

Procedures for Managing Allegations against people, staff and volunteers who work with children and young people

Threshold for implementation of Safeguarding Procedure

1. The framework for managing cases set out in this guidance applies 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 also caters for cases of allegations that might indicate that the alleged perpetrator is unsuitable to continue to work with children in his or her present position, or in any capacity. 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, or may have harmed, a child
- possibly committed a criminal offence against, or related to, a child
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

2. There may be up to three strands in the consideration of an allegation:

- a police investigation of a possible criminal offence
- enquiries and assessment by children's social care about whether a child is in need of protection or in need of services
- consideration by an employer of disciplinary action in respect of the individual.

Initial considerations

3. The Access Centre should be informed of all allegations that come to the employer's attention and appear to meet the criteria in paragraph 1. The Access Centre will pass the referral to the Family Assessment Support Teams who will arrange a meeting which will include the police. The Access Centre should be informed of any known allegation that are made directly to the police. It is not advisable to discuss the allegation with the member of staff until an initial discussion has taken place with Childrens Services/Police. However where there is concern that a young person is at immediate risk then swift action will need to be taken.

Information sharing

4. In the initial consideration at a strategy discussion or joint 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. RBC will take advice from the LADO regarding information sharing throughout the duration and following the conclusion of an investigation.

Confidentiality

5. Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated/considered. In accordance with the Association of Chief Police Officers (ACPO) guidance, the police do 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 might depart from that rule – e.g. an appeal to trace a suspect – the reasons should be documented and partner agencies consulted beforehand.) The system of self-regulation, overseen by the Press Complaints Commission, also provides safeguards against the publication of inaccurate or misleading information.

Record keeping

6. It is important that employers keep a clear and comprehensive summary of any allegations made, details of how the allegations were followed up and resolved, and of any action taken and decisions reached. These should be kept in a person's confidential personnel file and a copy should be given to the individual. Such information should be retained on file, including for people who leave the organisation, at least until the person reaches normal retirement age, or for 10 years if that is longer. The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where a future CRB Disclosure reveals information from the police that an allegation was made but did not result in a prosecution or a conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.

Timescales

7. It is in everyone's interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation. Every effort should be made to manage cases to avoid any unnecessary delay. Indicative target timescales are shown for different actions in the **SG4 and SG5 'Route for Referral'** document. These are not performance indicators: the time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness and complexity of the allegations, but they provide useful targets to aim for that are achievable in many cases.

Suspension of staff

8. If you are the person who is the centre of an allegation, the situation will be explained to you and you will be asked to stop working for Redditch Borough Council whilst investigations take place. This may result in suspension whilst an investigation is carried out, ensuring all parties involved are protected.

Following the investigation, the appropriateness of you returning to work will be assessed and will be dependent on the outcome of the investigation and all available information. Redditch Borough Council will assess on a case-by-case basis the support that can be offered to an individual who has an allegation made against them.

The Head of Leisure and Arts will make an immediate decision about whether to suspend a member of staff or volunteer accused of abuse pending a Childrens Services or police investigation.

Redditch Borough Council will assess all individual cases disciplinary procedure to decide whether a member of staff or volunteer shall be reinstated and how this can be sensitively handled with other staff.

Allegations

9. The allegation should not be discussed with the individual concerned until there has been a discussion with the Childrens Service/Access Centre . In some situations the person will not be informed until after the FAST strategy meeting has taken place.

Redditch Borough Council endorses the Sports Partnership Herefordshire and Worcestershire Safeguarding procedures including the code of conduct and ethics. In a case involving funding from the partnership the Partnership Director must be informed of any allegations.

Oversight and monitoring

10. Employers' procedures should identify a senior manager within the organisation to whom allegations or concerns should be reported. Procedures should make sure that all staff and volunteers know who that person is. The procedures should also identify an alternative person to whom reports should be made in the absence of the Named Senior Officer, or in cases where that person is the subject of the allegation or concern. The procedures should include contact details for the Local Authority Designated Officer (LADO) responsible for providing advice and liaison and monitoring the progress of cases, to ensure that cases are dealt with as quickly as possible, consistent with a fair and thorough process.

Action following a criminal investigation or a prosecution

11. The police or the Crown Prosecution Service (CPS) should inform the employer and LADO straightaway when a criminal investigation and any subsequent trial is 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 will discuss with the employer whether any further action is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care should inform that decision. Action by the employer, including dismissal, is not ruled out in any of those circumstances. The range of options open depends on the circumstances of the case, and the consideration needs to take into account the result of the police investigation or trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

Action on conclusion of a case

12. 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 should discuss with RBC whether a referral to the Protection of Children Act List or DFES

List 99 is required or advisable, along with the form and content of a referral. Also, if the person is subject to registration or regulation by a professional body or regulator – e.g. by the General Social Care Council, General Medical Council, OFSTED, etc. – the LADO should advise on whether a referral to that body is appropriate.

13. If it is decided on conclusion of the case that a person who has been suspended can return to work, the employer should consider how best to facilitate that. 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.

Action in respect of false or unfounded allegations

14. If an allegation is determined to be unfounded a referral should be made to children's social care to determine 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, the police should be asked to consider whether any action might be appropriate against the person responsible.

Resignations and 'compromise agreements'

15. 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 co-operate with the process. Wherever possible, the person should be given a full opportunity to answer the allegation and make representations about it. 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.

16. 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 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.

Learning lessons

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17. At the conclusion of a case, RBC 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.