



Camden Safeguarding
Children Board

MANAGING ALLEGATIONS AGAINST STAFF AND VOLUNTEERS

Multi-Agency
Guidance

2018

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1 Introduction

Camden Safeguarding Children Board is committed to safeguarding and promoting the welfare of children in the borough in all aspects of their lives. To achieve this, the board expects all agencies providing services for children to ensure a safe environment and have policies in place to:

- ensure safe recruitment of permanent and temporary members of staff and volunteers
- manage allegations against members of staff where concerns are raised that the person may not be suitable to work with children.

This document provides a policy framework for organisations to follow when writing their own policy for the management of allegations against staff and includes all matters that will need to be covered. A separate policy document is available for schools.

Camden Safeguarding Children Board will monitor the effectiveness of agency policies through the Quality Assurance sub-group which the Local Authority Designated Officer (LADO) chairs.

2 Legal framework

All agencies providing services for children have a duty under *Working together to safeguard children* by ensuring procedures are in place to deal with any allegations that a member of staff or volunteer 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 they are unsuitable to work with children.

As well as covering the four categories of harm and abuse, policies should also cover any concerns about an individual's behaviour in their private life that suggests they are unsuitable to work with children. This includes allegations involving inappropriate relationships with young people, grooming behaviour on-line, possession of indecent photographs or images of children and other offences under the Sexual Offences Act 2003.

If allegations about a staff member's treatment of their own child are raised, the police or local children's social care department where the staff member lives should notify the Camden LADO who will contact the school and the CAIT to explore whether the information raises questions about the person's suitability to work with children.

In these cases, the police or CSSW may approach agencies in order to assess any risk the individual poses to children they work with.

Camden works to the London Safeguarding Children Board child protection procedures (section 7) and agencies should be familiar with these procedures. [7. Allegations against staff or volunteers, who work with children - London Safeguarding Children Board: Child Protection Procedures](#)

3 Principles

- The welfare of children and young people will be a paramount consideration. All members of staff and volunteers have a duty to safeguard and promote the welfare of children and young people and should take action to ensure their safety.
- Agencies will ensure that suitable local policies are in force and are compliant with *Working together to safeguard children* and the London Safeguarding Children Board child protection procedures.
- Agencies will ensure that staff members receive suitable training and induction and are aware of expected standards of professional behaviour.
- Agencies will ensure that parents and children are aware of the policy on managing allegations and know who to contact if they wish to make a complaint.
- Children who are the subject of allegations will receive suitable support throughout the duration of any investigation and appropriate services provided if required.
- Allegations will be dealt with fairly and quickly and generally resolved within 1-3 months. Only in exceptional circumstances, for example where criminal proceedings are taking place, should allegations take more than 12 months to resolve.

- Allegations will be dealt with by the most efficient method and at an appropriate level, involving agencies such as the police and CSSW only where there is a clear need.
- Confidentiality will be maintained at all times and information shared only in accordance with this policy.
- Those staff members wishing to raise concerns anonymously will be supported through Camden's whistle-blowing procedures.
- All responses will be fair, transparent and balanced and should ensure the safety of children whilst supporting those adults who are the subject of allegations.

4 Roles and responsibilities

Camden's Local Authority Designated Officer (LADO) will oversee the management of all cases and all allegations will be reported to the LADO in line with these procedures in the first instance.

Camden's LADO is:
 Children's Quality Assurance Unit
 Children's Safeguarding and Social Work
 5 Pancras Square
 London N1(C) 4AG
 Tel: 020 7974 4556

The LADO will review all cases involving allegations against staff members on a fortnightly basis where the case is complex or on a monthly basis for more straightforward cases. This is to ensure that cases are dealt with efficiently and within prescribed timescales.

However, day to day management of cases is covered on a rota basis by Independent Reviewing Officers (IRO) based in the Children's Quality Assurance Unit so that there is always a senior social work professional available to provide advice and take any necessary action. Throughout this policy, references to the LADO will mean either the LADO or the IRO who has been allocated the case via the rota.

Camden Borough Police will appoint a senior officer from the Child Abuse Investigation Team to oversee all police investigations arising from allegations against staff members.

Camden Borough Police senior officer is: DCI Lily Benbow
Police Child Abuse Investigation Team (CAIT)
Holborn Police Station
10 Lambs Conduit Street
London WC1N 3NR
Tel: 07785446174
Email: lily.benbow@met.pnn.police.uk

The responsible police officer in CAIT will review all cases in criminal proceedings that involve allegations against staff members and will pass on information to agencies and the LADO regarding progress of investigations and prosecutions. Cases will be reviewed within 4 weeks of any decision to refer the matter to the police and then at fortnightly intervals.

All organisations in Camden that work with or provide services for children and young people will have a safeguarding children policy in place and will appoint a named officer with responsibility for dealing with allegations and the name of the officer who will deputise for them.

Organisations can refer to the Camden Safeguarding Children Board guidance on writing a child protection policy and may take advice from CSSW, but the following should be contained in the policy:

- what steps will be taken at the point of recruitment to ensure only suitable staff are employed
- what standards of professional behaviour and practice are expected and what disciplinary action could be taken for breach of these
- how allegations against members of staff and volunteers will be dealt with
- the name of the officer responsible for dealing with allegations
- the name of the officer who will deputise in the absence of the named officer or in the event that an allegation is made against the named officer
- which staff groups are covered by the policy.

5 Dealing with allegations

5.1 Notification

Agencies should be aware that allegations may arise from a variety of sources, for example following a complaint by parents or a child or concerns being raised by other members of staff.

All allegations need to be considered in context for the activity carried out by the agency; for example, physical contact may be unavoidable for some professionals but may be misinterpreted by children. For this reason, it is important that staff are given guidance on acceptable behaviour and safe working practice in order to protect them from misplaced or malicious allegations.

All allegations must be notified in the first instance to the agency's responsible officer (or their deputy) who will in turn notify the LADO within 1 working day. This is to allow a judgement to be made as to what response is needed to ensure children's safety.

Following a telephone call, agencies should notify CSSW in writing of any allegation using the agency referral form available at [LADO | Camden Safeguarding Children Board](#). All notifications should be sent to the MASH team in the first instance and will be passed on to the LADO.

5.2 Initial action

Initial discussions between the responsible officer and the LADO will focus on whether the allegation is likely to be true and if it should be dealt with under this policy.

Some allegations may not require any further action and it will be left to the agency to decide whether to take any disciplinary action. If following the agency's own investigations there are concerns, the matter should be referred back to the LADO for action to be taken under this policy.

If the case raises serious concerns immediate action will be taken under this policy.

As a result of the initial discussion, the LADO or IRO and the responsible officer may decide to take either of the following courses of action:

- referral to the police for a criminal investigation
- referral to CSSW for assessment and possible child protection investigation
- initiation of disciplinary proceedings against the member of staff
- no further action to be taken.

Where action will be taken, the LADO will liaise with the police and CSSW to ensure appropriate referrals are made and that all relevant information is passed on. The LADO and responsible officer should also consider:

- if any further information is needed to assist the investigation
- whether any immediate action needs to be taken to protect children
- whether parents should be notified of the allegations (although in some cases this will be unavoidable, for example if the child requires medical treatment)
- how the child and their parents will be supported during the process
- whether any regulatory body such as Ofsted needs to be informed of the allegation.

Consideration should also be given to whether the seriousness of the allegations warrants the member of staff being suspended or whether they should continue to have contact with the child involved or any other child. See section 8 for further guidance on this.

The responsible officer and the LADO should both make a written note of discussions and decisions should be agreed and the reasons for taking any particular course of action noted. This is particularly important in cases where no further action will be taken.

Generally, the member of staff and the child's parents should be notified of the allegation and given as much information as possible unless there are good reasons for not doing so. In cases where a criminal or child protection investigation is possible, the LADO should seek the advice of the police and CSSW regarding what information can be shared.

5.3 Initial strategy meeting

If the LADO believes that the child has suffered or is at risk of suffering significant harm, a referral will be made to CSSW and a strategy meeting convened to share information and agree on further action.

The meeting will be chaired by the LADO and should be attended by the responsible officer from the organisation, a representative from the police CAIT and any other relevant person or agency. Where the setting involves child care for children under the age of 8 Ofsted should also be notified of the meeting.

The strategy meeting will:

- decide whether or not the child has or is likely to suffer significant harm and whether to instigate a child protection and/or criminal investigation which may be jointly conducted between the police and CSSW;
- look at what disciplinary processes should be put in place;
- consider the allegation in the light of any previous allegations or concerns and whether the staff member was acting reasonably in line with the organisation's behaviour policy (see section 6.1);
- make a decision about suspending the staff member where this is a proportionate response (see section 8);
- consider what action should be taken to ensure the safety of the child involved and all other children at the setting;
- agree the plan for investigating the allegation and providing support to the staff member and the child whilst the investigation is on-going;
- agree what information should be shared between agencies and how issues relating to media reporting or containing speculation will be dealt with.

The strategy meeting may consider suspending the member of staff but other alternative arrangements to ensure the member of staff has no contact with the child involved should be considered in the first instance before suspending the staff member.

It is for the organisation to decide whether or not to suspend the staff member and this should be based on a clear risk assessment and be in accordance with the organisation's own policies on staff conduct.

However, in cases where there are serious allegations and clear evidence of abuse, the police and CSSW may take alternative action if organisations do not follow a recommendation to suspend a staff member.

5.4 Review strategy meeting

A review strategy meeting should be held within a reasonable timescale in order to review the actions agreed at the initial strategy meeting and agree what further action should be taken.

The review should consider the outcome of any investigations carried out by the police and CSSW and whether there is enough evidence to pursue the allegation further or take action under child protection procedures.

If no further action will be taken by CSSW or the police, the meeting should agree what further steps the organisation should take to ensure the safety of children, for example what further investigation should be carried out by the organisation or what action to take with regard to the member of staff involved.

5.5 Final outcome of investigations

Following the review strategy meeting once investigations are completed and final actions decided the possible outcomes are:

- The allegation is substantiated as there is sufficient evidence to pursue the allegation.
- The allegation is malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
- The allegation is false: there is sufficient evidence to disprove the allegation.
- The allegation is unsubstantiated: there is insufficient evidence to **either prove or disprove** the allegation.
- The allegation is unfounded: these will be cases where there is no evidence or proper basis which supports the allegation being made.

5.6 Monitoring and oversight of cases

The LADO will review all cases involving allegations against staff members on a fortnightly basis where the case is complex or on a monthly basis for more straightforward cases. This is to ensure that cases are dealt with efficiently and within prescribed timescales.

The responsible police officer in CAIT will review all cases in criminal proceedings that involve allegations against staff members and will pass on information to the organisation and the LADO regarding progress of investigations and prosecutions. Cases must be reviewed within 4 weeks of any decision to refer the matter to the police and then at fortnightly intervals.

Once cases have been resolved, the responsible person should review the events in order to identify any issues and decide whether the organisation's procedures or practices need to be updated or improved so that similar incidents can be prevented or responses improved in the future.

6 Criminal or disciplinary proceedings and barring

The police CAIT should keep the organisation and the LADO informed of all progress in investigations and proceedings, including any decision to charge or the outcome of trials. These should be discussed with the LADO to decide on any action needed by the organisation in relation to disciplinary proceedings or decisions on continued employment.

Decisions to follow disciplinary proceedings lies with the organisation but must be considered in all cases where a criminal or child protection investigation has not been considered necessary or on completion of any criminal proceedings. The responsible officer should discuss any disciplinary proceedings with the LADO and look at what options are available to deal with the matter.

If a further investigation is required, the LADO will be able to advise organisations on how to undertake the investigation. Disciplinary proceedings should take account of any information arising from any criminal or child protection investigation and the outcome of any trial.

Organisations should also discuss with the LADO whether a referral should be made to the Disclosure and Barring Service (DBS). There is a legal duty on employers to refer any individual to the DBS if it is thought that they pose a risk to children or have harmed a child. The DBS will then make a decision as to whether or not to bar the person from working with children in a regulated activity.

As cases move towards conclusion and all information is available, the organisation and the LADO should discuss whether a referral needs to be made to the DBS. The relevant manager has a duty to refer if the allegation is proved and the person has been removed from their post or has resigned prior to being removed. The LADO may also refer the case to the DBS.

7 Supporting staff and children

Employers have a duty to ensure that members of staff against whom an allegation has been made are treated fairly and are supported throughout the process. They should be kept informed of the progress of any investigation or disciplinary process and where they have been suspended pending investigation, there should be a named member of staff responsible for keeping them informed of developments.

A copy of the CSCB information leaflet “Allegations against staff – what happens next?” should be provided to the member of staff. The leaflet is available at: <http://www.cscb-new.co.uk/downloads/LADO/Allegations%20against%20staff%20-%20what%20happens%20next.pdf>

The staff member involved should be given advice on obtaining legal representation and counselling if needed. They should also be told about the process of any investigation and kept informed of the outcomes and progress of these. Their support needs should also be considered when they are returning to work following suspension.

Parents and children should be notified of allegations and given all information available as soon as possible subject to advice from the police and CSSW, as well as being kept informed of the progress and outcomes of investigations.

If the child has suffered significant harm or is in need, a referral will be made to CSSW who will assess the child and provide appropriate services and support. Children who are found to have made a malicious allegation against a staff member may be referred to CSSW as this could be an indication of need.

Parents should be informed of any referral to CSSW and their consent sought and should be reminded of the need to maintain confidentiality about the allegation while the matter is under investigation.

8 Suspension

Suspension should not be an automatic outcome of any allegation but used only where there is no alternative following a risk assessment and having considered other alternative ways of reducing harm.

Organisations should consider the effect of suspension on the member of staff and be mindful that suspension will normally only be justified where there is a risk of significant harm to children, a police investigation is likely to be carried out or the allegation is so serious it would normally warrant immediate dismissal if proved true.

Even in these cases, organisations should first consider other ways of managing risk, such as arranging for the member of staff to have limited contact with children or ensuring they are constantly supervised.

Decisions on suspension should be based on a robust risk assessment and discussed with the LADO in the first instance. CSSW and the police will be able to advise organisations on possible courses of action to safeguard children and may make a recommendation on suspension but the final decision will rest with the organisation. All decisions on suspension should continue to be reviewed as new information becomes available during investigation.

If suspension is to be used, the member of staff must be given written confirmation of the decision within 1 working day detailing the reasons and giving the name of the person at the organisation whom the member of staff can contact for support and information.

Any decision to suspend a member of staff should be recorded by the responsible officer and the LADO with reasons given and details of what alternative ways of managing risk other than suspension were considered and why they were rejected.

9 Resignations

Full investigations into allegations must proceed even if the person involved resigns as it is important that the matter is properly dealt with and that a resolution or conclusion is reached. It is important to decide whether allegations are substantiated and what further action may have to be taken to safeguard children through referral to the Disclosure and Barring Service.

Organisations should not use compromise agreements that allow a person to resign with a reference in return for not initiating disciplinary proceedings in cases where allegations of abuse of children are involved. As stated above, it is crucial that all allegations are fully investigated and failure to refer to the DBS when the criteria for doing so are met would be a criminal offence on the part of the organisation.

10 Confidentiality and information sharing

It is essential that confidentiality is maintained whilst any investigation is ongoing and the Police will not make public any details of criminal investigations unless the person involved is charged. All those involved, including parents and children, must be made aware of the statutory reporting restrictions in place to ensure the identity of the staff member and the victim is not made public. This includes posting information about the allegation on social networking sites.

At the initial discussion, the responsible officer and the LADO may wish to discuss what information will be shared with whom and what action will be taken to manage any possible breaches of confidentiality or press interest.

In general, information may be shared at the initial discussion and strategy meetings in order to gather as much information as possible to make an informed judgement on what action to take.

Consent must be obtained to share information with third parties, for example police statements or child protection investigations being passed on to agencies for the purposes of disciplinary proceedings.

11 Recording and references

A clear record of the allegation and how it was investigated and resolved, including actions taken and decisions reached, must be put on the person's personnel file. This is the case even where the allegation is unfounded. However, the exception to this is any allegation that is proved to be malicious; all references to these allegations should be removed from the personnel record.

It is important that records show clearly how a resolution to the allegation was reached and that this information is available when references are being written or information sought from future employers. Records should be retained until the person reaches normal retirement age or for 10 years if that is longer.

Allegations that prove to be malicious should be removed from the person's records, and false, unsubstantiated and malicious allegations should not be referred to in references.

Organisations can get further advice from the Information Commissioner guidance available at: [Employment | ICO](#)