

## Support

Everyone who is the subject of an allegation will find it stressful and therefore should be offered support.

Your employer should:

- advise you to seek support from your Trade Union
- provide a named support person who will keep you up-to-date with any investigations
- provide a named support person who will keep you up-to-date with any work matters if you are suspended.

It is important that you take up any support offered and you can also seek help from your GP if you feel the stressful nature of the situation is causing health problems.

## Notifications

Confidentiality should be respected and people only told of the allegation on a “need to know” basis. If the matter becomes subject to speculation, your employer, after consulting with the LADO, police and yourself, may need to issue a statement for parents, children or the public.

## Record keeping

A comprehensive summary of the case should be kept on your confidential personnel file and retained until normal retirement age or 10 years after the allegation, if longer. This includes allegations found to be without substance, but not allegations that were proved to be malicious. You should be provided with a copy of the summary. Other agencies, if involved, will also keep their own records.

## Disclosure and Barring Service (DBS)

The DBS holds a list of all those people who have been barred from working with children, and this information is disclosed when future employers seek a check on a potential employee who wishes to work with children. This is an important mechanism in ensuring safe recruitment practices that keep children safe.

Your employer or agency has a statutory duty under the Safeguarding Vulnerable Groups Act 2006 to report you to the DBS if:

- you are dismissed for misconduct arising from an allegation or because you are otherwise considered unsuitable to work with children
- you resign before a disciplinary process is completed, and your employer believes that you would have been dismissed.

If you are referred to the DBS, you will be sent a letter explaining the process, including your right to make representations.

## For more information:

**Camden Safeguarding Children Board**  
[www.cscb.org.uk](http://www.cscb.org.uk)

**Disclosure and Barring Service**  
[www.gov.uk/government/organisations/disclosure-and-barring-service/about](http://www.gov.uk/government/organisations/disclosure-and-barring-service/about)

# Allegations against staff: a guide to what happens next

**Any adult working or volunteering with children may at some point become the subject of an allegation that they have harmed a child. This can be a distressing situation but it is an essential part of safeguarding children that any allegation is investigated.**

**This leaflet explains what happens when an allegation is made; it is hoped it will help staff who are subject to this procedure.**



Camden Safeguarding  
Children Board

## What happens when an allegation is made?

**Every organisation that works with children should have a manager responsible for dealing with allegations that a child may have been harmed by a member of staff. When they are informed of the allegation, the responsible manager must contact the local authority designated officer (LADO) within 24 hours to report the concern.**

By law, the LADO must be contacted whenever there is an allegation that a member of staff may have:

- behaved in a way that has harmed a child, or may have harmed a child
- committed a criminal offence against a child
- behaved in a way that indicates they are unsuitable to work with children.

The LADO and the responsible manager will discuss the case to decide what action needs to be taken, including whether you should be told about the allegation. At this point, it may become clear that the allegation is false or malicious and you will be informed of this and no further action will be taken.

## What action may be taken?

If there are concerns that a child may have suffered significant harm or a criminal offence has occurred, the LADO will ask for a strategy meeting to be held. The police, Family Services and Social Work and your employer will all be involved in this meeting.

Other agencies may be asked to share relevant information depending on the circumstances, for example Ofsted will be contacted if the allegation involves an incident in an early years setting.

The purpose of the meeting is to share information and decide on the next course of action. This may be:

- Family Services and Social Work carrying out an investigation under child protection procedures
- Police action in relation to possible criminal offences
- Disciplinary action carried out by your employer.

## Suspension

The responsible manager will decide whether you should be suspended, but will seek the advice of the LADO and Police and consider any information raised in the strategy discussion. Suspension will normally only be considered if:

- there is a continued risk to children
- a police investigation is likely to be carried out
- the allegation is so serious, it would warrant immediate dismissal if proved true.

If suspension is being considered, the responsible manager should meet with you to discuss the matter, and you may wish to have a Trade Union representative or friend present for support. Your employer should give you written reasons for suspension within 1 working day of their decision.

If you are returning to work following suspension, your employer should meet with you in advance to make suitable arrangements for your return.

## Alleged criminal offence

In some cases, the police may decide to proceed with a criminal investigation. You may be arrested and interviewed under caution, or invited to assist the police with their enquiries. In this instance you **must** seek legal representation; this may be available through your Trade Union or at the police station.

## Internal investigation

Your employer may need to conduct an internal investigation in order to decide how to proceed. It may be conducted by a senior member of staff or by an independent person, depending on the nature of the case. When there are criminal proceedings on-going, it may not be possible for an employer to complete their investigations until after the criminal proceedings are concluded.

## Agency workers

If you are an agency worker, your placing agency will be involved and co-operate in any investigation. If disciplinary procedures do not apply, an investigation may still be necessary to assess your continued suitability to work with children.

## Resignations and compromise agreements

Your employer must continue with any action or investigation following an allegation and should try to reach a conclusion regardless of whether you resign or otherwise cease to provide your services, or if you refuse to co-operate. They must not use a “compromise agreement”, for example where you resign without any disciplinary action being taken and with an agreed reference.

## Timescales

Cases should be dealt with as quickly as possible but be conducted in a thorough and fair manner. There are government guidelines as to how long investigations should take but the length of time will be dependent on factors such as the seriousness and complexity of the allegation. Your case will be monitored in order to avoid unnecessary delay.