



**Wiltshire Safeguarding
Children Board**

WSCB Policy for Managing Allegations against Staff and Volunteers

All agencies and organisations have a responsibility to have in place a process in line with those from the WSCB for responding to allegations made against those who work with children, whether on a paid or voluntary basis.

Section 14 of the Children Act 2004 sets out the objectives of LSCBs, which are:

- a) to coordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area; and
- b) to ensure the effectiveness of what is done by each such person or body for those purposes.

1. Process for dealing with an Allegation

There are 3 distinct roles for managing aspects of an allegation at different stages of the process, as follows;

Named Senior Officer (NSO) – Wiltshire Safeguarding Board Members

The Named Senior Officer has overall responsibility for ensuring that their organisation operates procedures for dealing with allegations; resolving and inter-agency issues and liaising with the WSCB as appropriate.

Responsibilities include –

- ensuring that their organisation complies with standards identified and agreed by the WSCB for managing allegations
- Ensuring that WSCB procedures for managing allegations are reflected and implemented within their own agency procedure
- Ensuring that the workforce is aware of and implements the procedures in relation to all allegations against all adults who work with or on behalf of children.
- Ensuring that the key roles of Named Senior Officer, Designated Officer and Senior Manager are reflected in their agency policy and procedure
- Ensuring that effective reporting and recording arrangements within their agencies are in place

Senior Manager (SM)

The Senior Manager within the organisation has the overall responsibility for ensuring procedures are followed at an operational level. The Senior Manager will normally be the person within any agency/organisation to whom allegations are reported in the first instance. *This will in most agencies be the identified Safeguarding Lead for the organisation.*

Responsibilities include –

- Provision of advice, information and guidance to staff within the organisation; liaising with and referring allegations that meets the criteria to the Designated Officer.
- Gathering any additional information which may have a bearing on the allegation e.g. previous known concerns, care and control incidents etc
- Providing the subject of the allegation with information and advice
- Recording all discussions and attending strategy meetings as required
- Ensuring risk assessments are undertaken where and when required
- Ensuring that effective reporting and recording systems are in place to allow for the tracking of all allegations through to the final outcome
- Referring as appropriate to the Disclosure and Barring Service (DBS) or other bodies/professional organisations.

Designated Officer (formerly Local Authority Designated Officer – LADO)

The Designated Officer based in the Local Authority MASH Team has a statutory role in overseeing and managing allegations made against adults who work with children and young people. The Designated Officer will provide advice and guidance to employers and voluntary organisations, liaising with the police and other agencies, convening strategy discussions 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 will consider all allegations and will advise on the next course of action. In many cases it will be appropriate for a strategy discussion to be held. The Designated Officer will co-ordinate and chair this.

2. Action by Senior Manager

When a report is received about an allegation or a concern about a member of staff or volunteer working with children the Designated Officer must be informed **within one working day** if it appears that the person 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 may pose a risk of harm to children.

Additionally the Designated Officer must be informed:

- if there are concerns about the person's behaviour towards their own child/ren or child/ren unrelated to their employment or voluntary work and there has been a recommendation from a strategy discussion that consideration should be given to the risk posed to children they work with
- when an allegation is made about abuse that took place some time ago and the accused person may still be working with or have contact with children.

It is important to remember that allegations do not solely relate to sexual matters; but may also relate to physical, emotional or neglectful behaviour/actions.

When a report is made to the Senior Manager it will be clear in some cases that an immediate referral must be made to social care or the police for investigation, as a child appears to have been harmed or is at risk of significant harm or a criminal act appears to have been committed. In all cases of allegations or serious concerns about staff or volunteers being referred direct to the police or social care teams, the Designated Officer should be informed within one working day by the police force's designated officer or relevant social care team manager.

Ofsted should be informed of any allegation or concern made against a member of staff in any day care establishment for children under eight or against a registered child minder, a foster carer, prospective adopter or member of staff in a residential home. Ofsted should also be invited to take part in any subsequent strategy meeting.

This means that the Senior Manager (or designated deputy in case of the unavailability of, or an allegation being made against, the Senior Manager) should:

- Collate and record information you have and personal details about (i) the child/ren, parents/carers, siblings; (ii) the person against whom the allegation has been made; and (iii) details of any known or possible witnesses, including checking on and recording, with times, dates etc, any other incidents or concerns about the child/ren or the member of staff/volunteer concerned together with actions taken and outcomes. At the same time it's important to keep alert for patterns which might suggest the abuse goes further afield and involves other children and adults;
- Contact the Designated Officer **within one working day** of receiving the report of an allegation.
- Inform the person reporting the allegation or concern what action you will take (and what they are expected to do), with regard to local information sharing protocols and the need to maintain confidentiality;
- Ensure that the alleged perpetrator or person about whom there is a concern is informed of the allegation or concern as soon as possible **after** consulting with the Designated Officer. This should include how enquiries will be conducted and sources of support and advice, e.g. from professional organisations/trade union;
- Help all parties understand the process throughout

You should not:

- Delay referring to the Designated Officer in order to gather further information or for any other reason
- Take any action that might undermine any future criminal investigation or child protection enquiry, such as interviewing the alleged victim or potential witnesses as part of an internal disciplinary procedure, or informing or interviewing the alleged perpetrator, prior to contacting the Designated Officer, (or without the go-ahead from police or social care if a direct referral has been made). The Designated Officer will liaise with the police and/or social care as necessary, as they may want to place restrictions on the information that can be shared.
- Automatically suspend or dismiss the member of staff without seeking further advice.
- Inform parents/carers of the child/ren until advised to do so by the Designated Officer or a strategy meeting, other than in emergency situation, such as when a child has been injured and needs medical attention. The Designated Officer will advise on how and by whom

parents/carers should be informed and will liaise with police or social care where they are or may need to be involved.

3. Strategy discussion

Those invited to a strategy discussion should include:

- Designated Officer - Chair
- Social care manager
- Relevant children's social worker
- Detective sergeant CAIT/PPU
- Senior Manager (safeguarding lead) for the employer
- Human resources representative
- Consultant paediatrician (where appropriate)

And where applicable:

- Senior representative of an employment agency or voluntary organisation
- Manager from fostering service provider and supervising social worker for foster carer
- Regulatory or inspection body e.g. Ofsted
- Representatives from relevant agencies from another local authority, where child is placed or resident
- Complaints officer, if concern has arisen from a complaint

The strategy discussion should:

- Consider the risk to the child (and any others) and ensure that arrangements are made to protect and support them and any other children affected
- Decide whether there should be a s.47 enquiry and/or a police investigation and consider the implications
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information
- Consider the current allegation in the context of any previous allegations or concerns,
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children
- Consider the current implications and risks, if the case is one of historical abuse,
- Consider whether a complex abuse investigation is applicable
- Make recommendations, where appropriate, regarding suspension or alternatives to suspension
- Consider whether the evidence presented indicates that the member of staff may be considered unsuitable to work with children and possible reports for consideration of barring, and notification to the relevant regulatory body where appropriate
- Consider what support and advice should be provided to the member of staff concerned
- Consider risk assessments to inform the employer's safeguarding arrangements.

And:

- Plan any enquiries needed, allocate tasks and set timescales
- Ensure that investigations are sufficiently independent
- Identify a lead contact within each agency

- Decide what information can be shared, with whom, and when
- Agree protocols for reviewing investigations and monitoring progress by the Designated Officer, having regard to target timescales
- Agree dates for review strategy discussions
- Consider issues for the attention of senior management or Named Senior Officer (WSCB representative) e.g. media interest, resource implications
- Social care enquiry: The decision to carry out a single assessment or a s47 enquiry will be made at the strategy discussion, or a decision made to continue one, if already started

Following the conclusion of a social care enquiry, the Senior Manager or employer, in consultation with the Designated Officer, may need to consider what further action, if any, should be taken in relation to the member of staff concerned.

A final review meeting should be held to ensure that all tasks have been completed and, where appropriate, agree any actions needed based on lessons learned.

4. Criminal offence

In cases where the threshold for significant harm is not reached, or there is no ongoing role for social care but information suggests that a police investigation may be needed, the Designated Officer should discuss with the police, the employer and any other agencies involved with the child to evaluate the allegation and how it should be dealt with within the strategy discussion.

If a criminal investigation is required, the police should:

- aim to complete their enquiries as soon as possible
- keep the progress of the case under review
- set a target date, at the outset, for reviewing progress and consulting the CPS about whether to charge the accused person or close the case
- the police or the CPS should inform the employer and the Designated Officer immediately, when a criminal investigation and any subsequent trial is complete,
- if they or the CPS decide not to charge the accused person, to administer a caution or if the person is acquitted by a court, pass all information relevant to a disciplinary case to the employer without delay,
- Liaise with the Designated Officer.

Progress on the police investigation and any decision by the Crown Prosecution Service must be reviewed no later than 4 weeks from the start and if the decision is to continue to investigate the allegation, every 2-4 weeks afterwards.

Where it has been decided to close an investigation without charge, or not to continue to prosecute the case after the person has been charged the designated senior manager or

employer, in consultation with the Designated Officer, will need to consider what further action, if any, should be taken in relation to the member of staff concerned. Information provided by the police and / or children's social care services should inform this decision.

The option to take further action will be dependent on the circumstances of the case. Consideration will need to be taken of the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings

5. No social care or police investigation

In some cases there will be no further involvement from the police or social care. The Senior Manager or employer, in discussion with the Designated Officer, will need to decide what further action, if any, should be taken.

In these circumstances the options open to the organisation will depend on the nature and circumstances of the allegation and the evidence and information available. The options may range from taking no further action to dismissal or a decision not to use the person's services in future.

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

In determining the options to pursue the employer with advice from the Designated Officer will need to consider the following:

- whether the case should be dealt with through their disciplinary process, and
- if they need to investigate any further and who will be suitable to conduct this – there may be a need to consider an independent investigator where the organisation lacks appropriate resources, or the case is particularly complex
- what support and/or professional advice should be given to the member of staff
- how best to facilitate the return to work of the member of staff, where appropriate
- how best to manage the member of staff's contact with the child who made the allegation, if still in the workplace
- The timescales for concluding an investigation and review points

If formal disciplinary action is not required, the Senior Manager/employer should take appropriate action within three working days.

Where an organisation removes an individual (paid worker or unpaid volunteer) from work such as looking after children (or would have, had the person not left first) because the person poses a risk of harm to children, the organisation must make a referral to the Disclosure and Barring Service. It is an offence to fail to make a referral without good reason.

