



# **Allegations made against staff working in the children's workforce**

**Information about reporting and managing  
allegations**

## **1. INTRODUCTION**

All organisations providing services to children must ensure that those who work with or on behalf of children and young people are competent, confident and safe to do so. Likewise anyone who comes into contact with children and young people in their work has a duty of care to safeguard and promote their welfare.

The vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children and young people in their care. However, it is recognised that in this area of work, tensions and misunderstandings can occur. It is here that the behaviour of adults can give rise to allegations of abuse being made against them. Allegations may be misplaced or malicious. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned.

It must also be recognised that some allegations will be genuine and there are adults who will deliberately seek out, create or exploit opportunities to abuse children. For the benefit of all concerned it is essential that a clear process exists for the investigation and resolution of allegations.

Tower Hamlets formally adopted the revised 5<sup>th</sup> edition of the London Child Protection procedures issued by the London Safeguarding Children Board in March 2017.

### **1.1. Related guidance**

This document should be read in conjunction with:

- The London Child Protection Procedures 2017:
  - [Part A, Chapter 7 'Allegations against staff or volunteers, who work with children'](#)
  - [Part B2 Chapter 6 'Safer recruitment'](#)
- [Working Together to Safeguard Children, 2015](#)
- [Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges \(DfE, September 2016\)](#)

### **1.2. Who is covered by the allegations against staff process?**

This process covers everyone working within the children's workforce in either a paid or unpaid capacity, including volunteers and foster carers. This means anyone working in health, education, social care or a voluntary sector service, as well as any other setting providing services to children.

### **1.3. Who is responsible for the managing the allegations against staff process in Tower Hamlets?**

The process is managed by Tower Hamlets' Local Authority Designated Officer (LADO). The LADO is responsible for:

- Managing individual cases
- Providing advice and guidance
- Liaising with police and other agencies
- Monitoring progress of cases for timeliness, thoroughness and fairness.

The Tower Hamlets LADO is Fiona Anderson [LADO@towerhamlets.gov.uk](mailto:LADO@towerhamlets.gov.uk)

Note: Cases can often be relevant to more than one borough, decisions about which LADO should take the lead must consider: which agency holds the greatest risk and where organisational learning required. Once confirmed, the allocated lead LADO must ensure that all relevant local authority LADOs are kept up to date with the progress of the enquiry.

Please refer to Part A, Chapter 7 of the London Child Protection Procedures, section 7.4.10 for more information.

## **2. REPORTING ALLEGATIONS**

All allegations that meet the criteria below must be reported to the LADO;

Where it is alleged that someone has:

- Behaved in a way that has harmed or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child/(ren) in a way that indicates s/he would pose a risk of harm if they work regularly or closely with children

Allegations may relate to concerns about neglect, physical, sexual or emotional abuse or the use of restraint that is not permitted by law or guidance.

Allegations may relate to the personal or professional life of a member of staff or volunteer.

All statutory partner agencies are required to report all allegations to the LADO within one working day.

The LADO can also be contacted for advice regarding concerns or suspicions about behaviour towards children by staff or volunteers within Tower Hamlets' children's workforce.

It is in the interests of all parties that allegations are taken seriously and thoroughly considered, this is undertaken in a timely manner and delays are avoided.

### **2.1. What happens when I contact the LADO?**

The LADO will complete an initial evaluation and provide advice regarding the steps to be taken to resolve the allegation.

## **2.2. What are the possible options for following up an allegation?**

The LADO will decide whether the allegation made is a potential criminal offence. In this case a referral will be made to the police.

If an allegation indicates a child/(ren) may be at risk of significant harm, then a child protection investigation will be undertaken. In these circumstances an Allegation Against Staff or Volunteers (ASV) meeting will be held to share information about the allegation, plan the investigation and the actions required to protect children. The police, social workers, senior representatives from the organisation concerned and representatives from Human Resources (HR) will attend this meeting. The subject of the allegation is not invited to attend but will have some feedback after the meeting takes place, subject to this not compromising any investigation. The chair of the ASV meeting will decide who will provide feedback to the subject of the allegation. This could be the employer, the LADO or the police.

If the allegation does not indicate a potential criminal offence or child protection issue, the matter may be passed back to the organisation managing the subject of the allegation for them to resolve under their staffing, disciplinary standards or process as a complaint.

## **2.3. Who makes allegations against staff?**

Allegations can be made by children, their parents/ carers, colleagues or others.

## **2.4. What information will parents/ carers be given?**

Parents / carers should be told at the earliest opportunity if their child has made an allegation, or there is a concern that they may have been harmed by someone working with them. Parents should be kept informed during the investigation process and be told the outcome.

The chair of the ASV meeting will decide which professional is most appropriate to communicate with parents about the allegation and investigation.

## **2.5. How are children / young people supported during the process?**

Children / young people should be given the opportunity to share any concerns they have about their care and should be supported by the organisation throughout the investigation process. They should also be told the outcome and provided with further support if required.

### **3. RECORDING ALLEGATIONS**

All allegations against staff and volunteers which are reported to the LADO are recorded on a restricted section of Framework-i. This information will be used to produce annual reports to the Local Safeguarding Children Board (LSCB) relating to: the number, type, setting, outcome of allegations and timescales from referral to final outcome. The analysis of performance reporting will be used to target training resources.

It is a requirement that a summary of any allegations made and the outcome of any investigation is kept on the HR file of the person concerned. This record should be kept for 10 years or until retirement, whichever is the sooner. Other records may be held by agencies involved in investigating allegations. Information about what information should be disclosed in references can be obtained via the LADO on the phone or by email. This will depend upon the outcome of the investigation.

### **4. ALLEGATION AGAINST STAFF & VOLUNTEERS (ASV) MEETING**

Where the LADO together with the police and representative from the organisation concerned with the allegation agree that an ASV meeting takes place, it should be held within 5 working days of the allegation being made. The ASV meeting will consider the following actions:

- A joint investigation will be undertaken by Children's Social care and the Police under s.47 of the Children Act 1989
- The Police will commence an investigation into a possible criminal offence
- The matter should be dealt with under the organisation's disciplinary procedures
- There is to be no further action

Where the ASV meeting concludes that a joint investigation between the police and children's social care is required, the representatives should consider whether the subject of the allegation should be suspended, or should remain suspended if this is already the case.

In considering whether suspension is appropriate, the following criteria will be considered:

- Whether the child is at risk
- Whether the allegations are so serious that dismissal for gross misconduct may be appropriate
- Whether the conduct of the investigation can proceed unimpeded by the continuing presence of the subject of the allegation

### **5. SUSPENSION OF THE SUBJECT OF THE ALLEGATION**

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 subject of the allegation continuing to work during the investigation, then based on assessment of risk, the following alternatives should be considered before suspending a member of staff:

- Redeployment within the organisation 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 organisation so that the individual does not have unsupervised access to children
- Temporarily redeploying the member of staff to another role in a different location

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.

If suspension is to take place, the Designated Human Resources Officer – Child Protection will advise the organisation concerned. The subject of the allegation will be advised to seek advice from his / her trade union or professional organisation.

## 6. OUTCOMES OF ALLEGATION INVESTIGATIONS

The London Child Protection Procedures outline five possible outcomes from the investigation of allegations:

- a) **Substantiated:** There is sufficient evidence to prove the allegation that a child has been harmed or there is a risk of harm.

*If the facts of the incident are found to be true but it is not found that a child has been harmed or there is a risk of harm, then consideration should be given to deciding that the outcome is 'unsubstantiated' or 'unfounded'.*

- b) **Malicious:** There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive. The police should be asked to consider what action may be appropriate in these circumstances.

- c) **False:** There is sufficient evidence to disprove the allegation, however, there is no evidence to suggest that there was an deliberate intention to deceive.

*False allegations may be an indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO, should refer the*

*matter to LA children's social care to determine whether the child is in need of services, or might have been abused by someone else.*

- d) **Unsubstantiated:** There is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- e) **Unfounded:** The additional definition of 'unfounded' can be used to reflect cases where 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.

The Chair of the ASV meeting should make a record of the agreed outcome and forward this to the employer.

## **7. ACTION ON CONCLUSION OF A CASE**

If an 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 their services, there is a legal duty for employers to make a referral to the Disclosure and Barring Service (DBS) for consideration of inclusion on the barred lists. Where the substantiated allegation relates to London Borough of Tower Hamlets' staff, HR will usually complete the referral to the DBS.

Professional misconduct cases must be referred to the relevant regulatory body.

The LADO can support the organisation concerned with the referral to the DBS or relevant regulatory body.

## **8. CONFIDENTIALITY**

When an allegation is made, all parties involved in the investigation should make every effort to maintain confidentiality. The organisation concerned with the allegation should take advice from the LADO, Police and Children's Social care 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
- How to manage press interest if and when it should arise.

## **9. INFORMATION FOR THOSE SUBJECT TO ALLEGATIONS**

It is recognised that being the subject of an allegation of a child protection nature can be a difficult emotional experience for a member of staff. Employers have a duty of care for their employees and support should be provided throughout the process of the investigation and beyond. A member of the senior management team should be appointed as the key link person for the member of staff. The staff member should also be encouraged to seek additional guidance from their professional association or trade union.

The individual need of the member of staff should also be reviewed at the end of the case. A member of staff who has been the subject of a false or unsubstantiated allegation should be offered both professional and emotional support. This will assist them in re-establishing their professional confidence and self-esteem and, where suspension has been applied, to help them re-integrate into the workplace community.

In those cases where the investigation has shown the allegation to be an issue of the conduct or competency of the member of staff, this should be followed up under disciplinary procedure and/or conduct counselling and training should be offered.

## **10. LEARNING LESSONS**

At the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances of the case with the organisation concerned 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.

## **11. REVIEWS OF ASV INVESTIGATION OUTCOME**

Decisions taken following an ASV investigation will normally be final and will not routinely be the subject of further review. However, in some exceptional circumstances, new information may come to light that gives cause to believe that the original decision was incorrect.

To request a review, the subject of the allegation (or their representative) must contact the LADO setting out:

- The new information and why it was not considered in the original ASV investigation
- The reasons why it is considered that the information would have affected the outcome
- The effect that the original decision has had on the subject

The Divisional Director for Children's Social Care will decide whether the threshold for review is met. If the threshold is not met, the subject will be notified, giving the reasons for the decision.

N.B. Any police investigation would need to be concluded before the review process can commence.



Where the Divisional Director decides that a review meeting should be convened, a suitably qualified Senior Manager will be identified to chair the meeting. The chair will consult with Legal Services about the review process.

All parties involved in the original ASV investigation will be notified of the review and required to submit a summary of relevant information to the LADO. Any other agencies whose involvement has become relevant will also be notified and required to submit summary information to the LADO.

The LADO will consult with Legal Services and the Information and Governance team to ensure that the sharing of this information is compliant with the General Data Protection Regulation (GDPR). They will then share the information with the subject of the allegation at least 15 days before the review meeting.

The subject of the allegation will provide written representation to the LADO at least 2 days before the review meeting.

The review meeting may result in either:

- No change to the original ASV outcome or
- One of the 5 ASV outcomes set out in section 6 of this document

All parties involved and the subject of the allegation will receive notification of the outcome within 10 working days of the review meeting.