

Procedures Manual

04.17.01

Arrangements for Managing Allegations of Abuse against People Who Work with Children or Those who are in a Position of Trust

PURPOSE

To provide staff with the knowledge of the process of revealing child protection allegations

SCOPE

All staff and students undertaking work experience

RESPONSIBILITY

All staff

West Suffolk College acknowledges that employees working for us are classified as ‘in a position of trust’ and as such will report any instances of concern that involve children. Any incidents will be reported to the LADO in a timely way as detailed in this procedure. This procedure is taken from the Suffolk Safeguarding Partnership as a standard policy. <https://www.suffolkscb.org.uk/>

1. Summary

- 1.1 It is essential that any allegation of abuse made against a person who works with children and young people including those who work in a voluntary capacity is dealt with quickly and consistently, in a way that provides effective protection for children, and at the same time support the person who is the subject of the allegation. The framework for managing allegations is set out in statutory guidance contained in *Working Together to Safeguard Children 2020*.
- 1.2 All organisations and places of employment should have procedures for dealing with allegations, which is consistent with this guidance, drawn from *Working Together 2020*. All staff and volunteers should understand what to do if they receive an allegation against or have concerns regarding the behaviour of another member of staff, volunteer, or visitor. This information must be explicit in-service procedures and made available to all members of staff, regular visitors, volunteers, and service users.
- 1.3 All procedures should also include the contact details for the LADO responsible for providing advice and monitoring cases. Contact details can be found in the back of this document.
- 1.4 The term ‘employer’ is used throughout this policy to refer to settings and organisations that have a working relationship with the individual against whom the allegation has been 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 business, contractors, fostering services, regulatory bodies such as Ofsted in the case of child-minders. There may also be others that may not have a direct employment relationship with the individual but will

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need to consider whether to continue to use the person's services, to provide the person for work with children in the future, or to de-register the individual. This document relates to West Suffolk College.

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

2. Introduction and Scope

2.1 **The Local Authority Designated Officers (LADO)** are involved in the management and oversight of individual cases. They will:

- Provide advice and guidance to all the above agencies and services.
- Liaise with the Police and other agencies and monitor the progress of the case to ensure that all matters are dealt with as quickly as possible, consistent with a thorough and fair process.
- Liaise with Adult Community Services (ACS) – Position of Trust if there is a likelihood that the alleged adult works with both children and adults with care and support needs.
- Liaise with legal services and seek advice on complex matters.

This role is currently fulfilled by two designated LADOs with the lead to develop the LADO service.

Suffolk Police have identified officers to fulfil a similar role. There is a senior officer who has strategic oversight of the arrangements to ensure compliance.

2.2 Suffolk Police have identified a Civilian Safeguarding Manager (or dedicated DS in complex cases) in each Child Abuse Investigation Unit who will:

- Liaise with the Local Authority Designated Officer (LADO).
- Take part or ensure that a fellow Police Officer takes part in strategy meetings/discussions and assist in progressing LADO matters which meet the LADO threshold but are managed without holding a meeting.
- Reviews the progress of cases in which there is a police investigation.
- Shares information as appropriate, on completion of an investigation or related prosecution.

2.3 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 suspect a child is suffering, or likely to suffer, harm. It should be used for all allegations in respect of a person in a position of trust, who in the course of their work (including volunteering) with children has:

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- 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.

Whilst some behaviours may not constitute a criminal offence, and some may not reach the threshold of harm, consideration will need to be given as to whether they may indicate unsuitability to work with children.

These include concerns relating to inappropriate relationships between staff and children and young people such as:

- Having a sexual relationship with a child under the age of 18 if in a position of trust in respect of that child, even if consensual.
- Becoming involved in a relationship with a child under 18 with whom there was, but is no longer, a position of trust, e.g. School leaver.
- ‘Grooming’ behaviour giving rise to concerns as to intent – e.g. inappropriate text/email/social media, inappropriate images, gifts, socialising (see Sexual Offences Act 2003 sections 15-19).
- Possession of indecent images of children.

2.4 Concerns may arise due to the person’s behaviour at work, or outside of work, if it is considered to have implications for their ability to operate professionally, including bringing the College into disrepute. If concerns arise about the behavior of a person who works with children, regarding their own children, the Police and/or Directorate of Health, Wellbeing and Children’s Services need to consider further action. This may include informing the person’s employer and the LADO to assess whether there may be implications for children with whom the person has contact at work. The LADO may also become involved in the detail of a person’s conduct of their private life when it indicates a lack of appropriate professional judgement.

2.5 There may be three strands in the consideration of an allegation:

- Enquiries and assessment by Directorate of Health, Wellbeing and Children’s Services about whether a child needs protection or in need of services.
- A police investigation of a possible criminal offence.
- Consideration by an employer of disciplinary action in respect of the individual.

All of which will inform the employer’s final decision as to whether the individual is safe and suitable to continue working with children. However, the LADO could also deem it inappropriate that the member of staff is unfit to work with Children and could impose a decision.

2.6 Procedures need to be applied with common sense and judgement. Some allegations are so serious as to require immediate referral to Social Care and the Police for investigation. Others are much less serious, and at first sight may not seem to warrant consideration of a police investigation or enquiries by Children and Young People’s Service. However, it is important to ensure that even apparently less serious

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allegations are seen to be followed up by the employer, and that they are examined objectively by someone independent of the organisation concerned.

In such circumstances staff could be suspended without prejudice while on full pay while an investigation takes place.

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3. Process of Referral and Initial Consideration

- 3.1 All allegations should be reported immediately to the Senior Delegated Person for Safeguarding or an alternative safeguarding officer At West Suffolk College, this is the Safeguarding Team That team should then consider whether a LADO referral is required. Where a LADO referral is deemed appropriate, the referral should be made to the LADO **within one working day** of the matter being brought to the employer's attention.
- 3.2 Following referral being received, the LADO will then establish, in discussion with the employer, that the allegation is within the scope of these procedures If, following LADO initial consideration, the concern does not meet the LADO threshold it is the responsibility of the employer to decide whether it is appropriate in the employment context to follow up that concern and how that is best achieved. However, as part of the initial consideration the LADO may provide a view on the next step.
- 3.3 If the parents/carers of the child concerned are not already aware of the allegation, the LADO will also discuss how and by whom they should be informed. In some circumstances the College safeguarding team may need to advise parents of an incident involving their child straight away – e.g. if the child has been injured while in the organisation's care and requires medical treatment.
- 3.4 The HR team should inform the accused person about the allegation as soon as possible *after* consultation and the advice of the LADO. If the person is a member of a union or professional association, s/he should be advised to seek support from that organisation. However, where it is clear that the Police or Directorate of Health, Wellbeing and Children's Services may need to be involved, this should **not** be done until those agencies have been consulted and have agreed what information can be disclosed to the person.
- 3.5 If after an initial meeting there are ongoing investigations or the person in a position of trust is suspended, then a review meeting should be considered once outcomes are known. In cases where a police investigation is necessary, the meeting should also consider whether there are matters that can be taken forward in a disciplinary process in parallel with the criminal process, or whether any disciplinary action needs to wait for completion of the police enquiries and/or prosecution.

4. Information Sharing

- 4.1 Decisions on sharing information must be justifiable, proportionate and based on the potential or actual harm to children. The rationale for decision-making should always be recorded.

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When sharing information between agencies about adults or children and young people, it should only be shared:

- Where relevant and necessary, not simply sharing all the information held.
- With the relevant people who need all or some of the information; and
- When there is a specific need for the information to be shared at that time.

In deciding whether the information should be shared, it is necessary to consider the key question of whether the person has behaved or may have behaved, in a way that means their suitability to undertake their current role or to provide a service to children should be reviewed. There may be times when a person is employed to work with children but their actions towards an adult (for example outside of work) may impact on their suitability to work with or continue to work with children.

4.2 All agencies concerned, including the employer, will share all relevant information they have about the person who is subject to the allegation and about the alleged victim.

4.3 Wherever possible, the Police will obtain consent from the individuals concerned to share the statements and evidence they obtain with the employer and/or regulatory body, for disciplinary purposes.

This should be done as the investigation proceeds rather than at its conclusion. This will enable the Police and CPS to share relevant information without delay at the conclusion of their investigation or any court case.

4.4 Directorate of Health, Wellbeing and Children's Services will adopt a similar procedure of seeking consent to share information for the purpose of potential disciplinary action during the course of their investigation so that this can be passed to the employer or regulatory body without delay.

5. Cross Boundary Issues

5.1 Where an allegation is made against a person in a position of trust, the lead responsibility lies with the LADO for the area where the setting or placement is.

6. Suspension

6.1 The possible risk of harm to children posed by an accused person needs to be managed and evaluated. The evaluation will be in respect of the child/ren involved in the allegation and any other children in the individual's home, work, or community life. In some cases, it will require consideration to be given to the use of suspension for the person involved in the allegation. This would be without prejudice and on full pay for the duration of the investigation. This may be in effect for the duration of

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investigations.

- 6.2 Suspension will be considered in any matter where the employer has reasonable and proper cause to suspect that a child is at risk of harm, or the allegation warrants a police investigation, or where the retention of the staff member could cause serious reputational damage and there are no other suitable alternative options to suspension.
- 6.3 Any decision around suspension should be taken in consultation with the employing organisation's HR team.
- 6.4 An employee, volunteer or visitor must not be automatically suspended without careful thought and consideration of the circumstances of the allegation. Suspension should not be a routine response to the need for an investigation. In making the decision, the College Senior designated Person or alternate responsible for safeguarding for the organisation must consider the true purpose of a suspension, whether the person should be suspended from contact with children for the duration of the investigation, or until resolution has been reached. In any case, alternatives to suspension should be explored and advice sought from the LADO and the employing organisation's HR wherever possible. This should be done after the views of the designated senior named officer from the Police and Local Authority Designated Officer have been canvassed.
- 6.5 Any suspension should be regularly reviewed by the employing organisation throughout the process and as new information is shared in consultation the safeguarding team and the LADO.

7. Cases Subject to a Police Investigation

- 7.1 If a criminal investigation is required, the Police will aim to complete their enquiries as quickly as possible, consistent with a fair and thorough investigation.
- 7.2 The Police will monitor progress of cases subject to police investigation and keep the LADO updated. In consultation with the LADO, consideration will be given to the timeliness of convening a review strategy meeting where necessary.
- Wherever possible, the review will **be within one month of** the initial meeting dependent on the progress of the investigation. However, there will be liaison between the Police and LADO who will update the employer.
- 7.3 The Police should immediately inform the College safeguarding team or HR team of the organisation and LADO when:
- A criminal investigation and any subsequent trial have been completed.
 - A decision has been reached to close an investigation without charge or further action.

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- Or a decision not to prosecute following charges being made.

7.4 In those circumstances, before any action by the employer, the LADO, Senior designated person or alternate should discuss whether any further action, including disciplinary action, is appropriate and if so how to proceed. Any information disclosed by the Police and Directorate of Health, Wellbeing and Children’s Services would be used during these discussions to inform the decision- making. The LADO will consult with the Police and Social Care and decide on the relevant information for use in a disciplinary hearing. This will also include the information contained within the LADO strategy meeting record if held.

7.5 Due regard must be given to the different standards of proof required in disciplinary and criminal proceedings. If a person is convicted of an offence, the Police will inform the employer and LADO immediately.

8. Confidentiality

8.1 Every effort should be made to maintain confidentiality and guard against unwanted publicity whilst an allegation is being considered or investigated. In association with the Association of Chief Police Officers 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 matters where the Police may depart from that rule, for example, 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.

9. Outcome of LADO Process

9.1 A record will be placed on the child’s file where the LADO threshold is met; however, no details of the alleged adult will be recorded on an open case. Once the investigations have been concluded the LADO will decide upon the outcome of the concern in consultation with agencies involved.

The LADO outcome will be one of the following:

- **Substantiated** – There is sufficient identifiable evidence to prove the allegation.
- **Unsubstantiated** – This is not the same as a false allegation. It means there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

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- **Unfounded** – 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.
- **False** – There is sufficient evidence to disprove the allegation.
- **Malicious** – There is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.

(Handling Allegations of Abuse against Adults who work with Children and Young People – Practice Guidance 2009, adapted in Keeping Children Safe in Education, 2015).

9.2. Decisions relating to the continuing use of an employee or volunteer’s services will be reliant on the outcome of investigations and subsequent information gathering. Where WSC does not follow recommendations made within the LADO process, they should inform the LADO of this and their reasons why any such recommendations were not followed.

10. Resignations, Settlement Agreements and References

10.1 The fact that a person tenders their resignation, or ceases to provide services, must not prevent an allegation being followed up in accordance with this procedure. It is important that every effort is made to reach a conclusion in all cases of allegations that have a bearing on the safety or welfare of children. This includes any allegation whereby the individual refuses to co-operate with the process.

10.2 Disciplinary procedures and subsequent sanctions may not be possible if a person’s notice period expires prior to the end of the investigation, but it is important that a conclusion is reached and recorded wherever possible. If employment has already ended, the person will be invited to take part but cannot be compelled to do so.

10.3 Settlement agreements, by which the person agrees to resign from the organisation by mutual agreement to avoid disciplinary action, must **not** be used in situations where the individual is subject to investigation. In these circumstances, the employer must provide a reference that makes it clear that the individual resigned during an ongoing disciplinary process. In any event, any agreements, which are reached, will not prevent a thorough police investigation, where that course of action is appropriate, nor will it override the statutory duty to refer to the Disclosure and Barring Service.

11. Record Keeping

11.1 It is important that West Suffolk College keeps a clear and comprehensive summary of any allegations made, details of how and who followed the allegation up and any resolution and conclusion. The record should include details of any action taken and all decisions reached. The Safeguarding Tam in Student Welfare will keep these

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records.

- 11.2 All participants in a LADO strategy meeting should be reminded that the person under discussion may choose to seek access to the record of the meeting at any point in the future via a subject access request. However, some safeguarding information may not be shared due to valid restriction.
- 11.3 Where the LADO outcome is substantiated or unsubstantiated, the LADO will retain records until the subject reaches 100 years of age, as per National LADO Standards. Where the outcome is unfounded, false, or malicious, these records will be kept until the subject reaches normal retirement age or for 10 years should that be longer.
- 11.4 If the allegation results in a Social Care investigation into possible harm to a child, this will be recorded on the child's social care file.
- 11.5 A record of allegations made will be maintained by the Safeguarding Team on behalf of partner organisations of Suffolk Safeguarding Partnership. LADOs will accurately record the progress and outcome of an allegation on the central secure recording system.
- 11.6 LADOs will retain a record of all advice and guidance given relating to concerns about any member of staff or volunteer regardless of whether the LADO threshold is met.
- 11.7 Where the decision is made to convene a LADO strategy meeting, the LADO will endeavor to distribute a record of the meeting to invitees within 10 working days of the meeting. The record will provide an overview of the discussion and is not a word for word account.
- 11.8 Notes of all strategy discussions and outcomes will be maintained in the central recording system. A record of only the individual's name, date of birth and address will be recorded on the social care database with a reference to the LADO record for further information.

12. Action at Conclusion of a Case

12.1 Referral to the Disclosure Barring Service (DBS)

- If a safeguarding allegation is substantiated **and**
- the person is dismissed; or
- the employer ceases to continue using the person's services; or
- the person resigns or ceases to provide their services, where the outcome should they not have resigned would likely have been dismissal.

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The employer should complete a referral to the DBS. If a referral is appropriate, it should be made **within 1 month**, which is a legal requirement.

There may be some situations that fall outside of the above where it is felt that consultation with DBS is appropriate.

12.2 Referral to a regulatory body

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

12.3 Return to work

If the person has been suspended and on conclusion of the case it is decided the person can return to work, the workplace, setting or educational establishment, should consider how to facilitate this. It is likely that the person returning to work will require support for this to be successful. Depending on the circumstances, a phased return may be appropriate, and the provision of a mentor should be considered. The senior manager of the organisation should also consider how the person's contact with children or the child involved in the allegation should be managed. At West Suffolk College this will be senior member of the safeguarding team or HR team.

13. Supporting Those Involved

13.1 The HR team at West Suffolk College should also keep the person who is subject of the allegation informed of the progress of the case and ensure support is offered to the individual. The individual's union or professional body, occupational health services or any other employee welfare arrangements, may provide this support. In any case, if the individual is a member of a trade union, they should be advised to contact their trade union at the outset of the investigation. Communication with the LADO will only be via Student Welfare.

13.2 If the person has been suspended, the West Suffolk College HR team should also make their usual arrangements to keep the individual informed of developments.

13.3 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 - *Keeping children safe in education 2020*. This will be done by the safeguarding team at West Suffolk College.

They should also be kept informed about the progress of the case and told the outcome, where there is not a criminal prosecution, by the employing organisation. Note that the deliberations of a disciplinary hearing, and the information considered in reaching a decision, cannot normally be disclosed. In deciding what information to disclose, careful consideration should be given to duties under the Data Protection Act 1998, the Law of confidence and, where relevant the Human Rights Act 1998.

13.4 In cases where a child may have suffered harm, or there may be a criminal

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prosecution, Children and Young People's Service, or the Police as appropriate, should consider what support the child or children involved may need.

14. Oversight and Management of the LADO Process

14.1 Named Senior Officers

Suffolk Safeguarding Partnership (SSP) member organisations should have a Named Senior Officer who has overall responsibility for:

- Ensuring that the organisation operates procedures for dealing with allegations in accordance with these SSP arrangements.
- Resolving any inter-agency issues; and
- Liaison with SSP on this subject.

Our named Safeguarding Leads are:

- Colin Shaw DSP
- Sarah-Louise Neesam
- Pippa Bourne
- Claire Battey
- Jackie Grimwood

Our named leads in HR are

- Simon Graham
- Laura Lockwood

14.2 Senior Managers

All partner organisations in the children's workforce should have a Senior Manager within the organisation to whom all allegations or concerns that a member of staff or volunteer may have harmed a child should be reported, with clear guidelines on the timeliness for reporting a concern. Employers' procedures should make sure that all staff and volunteers know who that person is.

14.3 The LADO will regularly monitor the progress of the case and provide information, advice and support where required or requested. This will be done by convening review LADO strategy meetings where necessary or by liaising directly with the senior named officer from the Police, Social Care manager and the employer, or senior manager of the organisation.

14.4 The employer is responsible for informing the LADO when their investigations are complete following the agreed timeframe and the outcome of those investigations sent to the LADO.

14.5 At the conclusion of a case in which an allegation is substantiated, the LADO should review the circumstances with the senior manager representing the employer. The purpose of the review is to determine whether there are any improvements to be

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made to the organisation's procedures or practice to help prevent similar events in the future.

- 14.6 This should include issues arising from any decision to suspend a member of staff, the duration of the suspension and whether the suspension was justified.
- 14.7 The County Safeguarding Manager responsible for the LADO service and Head of Safeguarding will monitor all allegations and report regularly to SSP as required.
- 14.8 The LADO service will consider undertaking an internal review where there have been several LADO referrals in respect of an individual, and where appropriate will escalate to the safeguarding team or HR team within.

Where there has been repeat referrals in respect of an organisation this will lead to a broader consideration of safeguarding practice and procedures in that organisation.

15. Timescales

- 15.1 It is in everyone's best interests 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.
- 15.2 West Suffolk College should have regard to their organisation's disciplinary policies and procedures whilst aiming to resolve matters with minimum delay. They should consider the circumstances of individual cases, including the nature, seriousness, and complexity of the allegation. In any case where Directorate of Health, Wellbeing and Children's Services has undertaken enquiries to determine whether the child or children are in need of protection, the Senior Designated Person or alternate should take into account any relevant information obtained through the course of those enquiries when considering disciplinary action.

All allegations should be investigated as a priority to avoid any delay. Target timescales are shown below: the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness, and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months. (Keeping Children Safe in Education 2020)

The LADO service encompasses a wide range of organisation's and due to the complexity of some investigations, the above timescales may not be met. For cases that are not concluded within two months, progress will be considered by the LADO service and as necessary contact will be made with those investigating concerns or allegations.

The reasons why the case has not been concluded will be recorded on the LADO record.

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15.3 Suffolk Safeguarding Partnership is committed to ensuring all allegations are managed efficiently and effectively and will use available data to monitor the recommended timescales in all allegations.

16. Action in Respect of Unfounded, False or Malicious Allegations

16.1 If an allegation is unfounded, the LADO should consider informing Directorate of Health, Wellbeing and Children's Services to establish whether the child who has made the allegation needs services.

16.2 In the rare event that an allegation is shown to have been deliberately invented or malicious, the Police can be asked to consider whether any action might be appropriate against the person responsible.

17. Complaint/Appeal

17.1 There is no appeal to the outcome of the LADO process. It is a professional judgement based upon the balance of probability, which is a lower threshold than that used in a court of law. Suffolk County Council's complaints process should be followed should an individual feel that the process followed has been flawed.

LADO Contact Details

Local Authority Designated Officers can be contacted for advice and consultation via email on: LADO@suffolk.gov.uk

Or via the LADO central telephone number: **0300 123 2044**

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