



Managing Allegations Against Adults who Work with
Children and Young People

Updated: 25 November 2011
Endorsed: 29 November 2011 (P & P Sub Group)
Review: 29 November 2013

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1. Introduction

Working Together to Safeguard Children 2010¹ places an explicit duty upon Local Safeguarding Children Boards (LSCB) to ensure that there are effective inter-agency procedures in place for dealing with allegations against people who work with children. This procedure should be used by all organisations where people work with children and young people, including organisations that provide staff or volunteers that work with or care for children.

The primary legislative background for managing allegations against Individuals who work with or care for children and young people is the Children Act 1989 and 2004, Safeguarding Vulnerable Groups Act 2006 (SVGA) and Fostering Regulations 2010. The welfare of the child is paramount and it is a local authority responsibility to investigate when there is an allegation that a child has suffered or may suffer significant harm.

In addition where criminal offences may have been committed against a child then the Police are the lead agency in investigating and gathering evidence. It is the decision of the Crown Prosecution Service to charge an individual with an offence/s and prosecute them. These can be both common law offences or under specific acts e.g. Sexual Offences Act 2003.

The main responsibility for ensuring that there is an effective local system for managing allegations in Bury rests with the Local Safeguarding Children Board. It is the responsibility of the Named Senior Officer for each Agency, Service or Employer to ensure that there are procedures in place within their organisation.

It is essential that any allegation of abuse made against a professional who works with children and young people or other member of staff or volunteer in any setting is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child or children and at the same time supports the person who is the subject of the allegation.

¹ [Working Together 2010- Appendix 5, Procedures for managing against people who work with children. A guide to inter-agency working to safeguard and promote the welfare of children.](#)

All agencies who work with children and young people in Bury should use this procedure to review and, where appropriate, modify their practice and procedure for dealing with allegations of abuse made against professionals who work with children and young people. These include:

- NHS Trusts
- Police
- Children's Services
- Early Years settings
- Private day care providers
- Fostering Services
- Residential Care Providers
- Voluntary Organisations
- All local authority maintained schools
- Faith schools/Academies/Free Schools
- Independent schools
- Further education institutions
- Supply agencies
- Private hospitals caring for children

This procedure should also be used when allegations are made against a person who works with children and they or their children have been subject to a child protection investigation.

Professionals who work with children as part of their employment or voluntary duties need to be aware that inappropriate behaviour in their private life may affect their suitability to work with children. This should be incorporated into the employer's codes of conduct.

The term employer is used throughout this procedure to refer to organisations that have a working relationship with the individual against whom the allegation is made. This includes organisations that use the services of volunteers, or people who are self employed; as well as service providers; voluntary organisations; employment agencies or businesses; contractors; fostering services and regulatory bodies such as Ofsted in the case of childminders.

In some circumstances the term "employer" for these purposes will encompass more than one organisation. For example where staff providing services for children in an organisation are employed by a contractor, or where temporary staff are provided by an agency, or where a foster carer is also employed in regulated activity.

In those circumstances both the contractor or agency, and the organisation/s in which the accused individual works will need to be involved in dealing with the allegation.

The framework for managing cases set out in this procedure 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.

2. Allegations.

An allegation is defined as:

A suspicion or concern that a trusted individual within an organisation or establishment has mistreated or abused a child, or may be about to do so.

An allegation therefore is more than a complaint about the service provided or an individual's demeanour in the course of carrying out their job or role. It is possible that an allegation could arise out of one (or more) complaints or concerns coming to a manager's attention. An individual's behaviour is not necessarily a deliberate or intentional act; unintentional behaviour on the

part of an individual or institution can also lead to the mistreatment or abuse of children i.e. negligence or failing in a duty of care.

All agencies, employers and settings should use these procedures for dealing with allegations, and all staff and volunteers should understand what to do if they receive an allegation against a member of staff or they themselves have concerns about the behaviour of a member of staff.

All employees/staff should know:

- That all allegations should be reported immediately, normally to the Senior Manager (or Designated Person for safeguarding) in the organisation, in schools this would be the Head teacher,
- To whom they should report be in the absence of the senior Manager/Head teacher,
- To whom the allegation should be reported, in a case where the Senior Manager (or Designated Person) is the subject of the allegation or concern.

The criteria to consider when considering a potential allegation is whether the individual has:

1. Behaved in way that has harmed or may have harmed a child
2. Possibly committed a criminal offence against a child or related to a child
3. Behaved towards a child or children in a way that indicates that he/she is unsuitable to work with children. ²

²(**Dealing with allegations of abuse against teachers or other school staff July 2011**
- 'behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children')²

Harm

Harm is defined specifically in the Children Act 1989

Definition of Harm
<ul style="list-style-type: none">• "harm" means ill-treatment or the impairment of health or development;
<ul style="list-style-type: none">• "development" means physical, intellectual, emotional, social or behavioural development;
<ul style="list-style-type: none">• "health" means physical or mental health; and
<ul style="list-style-type: none">• "ill-treatment" includes sexual abuse and forms of ill-treatment which are not physical.
<p>Where the question of whether harm suffered by a child is significant turns on the child's health or development, his health or development shall be compared with that which could reasonably be expected of a similar child.</p>

Examples of harm could be:

- physical harm e.g. hitting a child, causing an injury through use of unreasonable force or excessive physical restraint, poisoning;
- emotional harm or impairment e.g. denigrating or insulting language; overt racist or homophobic comments; belittling or chiding in a persistent way that destroys confidence or self esteem; seeing or hearing the ill treatment of another;
- sexual harm e.g. sexual activity with a child or young person, rape, inciting children to sexual activity for the gratification of adults; exposure to explicit material or sexual activity; and
- neglect e.g. failing to provide adequate care and supervision; failing to meet a child's psychological needs, institutional neglect.

There are no absolute criteria on which to rely when judging what constitutes significant harm. Sometimes a single violent episode may constitute significant harm but more often it is an accumulation of significant events, both acute and long standing, which interrupt, damage, or change the child's

development. The concept of significant harm is therefore relative to each individual concerned.

An offence against a child or related to a child could be an assault that causes bodily harm; an attempt to kidnap or unlawful imprisonment; sexual offences, including the making of indecent images of children; abuse of a position of trust and child neglect. It is the role of the Police to investigate alleged offences and the Crown Prosecution Service to decide whether there is sufficient evidence and a likelihood of a successful prosecution, and whether it is in the public interest, before authorising a charge.

Unsuitable behaviour

What may constitute Unsuitable Behaviour?

- Deliberately caused harm or placed children at risk by their actions.
- Contravened guidance despite training, advice and specific warning.
- Exploited or abused a duty of care or a position of trust.
- Acted in way any reasonable person would find alarming.
- Shown a lack of professional judgement or failed to understand how their actions have adversely affected children in their care.
- Stepped beyond professional boundaries.
- Been the subject of criminal or social care investigations.
- Behaved in a way that undermines the trust and confidence placed in them by the employer.
- An established pattern of behaviour that causes significant concern but no single child has been harmed or offended against. (e.g. persistent negative comments about children)

Behaviour that suggests unsuitability may also stem from a person's private life. For example if someone has been cautioned for offences involving drug dealing, repeated referral for domestic violence witnessed by their children or sexual practices in public places. Whilst it is not the place of the LSCB to moralise, the way in which individuals behave in private can reflect on their motivations or behaviour in the work setting and place children and young people at risk.

Should an adult report abuse that they suffered as a child while living away from home in settings provided by local authorities, the voluntary sector or independent providers, they should be responded to in the same way as contemporary concerns.

There may be up to 3 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.

3. Role of senior manager to whom the allegation has been reported:

Each LSCB member organisation, and other employers who provide services to children or young people, will appoint a Senior Manager/s within the organisation whose responsibilities will include:

- Providing advice, information and guidance for staff within the organisation
- Being the senior manager within the organisation to whom allegations or concerns are reported
- Referring allegations in accordance with this procedure and their internal procedure
- Gathering any additional information which may have a bearing on the allegation, e.g. previous concerns, care and control incidents and so on
- Providing the subject of the allegation with information and advising them to inform their union or professional body
- Attending Strategy Meetings where required
- Liaising with the LADO

- Liaising with Human Resources where disciplinary action is required
- Ensuring that effective reporting and recording systems are in place which allow for the tracking of allegations through to the final outcome;

If a Senior Manager or Designated Person for safeguarding receives an allegation or learns that a worker or carer's actions appears to have met one or more of the listed criteria (page 5) then they should immediately make contact with the Local Authority Designated Officer (LADO) for managing allegations to discuss the potential allegation. If this is out of normal office hours and a child has suffered injury or been harmed then the allegation should be referred immediately to the police and/or social care. In any event the LADO must be involved at the earliest opportunity and within one working day of receiving the allegation.

In assessing an allegation the manager should:-

- Reflect upon information known about the subject of the allegation; what is known about the individual/s making their concerns known;
- Ascertain if there is any known friction or tension within the workplace or relationships. (However even if there is acknowledged tension or previous incidents do not automatically dismiss concerns as false or exaggerated)
- Make a written record of the concern, any witnesses and what they saw, any initial action taken. It is not the responsibility of the Senior Manager to fully investigate the allegation before discussing with the LADO

If at the time of disclosure, the allegation of harm is received from a child or young person, caution should be exercised so as not to 'interview' the child and prejudice any possible subsequent police or social care investigation.

However, it is important to establish through the minimum amount of open questions;

- who the allegation is against
- where the incident happened
- when the incident took place

Be mindful that a child or young person may have a poor concept of time; therefore it is only important to establish whether the incident is recent or not.

4. Role of the Local Authority Designated Officer (LADO)

The LADO is the main point of contact for senior managers to seek advice about allegations. Their role is to manage and oversee the procedure in individual cases, to liaise with the police and other agencies and to monitor the progress of cases to ensure they are dealt with as quickly as possible in a process that is thorough and fair.

The LADO must consider in consultation with the police and social care whether a senior manager representing the employment agency should be briefed and involved in the process and legal/employment advice may be sought if required. The employee should be told that his/her employer will be informed of an allegation against them deriving from child protection issues in their private life. If an employer is informed the grounds for such disclosure must be documented and the reasons for such disclosure passed to the employee. The LADO will advise on how this should be done and will ensure that this is undertaken as promptly as possible.

When arranging meetings the LADO invites all relevant parties including the employer (employers, if more than one). As such the LADO will be involved in the initial consideration of an allegation, will likely chair the majority of the strategy meetings and track the case through to final conclusion. This could

include an employee being dismissed; a carer de-registered; an individual being referred to ISA.

The LADO must also be informed of any allegations that are made directly to the Police (which should be communicated via the police forces designated officer) or to Children's Social Care.

In cases where interest is likely to be from local, national or international media then a media liaison plan needs to be formulated. This should be done by the LADO in conjunction with the Police and Bury Council press officers.

5. Initial Considerations

On receiving an allegation the role of the LADO will be to examine objectively the information concerning the allegation and to consider what action if any needs to be undertaken. The LADO will liaise with the employer and other agencies in order to establish this.

The LADO will first establish with the employer that the allegation falls within the scope of these procedures and may have some foundation. This discussion will also consider how best to inform the parents or carers of the child concerned, consulting with police and children's social care if this is appropriate.

These initial discussions may lead to an Initial Consideration Meeting and will be chaired by the LADO and may involve the Police, employer and any other relevant agency. The police must be informed when a criminal offence may have been committed.

There are three potential outcomes from an Initial Consideration Meeting or discussion with the LADO:-

1. The allegation does not meet the threshold and no further action is required by the LADO. The employer may be concerned that the individual's behaviour is a matter they wish to investigate further, this is recorded as no further action after initial consideration.

2. The allegation appears to meet the threshold or is borderline but it is agreed with the LADO that the matter should be investigated by the manager and appropriate action taken under the employer's disciplinary procedure. The LADO will continue to liaise with the employer on the outcome of their investigation and disciplinary process.
3. The allegation meets or exceeds the threshold and an investigation by the Police and/or Children's Social Care is required. If so a strategy meeting must be convened.

The employer should inform the accused person about the allegation as soon as possible after consulting the LADO. However, where a Strategy Meeting is needed, or it is clear that police or Children's Social Care may need to be involved, that should not be done until those agencies have been consulted, and have agreed what information can be disclosed to the person. If the person is a member of a union or professional association s/he should be advised to seek support from that organisation.

6. Strategy meetings

If there is reasonable cause to suspect that a child has suffered harm or is suffering or is likely to suffer significant harm by an employee through their work or in the case of foster carer or childminder, in their home, an initial strategy meeting should be convened. The purpose of the initial strategy meeting is to discuss the allegation, to share information, ensuring accuracy of details and any chronology; and to plan the investigation. The strategy meeting should be convened within five working days of the LADO being notified and will be chaired by the LADO or an IRO/Service Manager from the safeguarding unit.

The meeting invitees must include the Senior Manager (SM) of the employee/s concerned, the Police, the Senior Practitioner/Assistant Team Manager from Advice and Assessment Team of Social Care. In certain cases

it may be preferred for a legal representative to be present or a HR advisor to the employing organisation.

If there is reasonable cause to suspect that an employee has caused harm or significant harm to their own child or for a child whom they have a caring responsibility, then Children's Social Care will chair the strategy meeting and may conduct a Section 47 enquiry. This is conducted by a social worker usually with the police and must be completed within 15 days of a strategy meeting. Where concerns are substantiated and the child is judged to be at continued risk of significant harm a child protection conference should be convened.

The strategy meeting should:-

- Share all relevant information about the person who is the subject of the allegation and about the alleged child victim
- Plan the investigation/enquiries and set timescales for tasks to be undertaken
- Consider whether any other children are affected by the allegations e.g. the person's own children or other children in the agency setting or elsewhere for example children placed with foster carers, childminders, attending a youth club, grandchildren
- Consider the support needs of the children affected
- Determine any action that needs to be taken in respect of any other children identified including the need for a Section 47 Enquiry
- Decide how regular information and support will be provided to the child and family and by whom
- Ensure that the person who is the subject of the allegation is kept informed and supported

- Plan all interviews and agree who should undertake them so that there is no confusion between a criminal investigation, Section 47 Enquiry and disciplinary processes
- Consider whether the circumstances require the person who is subject to the allegation to be suspended from contact with children, so as to inform the employer's decision about this issue (including whether a foster carer's approval should be suspended and the implications for other children in the placement); this may change as the investigation progresses and should be reviewed regularly
- Where the person will not be suspended, consider the steps necessary to safeguard any children during the investigation

It is important that those undertaking investigations be alert to any sign or pattern that suggests the abuse is more widespread or organised than it at first appears. These signs will not necessarily be directly related to abuse but might include blurred professional boundaries, inappropriate behaviour, fraud, deception or the use of pornography.

The Strategy Meeting should include a representative of the employer and take account of any information the employer can provide about the circumstances or context of the allegation.

If the allegation is about physical contact, the Strategy Meeting with the police should take account of the fact that some people who work with children are entitled to use reasonable force to control or restrain children as outlined in restraint policies and procedures in certain circumstances, including dealing with disruptive behaviour. For specific guidance refer to your own agency policy and procedures.

If the complaint or allegation is such that it is clear that investigation by police and/or enquiries by social care are not necessary, or the Strategy Meeting decides that is the case, the LADO should discuss next steps with the employer. In those circumstances options open to the employer will range from taking no further action, moving them to another role or clinical area for

NHS staff, to summary dismissal or a decision not to use the person's services in future. The nature and circumstances of the allegation and the evidence and information available will determine which of the range of possible options is most appropriate.

In some cases further investigation will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the person's employer how and by whom the investigation will be undertaken. That should normally be undertaken by the employer.

However in some circumstances appropriate resources may not be available in the employer's organisation or the nature and complexity of the allegation will require an employer to commission an independent investigation.

The LADO should continue to liaise with the employer to monitor progress of the investigation and provide advice and support when required or requested.

7. Suspension

Suspension should be considered in any case where there is cause to suspect a child is at risk of harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children until the allegation is resolved, and should seek advice from their HR personnel adviser and the LADO. Employers should also consider whether the result that would be achieved by suspension could be obtained by alternative arrangements.

The LADO cannot require an employer to suspend a member of staff or a volunteer. The power to suspend is vested in the employer alone. However, where a strategy meeting or initial consideration concludes that there should be enquiries by social care and/or an investigation by the police, the LADO should ensure this matter is discussed as to whether the accused member of staff needs to be suspended from contact with children.

If suspended it must be explained to the employee that this is a neutral act in order to protect the employer and employee from any risk that the employer is not taking the allegation seriously or that leaves the employee open to further allegations.

In suspending an employee it is recommended that they do not have access to the building where they work or access to any electronic work data from home i.e. email or internet access to work files.

If the person is suspended by the employer they should be treated fairly and honestly and helped to understand the concerns expressed and processes involved. It is important to remember in dealing with any allegation against a member of staff, carer or volunteer that the employer should keep the person who is the subject of the allegations informed of the progress of the case, and arrange to provide appropriate support to the individual while the case is ongoing (that may be provided via occupational health or employee welfare arrangements where those exist). The person responsible for this will be identified at the first strategy meeting.

8. Resignations and 'Compromise Agreements'

The fact that a person tenders their resignation or ceases to provide a service must not prevent an allegation being followed through in accordance with these procedures.

Whether or not an individual cooperates with an investigation, or remains in employment at its conclusion, it is important that the investigation continues, considering all available evidence in an attempt to reach a judgement about the allegation. If the person is suspended, the employer should make arrangements to keep the individual informed of developments in the workplace

It therefore follows that so-called 'compromise agreements' (by which a person agrees to resign, the employer agrees not to pursue disciplinary action and both parties agree a formula of words to be used in future references) should not be used in these cases. Such an agreement would not, in any case, prevent police action nor can it override an employer's duty to make a referral to the Independent Safeguarding Authority should circumstances require this. An agreement can be reached with an employee where an allegation is unsubstantiated but it is felt appropriate for the employee to resign. . If the person is a member of a trades union or a professional association they should be advised to contact that body at the outset of the investigation.

9. Supporting those Involved

Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know about it. The LADO will discuss with the Senior Manager how and by whom they should be informed; if Police or Children's Social Care need to be informed of the allegation then they will also be consulted about how best to proceed.

It is accepted that some circumstances will arise in which the employer must inform the parents of an incident straight away, for instance if the child has been injured and requires medical treatment. Parents or carers should be kept informed of the progress of the investigation and be told of the outcome where there is no criminal prosecution; should a disciplinary hearing take place then the outcome can be shared although the information considered in reaching a decision cannot normally be shared.

Children thought to have suffered significant harm or to be victims of a criminal offence should have their need for support considered by Children Social Care or the Police, a referral can be made to victim support.

10. Confidentiality

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated/considered. In accordance

with ACPO guidance the police will 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.

Minutes of all strategy meetings are confidential and should not be shared with others who were not present unless authorised by the LADO or chair. The employee is not automatically entitled to a direct copy of the strategy minutes but can have a copy where third party information has been removed upon request.

11. Record Keeping

It is important that employers keep a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and details of any action taken and decisions reached, on a person's confidential personnel file and give a copy to the individual. Access to these files should only be by authorised personnel.

Such information should be retained on the person's confidential personnel file, including for people who leave the organisation, at least until the person reaches normal retirement age or for 10 years if that will be longer. In relation to teachers and other school staff, details of allegations that are found to be malicious should be removed from their personal records.

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. And it will prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time. The LADO will retain a record of all allegations and their outcomes.

13. Monitoring Progress

Every effort should be made to resolve cases as quickly as possible consistent with a fair and thorough investigation. The LADO should regularly monitor the progress of cases either via review Strategy Meetings or by liaising with the police and/or Children's Social Care colleagues or the employer as appropriate. Reviews should be conducted at fortnightly or monthly intervals depending on the complexity of the case.

If the Strategy Meeting/Discussion decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) to consider whether to charge the individual, continue to investigate or close the investigation. Wherever possible the first review should take place no later than 4 weeks after the initial action meeting. Dates for subsequent reviews should be set at the meeting if the investigation continues.

14. Information Sharing

In the initial consideration discussion or Strategy Meeting 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.

Children's Social Care should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation is in need of protection or services so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer or regulatory body without delay.

15. Action following a Criminal Investigation or a Prosecution

The police or the CPS should inform the employer and LADO straightaway when a criminal investigation and any subsequent trial are 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 should

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 will depend on the circumstances of the case and the consideration will need to take account of the result of the police investigation or trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

16. Action on Conclusion of a Case

An investigation into an allegation may have one or more outcomes:

- Investigation by the Police is likely to result in a file being sent to the CPS, and charges could be authorised and prosecution for offences. In some cases a strategy meeting may be held after a police investigation has concluded and the alleged offender's professional role comes to light. If the threshold for a criminal charge is met then it follows that the **allegation has been substantiated**, although an individual may later be acquitted of criminal charges by a jury.
- A police investigation may result in evidence being gathered that does not meet the threshold for a criminal investigation but does suggest that on the balance of probability that a child has been harmed or relevant conduct has occurred. The outcome in this case would be that the **allegation has been substantiated**.
- Following an investigation by the Police/Children's Services it may be that there is insufficient evidence to substantiate the allegations or contradictory evidence. In this case it could be concluded that the **concerns are unsubstantiated**.

- It may be the case that evidence is gathered that clearly shows the allegation to be **false** or it may be **unfounded or malicious**. For an allegation to be false there must be evidence to disprove an allegation.
- For an allegation to be malicious there must be evidence that it is unfounded/false and evidence that there is a deliberate intention to deceive or discredit. The Police/CPS sometimes use the term 'no case to answer' on such occasions and have been known to prosecute the person making the allegation for wasting police time or perverting the course of justice.
- In dealing with allegations that are shown to be unfounded, false or malicious, especially when the allegation is from a child or young person consideration should be given to whether **displacement** or **misinterpretation** is occurring. A child or young person may displace the allegation onto a professional if they are experiencing abuse from another aspect of their life and may require further support or intervention. Some adults and children may misinterpret the words or actions of others. This could be because the young person is not skilled in ascribing meaning, may have specific learning needs or are non native speakers.

If the person is subject to registration or regulation by a professional body or regulator the LADO should advise on whether a referral to that body is appropriate.

If it is decided on the 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.

17. Learning Lessons

At the conclusion of a case in which an allegation is substantiated the LADO and employer 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. The managers or commissioners should think widely about the lessons of the case and how they should be acted on.

If the conclusions of the social care investigation give cause for concern about the general welfare of children or young people within an institution or organisation, i.e. a culture of secrecy; complacency; deficient safeguarding procedures; then a review strategy meeting should agree a course of action to take to rectify the situation. This could include recommendations to their Senior Managers, notification to the Safeguarding Children Board or notification to the relevant inspectorate e.g Ofsted. This should include whether there are features of the organisation that may have contributed to, or failed to prevent, the abuse occurring.

In some cases a serious case review may be appropriate - this is where the Bury Safeguarding Children Board undertakes a review of a serious case to consider whether there are any lessons to be learnt and actions to be taken that should be shared more widely, so as to improve safeguarding practice.

18. Referral to the Independent Safeguarding Authority (ISA) or Regulatory Body

A regulated activity provider is an organisation or individual that is responsible for the management or control of regulated activity, paid or unpaid and makes arrangements for people to work in that activity e.g. statutory agencies such as the NHS, voluntary agencies such as NSPCC, Barnardos or a scout or faith group leader who manages volunteers.

In all cases the trigger to make a referral to the ISA is when an individual who is engaged or may engage in regulated activity

1. Withdraws permission for an individual to engage in regulated activity, or would of done so had that individual not resigned, retired or been made redundant or been transferred to a position which is not regulated or regulated activity

Because

2. They think the individual has
 - Engaged in relevant conduct and
 - Satisfied the harm test or
 - Received a caution or conviction for a relevant offence.

If both conditions in 1 and 2 have been met, then the information must be referred to ISA.

Regulated Activity

Activity of a specified nature (i.e. teaching, training, instruction, care, supervision, advice, guidance, treatment, therapy or transport) that involves contact with children or vulnerable adults on a frequent, intensive or overnight basis:

Frequent = once a week

Intensive = Four or more days in any period of 30 days or

Overnight = between 2am and 6am

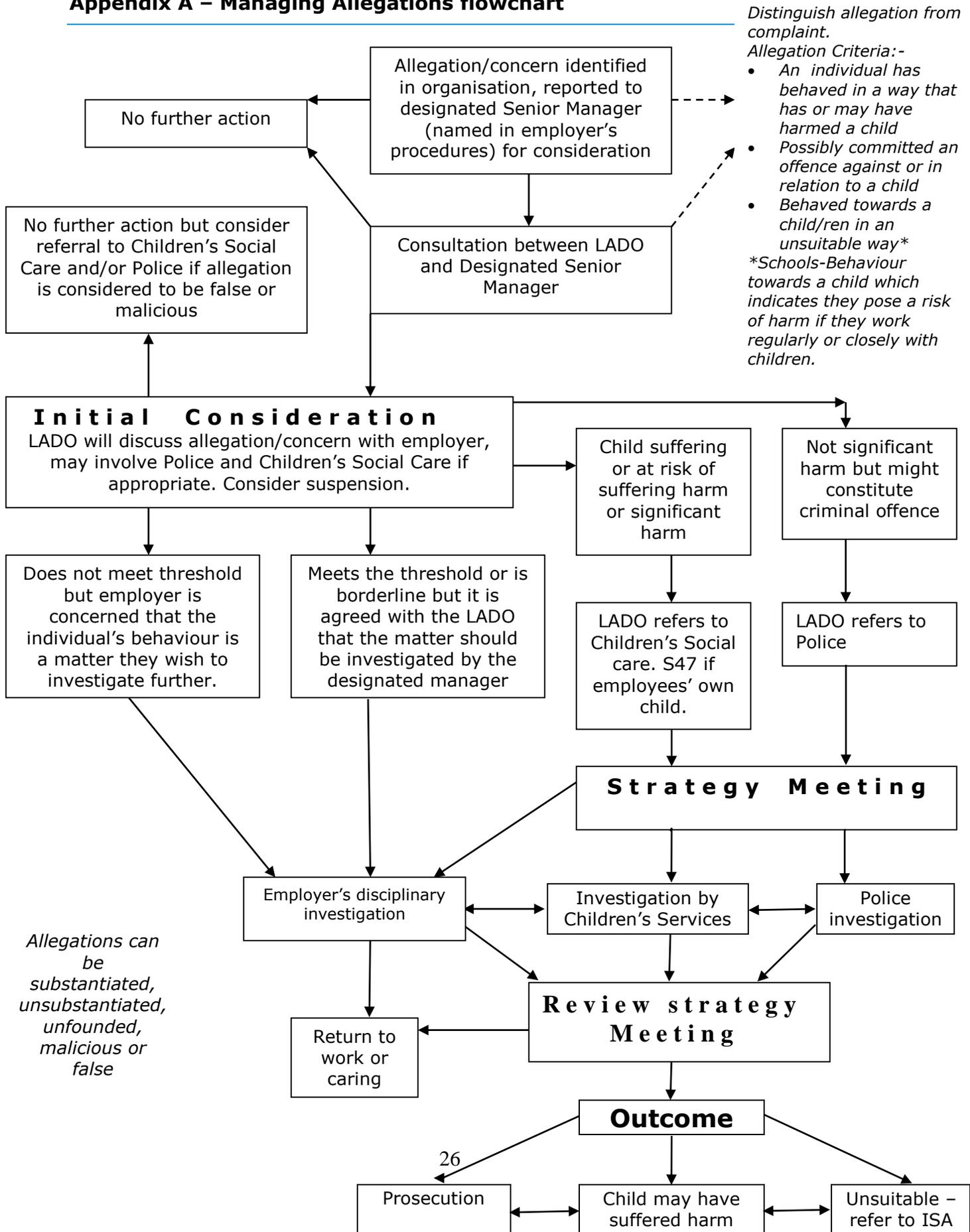
Or

Activity in a specified place (i.e. schools, childcare premises including nurseries, residential homes for children, children's hospitals, children's detention centres, adult care homes or residential care or nursing homes) that provides the opportunity for contact with children or vulnerable adults on a frequent, intensive or overnight basis.

If the allegation is substantiated and on conclusion of the case a referral is appropriate the report should be made within one month by the employer. In the case where the person is self employed the LADO makes the referral.

Independent Safeguarding Authority (ISA) Referral Guidance

Appendix A – Managing Allegations flowchart



Appendix B - Meeting Minutes Performa



STRICTLY CONFIDENTIAL

MINUTE OF STRATEGY/INITIAL CONSIDERATION MEETING

In respect of:

Date of meeting:

Time of meeting:

Venue:

Present:

*Attendees are reminded of the confidential nature of the meeting and that the issues discussed are confidential to the members of the meeting and the agencies they represent. In appropriate circumstances and with the permission of the Chair, any information gathered, stated or recorded, as part of the meeting may be shared in the interests of the child **in confidence** with other agencies having a specific interest in the case.*

Minutes of the meeting are circulated on the strict understanding that they will be confidential and stored securely.

Please note that the information contained in the minutes and appendices is subject to the provisions of the Data Protection Act 1998 and Freedom of Information Act 2000; and may be disclosed in accordance with the relevant legislative provisions. Any person seeking disclosure should submit their request in writing to Bury Council's Data Protection Officer.

1. Apologies

2. Concern leading to the meeting

3. Discussion

Individual/s about whom there are concerns

Risk of Harm to children concerns

Employment Information (including previous allegations or concerns)

Police Information

Other relevant information

4. Conclusions and Action Plan

**Review strategy meeting will be held on:
Venue:**

Appendix C - Report Writing Guidance for professional abuse allegations

This guidance is to assist persons responsible for internal disciplinary investigations for possible disciplinary hearings, social workers and others writing up an investigation where there has been an allegation of professional abuse.

From the children's services perspective this is child protection investigation carried out with the authority of Section 47 of the Children Act 1989. In some instances there will be input from police colleagues who may have written statements or transcripts, or documentation obtained from other sources. These documents should be cross referenced to the body of the report and the findings. Ensure you get the consent of the interviewees that their accounts may be passed on to their employer or agency for the purposes of disciplinary or other review process.

The purpose of the report is to outline the investigation you have undertaken, summarise your findings and draw any conclusions. Conclusions need to relate to one or more of the criteria from the managing allegations procedure:

- Behaved in way that has harmed or may have harmed a child
- Possibly committed an offence against a child or related to a child
- Behaved towards a child or children in a way that indicates that he/she is unsuitable to work with children.¹

This information will be required for the Independent Safeguarding Authority should the duty to refer be triggered.

A suggested format for a report with headings is as follows:

Introduction

Nature of the referral; reason for the investigation; who are the investigators, job titles, experience; key dates i.e. date of referral, initial strategy meeting that decided to initiate section 47 or internal disciplinary investigation, and date when concluded.

Record of investigation

In this section you may want to sketch out your plan of the investigation; a brief chronology of who you spoke to, who was present; any other documentation you gathered or read e.g. incident reports, policies. It might be helpful to be clear about the key question you are trying to answer, e.g. did an individual's behaviour result in a child being harmed?

Summary of Findings

Structure this section based on the key questions you put in previous section or incidents that allegedly occurred, e.g. sub-heading – Allegation that X did this to Y... X said in his interview that they had done this but it had been an accident, and the the injury sustained by Y was completely unintentional. However Z who was in the room at the time said in their interview that X deliberately pushed Z saying "you little s**t in an angry voice". On the balance we conclude that Y was injured as a direct result of X's behaviour, and that this was an intentional action of X who had lost their temper.

In this section it would be appropriate to highlight any discrepancies in accounts or refusal to answer specific questions, especially if in your conclusions you draw inference from specific or patterns of behaviour. e.g. is X said they had a good relationship with Y, rarely had any arguments with them, but Y and Z both say that they recall times when X was angry, shouted at them, commented to others, or their body language or other non verbal cues suggested that they harboured ill-feeling, then this is relevant. Comments about atmosphere and culture of an environment would also be

pertinent. Refer to the statements, notes and documents and attach these as Appendices.

Conclusions

This section should be quite succinct and give your conclusions based on the following:

Concerns/Allegation is substantiated. On balance of probabilities you conclude that the concern that Y suffered harm because of the actions of X is substantiated. Make any additional qualifying statement about intentionality, motive, inexperience etc. You may also conclude that the child has not suffered harm but the behaviour of the adult did place them at risk – i.e. there was potential risk. An example could be if a child wandered out of a provision due to poor supervision and was at risk of injury or abduction, but luckily wasn't.

Concern/allegation is not substantiated. There is no evidence to allow you to conclude on balance that y suffered harm, or that X's behaviour was as alleged. This is not to say there is no evidence to support the allegation but that it is contradictory.

It may be the case that evidence is gathered that clearly shows the allegation to be false or malicious. For an allegation to be false there must be evidence to disprove an allegation, i.e. incontrovertible evidence that X was elsewhere or that Y received an injury in a different way. For an allegation to be malicious there must be evidence that it is false and evidence that there is a deliberate intent to deceive by the complainant. This could be an admission by the complainant to you directly or to another source.

In giving your conclusion you should give your reasoning and relate it to evidence presented in the previous section.

Recommendation

You may wish to make recommendations to the employer or registered provider, or agency, and you may wish to comment on the suitability¹ of the person to continue to work with children. In some cases it will be apparent that someone is unsuitable i.e. intentional sexual offences against children in their care. In other more subtle cases this may require elaboration or you may come to the view that an individual has harmed a child by their actions but this is unintentional, or as a result of inexperience. You might also make recommendations about training or change in policy/procedure. Always be mindful of the fact that you are not the employer/agency and ultimately the decision is for them, to be taken through their own disciplinary process.

i Working Together 2010

¹ In considering an individual's suitability reflect on the following points;

- Deliberately caused harm or placed children at risk by their actions.
 - Contravened guidance despite training, advice and specific warning.
 - Exploited or abused a duty of care or a position of trust.
 - Acted in way any reasonable person would find alarming.
 - Shown a lack of professional judgement or failed to understand how their actions have adversely affected children or young people in their care.
 - Stepped beyond professional boundaries.
 - Been the subject of criminal or social care investigations.
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