the allegation is substantiated and the person is no longer approved to foster, the Deputy Assistant Director (Safeguarding and Specialist Services) should consider if referring the foster carer to the Independent Safeguarding Authority Children's Barred Lists required. The Manager should then prepare a report for fostering panel including where necessary a recommendation for referral for inclusion on the Independent Safeguarding Authority's Children's Barred List.

The LADO will inform Ofsted of the outcome of the allegation including the outcome of the review of the foster carer's approval. The Child Protection Support Officer MUST ensure that he/she is informed of the outcome of all cases involving a foster carer/adopter.

If it is decided on the conclusion of the case that the foster carer can return to fostering and further placements accepted, the Service Manager should consider how best to facilitate that. Most people will benefit from some help and support after a very stressful experience.

At conclusion of a case it is essential that agreement is reached on the following:

- What information will be given to the child/parents and persons affected by the investigation and how and by whom this will be done
- What information will be placed on files relating to children and foster carers
- What further action in relation to the child including whether or not a child who has been removed should return to the foster carer when the enquiry has concluded.

### **3. Standards and Principles to be Followed by all Agencies and Individuals Caring for Children in Relation to Managing Allegations of Abuse**

All organisations, which provide services for children, or provide staff or volunteers to work with or care for children should operate a procedure for handling allegations of abuse which is consistent with the guidance within this policy and which ensures allegations are treated in accordance with the child protection procedures set out in Section 11 of the LSCB Policies.

All LSCB member organisations should have a named senior officer who has overall responsibility for:

- ensuring that the organisation operates procedures for dealing with allegations in accordance with this guidance
- resolving any inter-agency issues;
- liaison with and notification to the LSCB on the subject.

**The Named Officer for all member organisations can be found on individual agency's Child Protection policy.**

The Local Authority (Derbyshire County Council) has identified a Designated Officer to be involved in the management and oversight of individual cases: providing advice and guidance to employers and voluntary organisations; liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.

**The Designated Officer for Derbyshire County Council is Sara Bartlett**

Derbyshire Police have also identified a Senior Officer who has strategic oversight of the arrangements, responsibility for liaison with the LSCB and who will ensure compliance with procedures. This Officer has responsibility for: liaising with the Designated LA Officer(s), taking part in the strategy meeting/discussion subsequently reviewing the progress of those cases in which there is a police investigation, and sharing information on completion of the investigation or any prosecution.

**The Designated Officer for Derbyshire Police is a Detective Chief Inspector.** All organisations should have a policy in place on the management of allegations against staff. This policy must make clear:

- The name and contact details of the Named Officer
- An identified alternative person to whom reports should be made in the absence of the named Officer or in cases where that person is the subject of the allegation or concern
- That the Named Person must be informed of all allegations or concerns, where a member of staff/foster carer or volunteer may have abused a child
- The contact details of the Designated Derbyshire County Council Officer.
- The level of manager/officer who is able to suspend

The procedures must be available for scrutiny by service users and must be supported by the training and supervision of staff.

LSCB must be notified of all allegations of abuse that are brought to the employer's attention. Staff must be notified that LSCB maintain a database of all allegations of abuse to children made against staff/volunteers/foster carers on behalf of all member agencies. The database will hold personal information including contact details, the nature of the allegation and the outcome.

There have been a number of widely reported cases of historical abuse, usually of an organised or multiple nature. Such cases have generally come to light after adults have reported abuse that they had experienced when children, while living away from home in settings provided by local authorities, the voluntary sector or independent providers. When such allegations are made, they should be responded to in the same way as contemporary concerns.



## **Principles to be Applied during the Investigation**

### **Supporting Those Involved**

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. They should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution.

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.

Employers have a duty of care to their employees. The case manager should appoint a named representative to keep the person who is the subject of the allegations informed of the progress of the case and arrange to provide appropriate support to the individual while the case is ongoing. They should act to manage and minimise the stress inherent in the allegations process. Support for the individual is key to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice available through the local authority. An independent support worker will be offered for foster carers. If the person is suspended/unable to offer fostering placements, the employer/fostering service should also make arrangements to keep the individual informed about developments.

The case manager should inform the accused person verbally and in writing about the allegation as soon as possible after consulting the LADO. However, where a Strategy Discussion is needed, or it is clear that Police or Children's Services may need to be involved; this should not be done until those agencies have been consulted, and have agreed what information can be disclosed to the person. There may be a requirement to delay informing the accused person in order to preserve evidence. It is envisaged that the accused person will be informed that the allegation has been made as soon as possible and that the details of the allegation will be shared (at the latest) within 3 days of the allegation. It is expected that 4 weekly reviews will be undertaken and the accused person should be informed of the decisions made at review meetings unless the meeting recommends otherwise.

It is good practice for the accused person to have access to the following:

- Copy of the LSCB Procedure on Allegations of Abuse made against a Person who works with children
- Information on how to access legal/union advice and representation
- Relevant leaflets on the process. These do not replace the need for a face to face discussion, but provide a framework for discussion

- Information on the process of the enquiry and the planned timescales
- Information on interviews which may be conducted
- Information on independent support which may be available
- In the case of foster carers, the financial arrangements if fostered children are removed or the carer is temporarily suspended from taking further placements. If fostered children are removed from placement and the carer is suspended from taking new placements, the fostering service will continue to pay the allowance normally paid. This will be continued until the outcome of any review into continuing approval is reached.

## **Confidentiality**

It is extremely important that when an allegation is made, the employer makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. The provisions commenced on 1 October 2012.

The legislation imposing restrictions makes clear that “publication” of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public”. This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

In accordance with the Association of Chief Police Officers’ (ACPO) guidance the police will 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 exceptional cases where the police would like to depart from that rule, e.g. an appeal to trace a suspect, they must apply to a magistrates’ court to request that reporting restrictions be lifted).

The case manager should take advice from the LADO, Police and Children’s Social Care services to agree the following:

- who needs to know and, importantly, exactly what information 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; and
- how to manage press interest if and when it should arise.

## **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 cooperate with the process. Wherever possible the person should be given a full opportunity to answer the allegation and make representations about it, but 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 those 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.

By the same token 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/should not be used in these cases. In any event, such an agreement will not prevent a thorough police investigation where appropriate. Nor can it override an employer's statutory duty to make a referral to the DBS's Children's Barred List where circumstances require that.

If the foster carer resigns before the investigation is concluded, the Service Manager Family Placement must collate all information known in order to place it on the foster carers file. Based on the available information, the Deputy Assistant Director (Safeguarding & Specialist Services should be consulted on the appropriateness of referring the carer for inclusion on the list.

## **Organised and Historical Abuse**

Investigators should be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with complex abuse procedures which, if applicable, will take priority. **See section 22 of Derby and Derbyshire Safeguarding Children Procedures (Investigating Complex (Organised or Multiple) Abuse.**

Historical Allegations should be responded to in the same way as contemporary concerns. It will be important to ascertain if the person is currently working with children and, if that is the case, to consider whether the current employer should be informed.

## Record Keeping

Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, **where appropriate**. It will provide clarification in cases where future DBS Disclosures reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on employment

Notes of each strategy/initial evaluation meeting will be sent to:

- Social worker
- Chair of strategy meeting
- Police if present
- Child Protection Support Officer for tracking purposes
- Allegations Manager for the employer
- Invitees

A copy will normally be sent to the employer's line manager but this must not be disclosed to the individual without permission from LSCB.

## References

Employers should seek guidance from their HR provider with regard to including allegations in references. Cases in which an allegation was proven to be false, unsubstantiated, unfounded or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious etc. should also not be included in any reference.

## Timescales

It is in everyone's interest to resolve cases as quickly as possible whilst ensuring the investigation is conducted in a consistent, fair and thorough manner. Every effort should be made to manage cases to avoid any unnecessary delay recognising that the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness, and complexity of the allegation.

Where it is immediately clear that the allegation is unfounded or malicious the case should be resolved within one week. The decision regarding the need for a Strategy Meeting should be taken within 5 days. Any disciplinary action should be progressed as soon as possible, in accordance with the employer's procedures.

## **Suspension**

The possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed - in respect of the child(ren) involved in the allegations, and any other children in the individual's home, work or community life. In some cases, that will require the employer to consider suspending the person or removing them from contact with the child/children. 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 grounds for dismissal. People must not be suspended automatically, or without careful thought; all options to avoid suspension should be considered prior to taking that step. If the case manager is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to the LADO or police. But suspension is highly unlikely to be justified on the basis of such concerns alone. The case manager may wish to seek advice from their HR adviser and the LADO.

The case manager should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the LADO, police and children's social care services have no objections to the member of staff continuing to work during the investigation, the case manager should be as inventive as possible to avoid suspension. Based on assessment of risk, the following alternatives should be considered by, in school settings, the Headteacher/Chair of Governors before suspending a member of staff:

- redeployment within the school or college so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school or college so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or

- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or college or work for the local authority or academy trust.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by the employer and the LADO. This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

Children's social care or the police cannot require the case manager to suspend a member of staff or a volunteer, although appropriate weight should be given to their advice. For schools, the power to suspend is vested in the Headteacher/Chair of Governors as the Governing Body are the employers of staff at the school. However, where a strategy discussion or initial evaluation discussion concludes that there should be enquiries by Children's Social Care and/or an investigation by the police, the views of police/children's services about whether the accused member of staff needs to be suspended from contact with children should be canvassed, to inform the employer's consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment

**If there remains disagreement about suspension, the Chair or individual members of the strategy meeting should consider writing to a Senior Officer representing the employer for further consideration of the issue.**

The above paragraphs also relate to decisions regarding suspending foster placements.

### **Monitoring Progress**

LSCB, through the Business Service Officer will regularly monitor the progress of cases. The first review should take place **no later than 4 weeks** after the initial action/strategy meeting and subsequent reviews should be conducted at fortnightly or monthly intervals depending on the complexity of the case. In addition, the employer (Service Manager Family Placement ) should regularly monitor the progress of cases either by review strategy meetings or through liaising with the Police/Children's Services as appropriate.

The LADO must notify the LSCB of the outcome of the case and the outcomes and timescales of all reviews.

### **Information Sharing**

In the initial consideration at a strategy discussion or initial evaluation the agencies concerned, including the employer, should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim. This should include any previous disciplinary investigation of a relevant nature and any soft information from the line manager/colleagues which may be relevant to the enquiry and that has occurred in relevant and appropriate timescales.

Wherever possible the police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the employer, and/or regulatory body, for disciplinary purposes. That should be done as the investigation proceeds rather than after it is concluded. That will enable the police and CPS to share relevant information without delay at the conclusion of their investigation or any court case.

Children's services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation is in need of protection or services so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer or regulatory body without delay.

### **Learning Lessons**

At the conclusion of a case in which 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.

If an allegation is substantiated, the managers or commissioners of the relevant service should think widely about the lessons of the case and how they should be acted upon. This should include whether there are features of the organisation which may have contributed to the abuse occurring, or failed to prevent the abuse occurring. In exceptional circumstances, a serious case review may be necessary.

The term employer is used to refer to organisations that have a working relationship with the individual against whom the allegation is made. That includes organisations that use the services of volunteers, or people who are self employed, as well as service providers, voluntary organisations, employment agencies or businesses, contractors, fostering services, regulatory bodies such as Ofsted in the case of childminders, and others that may not have a direct employment relationship with the individual, but will need to consider whether to continue to use the person's services, or to provide the person for work with children in future, or to deregister the individual.