

PART 7

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ALLEGATIONS OF ABUSE MADE AGAINST A PERSON WHO WORKS WITH CHILDREN

The Scope of these Procedures.

Applies to whom?

1. These procedures are intended to provide guidance relevant to a wide range of situations in which an allegation or concern arises about the conduct of a person who 'works' with children. Reference to *children* within this document is intended to include any one who has not yet reached their 18th birthday.

For the purposes of these procedures the definition of 'work' is significantly widened and intended to include the following :

- Those in paid employment, including temporary, casual, and agency staff.
- Individuals undertaking unpaid voluntary work.
- Individuals who are self-employed and work directly, or are contracted to work, in the provision of services to children.

A useful test for deciding upon the applicability of these procedures is to consider whether the individual subject to the allegation or concern occupies a position of trust – in that sense this potentially includes a broad range of scenarios whereby children maybe abused by adults who seek, through work activity, to exploit their position of power and trust.

2. These procedures are principally underpinned by three key documents :
 - *Working Together to Safeguard Children* (2006), paragraphs 6.20 to 6.30 and Appendix 5 which establishes three criteria against which any allegation or concern should be considered (www.everychildmatters.gov.uk/safeguarding/).
 - *Safeguarding Children and Safer Recruitment in Education* (2006) – Chapter 5 (www.teachernet.gov.uk/wholeschool/familyandcommunity/childprotection/)
 - *Handling Allegations of Abuse made against Adults who Work with Children and Young People – Practice Guidance* (2008) DCSF.

Relevant additional regional guidance, applicable where there are Cross-Border issues, also informs these procedures and is provided in its entirety within Appendix 4 (see paras. 74-76).

Applies when?

3. Specifically, the question should be asked as to whether the allegation or concern possibly meets any one of the following thresholds:

Has a person -

- **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 s/he is unsuitable to work with children.**

The parameters of the above criteria are notably wider than those which relate to the thresholds appropriate to situations in which there exists reasonable cause to believe a child is suffering, or is likely to suffer, significant harm. The notion of 'unsuitability' may relate to a specific act, or an accumulation of concerns, or indeed behaviours occurring outside of the workplace which invite a judgement in respect of the compatibility of such with their 'work' role (see paras 556-58).

4. It is important to acknowledge that whilst the guiding framework relating to these procedures is set out above, it is recognised that most allegations or concerns have a unique set of factors and potential complexity which will necessitate careful consideration of how best to proceed. The statutory guidance contained within *Working Together (2006)* referred to above, mandates local authority children's services to provide a Local Authority Designated Officer (LADO) who should be involved in the management and oversight of individual cases, and undertake other complimentary activity to ensure that cases are dealt with as quickly as possible, consistent with a thorough and fair process.
5. The role of the LADO is critical to these procedures, as are other designated roles referred to below, and as such there is an increasing tendency to refer to the management of allegations against people who work with children as the LADO Process. This should not, however, distract from the critical responsibility for all agencies to establish their own robust procedures and systems which are consistent with the requirements and guidance provided within this document.
6. Concerns or allegations about the behaviour of an adult in the children's workforce may arise in a number of different ways. For example;

- An allegation made directly by a child or parent/carer.
 - An allegation made by a colleague or member of staff.
 - Information from the Police or Children’s Social Care. eg information arising from child protection enquiries about a worker’s own children (see para.70)
 - Information from a third party or member of the public.
 - Information disclosed anonymously or online.
 - Concerns generated through an employment relationship.
7. For the purposes of this guidance, reference to ‘employer’ is intended to relate to any individual, organization or agency that has a ‘working’ relationship with the person against whom the allegation is made. This is an intentionally broad use of the term, intended to include 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, regulatory bodies such as Ofsted in the case of childminders, and others that may not have a direct employment relationship with the individual, but will need to consider whether to continue to use the person’s services, or to provide the person for work with children in future, or to de-register the individual. All subsequent references to ‘employer’ in this guidance should be interpreted in the above manner.
8. It should be noted that ‘complex abuse’ is defined within Working Together (2006) as “..*abuse involving one or more abusers and a number of children.*”p149. Historically, allegations relating to professional workers have been referred to by this term which is clearly reserved for very specific circumstances, some of which may involve individuals in the children’s workforce but not exclusively so.

All Agencies’ Responsibilities

9. All employers should have a specific procedure in place for processing any allegation or concern relating to a person who ‘works’ with children. The procedure should be clearly understood by all those who are ‘employed’ and it should feature prominently in staff induction, training, and commissioning arrangements. It should also reflect core principles which evidence a commitment to –
- maintain the interests of the child as paramount;
 - to be appropriately supportive to the worker who is subject to the allegation;
 - to seek as early a resolution as is possible subject to a thorough and fair process;
 - to maintain and promote a safer recruitment and safer care culture.

10. A key element of the procedure should be the identification of a named **Senior Manager** (SM) to whom all allegations or concerns should be reported. Where the responsibilities of the SM are to be delegated then this should be clearly detailed both in terms of arrangements and identity of relevant individuals. The procedure should also provide guidance to cover situations whereby an allegation is made, or concern arises, in respect of the SM.
11. The procedure **MUST** emphasise that allegations or concerns that potentially satisfy the criteria set out in para. 4 should be notified to the LADO by the SM without delay so that an initial discussion may be undertaken (see para. 27-31)
12. Member organisations of Staffordshire Safeguarding Children Board (SSCB) must have a named **Senior Officer** (NSO) - normally the organisation's Board representative - who has responsibility for ensuring that the organisation operates procedures for dealing with allegations against staff effectively; resolving any inter-agency issues; and collecting strategic data and reporting back to SSCB when requested.

The role of the Local Authority Designated Officer (LADO)

13. The Directorate of Children and Lifelong Learning is responsible for meeting the statutory requirements in relation to the function of the Local Authority Designated Officer (LADO) who is expected to take a critical role in terms having oversight and input into the management of individual cases. The core expectations of the LADO are to :
 - provide advice and guidance to employers and facilitate an initial discussion.
 - liaise with the police and other relevant agencies.
 - monitor the progress of cases to ensure they are dealt with as quickly as possible, consistent with a thorough and fair process.
 - seek to resolve any inter-agency issues.
 - collect strategic data for the purposes of periodic reporting to the SSCB and the DCFS.
14. In terms of the LADO's contribution to the allegations management process they may, where appropriate, :
 - Attend, or provide other appropriate contribution to Strategy Meetings.
 - Convene a Joint Evaluation Meeting (DCSF terminology) with the employer in circumstances whereby a Strategy Meeting is not appropriate but concerns in respect of suitability need to be considered more fully.

- Facilitate communication with relevant regulatory bodies, eg General Social Care Council; General Teaching Council.
 - Bring about the involvement of other key individuals/agencies, eg Sports sector governing bodies
 - Undertake liaison with other LADO's where cross border issues exist.
 - Seek to ensure that the appropriate actions have been taken following the conclusion of an investigation, eg referral to the Independent Safeguarding Authority (www.isa.gov.uk/).
15. A critical aspect of the LADO role is to provide advice as to whether an allegation or concern meets the relevant criteria, and in doing so ensure a plan of action is undertaken which will allow the most effective and appropriate form of investigation – this is explained in more detail within 'Initial Discussion'.

Referring an allegation or concern

16. It must be noted that some allegations are so serious as to require **immediate referral** to the Police and/or Children's Social Care. These procedures are not in any way intended to impede the requirement for urgent or immediate responses to circumstances of very clear seriousness, although it is expected that the LADO is informed of such events at the very earliest opportunity and in all circumstances within no more than 24 hours after the allegation has arisen.
17. Contact details for Staffordshire Police and Children's Social Care (First Response Team) are :

First Response Team : 0800 1313 126 (*Please see point 21*)

Staffordshire Police : 0300 123 4455

18. Very many allegations or concerns do not require immediate protective or other actions, and are rarely so straightforward as to allow the drawing of immediate conclusions. The undertaking of an 'Initial Discussion' (see below) with the LADO is an essential first-step in agreeing what actions should be undertaken and is intended to maximise the opportunity for a planned response that reflects an overriding concern for the welfare of the child and the taking of actions that are proportionate to the available information.

19. The arrangements within the Directorate of Children and Lifelong Learning provide for an initial discussion to be undertaken with LADO's located in specific divisions of the Directorate :

20. For referrals relating to schools/education and school transport sector, the LADO's are :

The Child Protection Officer. Tel: 01785 278997.

The Principal Education Welfare Officer. Tel: 01785 278640.

21. For referrals relating to all other aspects of the children's workforce, and where an Initial Discussion is required, the LADO's are located within the

First Response Team. Tel: 01785 277311 (*Direct line*)

Follow-up actions are undertaken by the

Risk Management Co-ordinator Tel: 01785 854019.

The Principal Education Welfare Officer. Tel: 01785 278640.

22. For referrals which require a response outside of normal working hours (including week-ends and Bank Holidays), then advice should be sought from :

The Emergency Duty Service : 01785 354030

23. It is important that at the point of referring an allegation or concern that all available information relevant to the matter is provided so that appropriate evaluation can be undertaken.

24. The **Police** have a responsibility to designate officers who will:

- Liaise with the LADO.
- Take part in strategy meetings/discussions.
- Review the progress of cases in which there is a police investigation.
- Share information as appropriate, on completion of an investigation or prosecution.

25. The police designated officer in the first instance is the Detective Sergeant of the Police Central Referrals Unit. Where cases proceed to strategy discussion the designated officer will be the detective sergeant of the relevant Child Abuse Investigation Unit.

The Initial Discussion

26. The purpose of the Initial Discussion is for the LADO and the Senior Manager (or delegated referrer) to consider the nature, content and context of the allegation, and to agree an appropriate course of action. **This should take place without delay and in any event within 24 hours of the allegation/concern arising.**

27. The Senior Manager should ensure they are able to share sufficient detail about the circumstances of the allegation, and have relevant additional information such as any previous history of allegations/concerns relating to both the child and the adult.
28. This initial sharing of information may conclude that the specific criteria set out in para. 4 are not met. In these circumstances advice may be given by the LADO to the Senior Manager in terms of how best to proceed to facilitate some form of resolution. However, in all cases where the thresholds are not met it will be for the individual organization/agency to conclude matters internally and there will be no further action by the LADO.
29. In all situations where the initial discussion concludes that one or more of the relevant thresholds are potentially met, then there will be three possible scenarios :
- a) A Police investigation of a possible criminal offence.
 - b) Enquiries and assessment by Children's Social Care about whether a child or young person is in need of protection or in need of services.
 - c) Consideration by an employer of disciplinary action in respect of the individual.

These scenarios are not mutually exclusive and may exist singularly or in combination.

30. In planning and deciding upon the specific actions which will require undertaking, the LADO should also provide advice in respect of a range of additional considerations which will require careful judgment For example :
- The use of suspension. (see para.40)
 - Possible risks to other children (eg. The individuals own children, or other children accessing activities which are linked with the individual in other settings such as scout leader or sports coach).
 - Arrangements for informing the parents/carers of the child making the allegation and for establishing appropriate levels of support.
 - Arrangements for informing the individual who is the subject of the allegation/concern and establishing appropriate levels of support.
 - The anticipation of any media interest and managing confidentiality issues.
 - Setting timescales (where possible) for key actions.

Where the initial discussion establishes that there is cause to suspect that a child is suffering, or is likely to suffer significant harm (S47 threshold – Children Act 1989), then the referral must be processed through the First

Response Team and an inter-agency investigation and assessment will be initiated.

Inter-Agency Investigation and Assessment

31. Where the initial discussion concludes that the S47 threshold (significant harm) may have been met, then the initial management of any allegation/concern will be driven by the agreed planning and recommendations arising from a Strategy Discussion which may take the form of a meeting or series of meetings (see Part 4 of the SSCB Inter-Agency Procedures).
32. While initial discussions will inevitably take place within 24 hours of the referral being received by children's social care, the convening of a subsequent strategy meeting should otherwise take place **within three working days** whether or not immediate action is necessary to protect a child and to secure evidence. The immediate protection of individual children however remains a paramount objective in all circumstances.
33. The relevant Safeguarding Team Manager in Children's Social Care should ordinarily take primary responsibility for convening and coordinating established arrangements for the strategy discussion/meeting. Where there are specific additional concerns, eg around complexity and/or seniority of the adult who is subject to the allegation/concern, then the relevant Head of Service may be required to make a judgment about who should chair the discussion/meeting.
34. In circumstances in which a strategy discussion/meeting is convened it will be necessary to recognise that the primary focus of concern is the child. However, it is also necessary to recognise that in these situations information will need to be considered and judgements made, in respect of the adult who is the subject of the allegation/concern. It will therefore be important that invites are also extended to all the relevant individuals and organizations appropriate to the management of the allegation (eg HR personnel; Ofsted).
35. It is recommended that as far as is practicable, the strategy meeting/discussion separates out discussion so that the contribution of individual attendees is relevant to their role and responsibilities, and so that the parameters to confidentiality are maintained. For example, where the 'line manager', HR representative, or similarly responsible individual is not connected with the provision of services to the child, then it is likely to be inappropriate for them to be privy to the sensitive and personal information which other agencies may need to share and discuss. However, they will almost certainly be required to make contribution to the discussion of information which will inform the recommendations and actions relating to the adult. The

minutes of these meetings should clearly record how confidentiality issues were discussed and resolved where relevant.

36. Where practicable, and particularly where additional complexity may arise (eg self-employed worker), then the LADO should either attend or make other appropriate contribution to the Strategy Discussion/Meeting (eg. Advice to the Chair).
37. It is also important that any outstanding considerations which were not confirmed within the initial discussion (see para.31) are further discussed and appropriate actions agreed.
38. Where the matter requires a Police investigation, it is advised by the DCSF that the Police seek to obtain consent at the outset from the individuals concerned to share the statements and evidence they obtain with the employer for disciplinary purposes. A similar recommendation is made in respect of information that may be obtained by Children's Social Care in the course of their enquiries so that the time required to establish any disciplinary case can be minimised. (DCFS 2008)

Suspension

39. Suspension from duty should be considered in any case where :
 - there is cause to suspect a child is at risk of significant harm,
 - or the allegation warrants investigation by the police,
 - or is so serious that it might be grounds for dismissal.
40. Suspension should not be seen as an automatic response to an allegation and in all cases should be individually considered. The power to suspend is invested in the employer or in the case of schools and FE colleges with the Head Teacher or Principal and the governing body.
41. The decision to suspend without careful thought may impede a Police investigation (eg by providing an early alert to an individual who may then have opportunity to destroy evidence), and in some circumstances it will only become apparent that this course of action is necessary following wider information sharing and discussion.
42. It may be appropriate for the LADO to provide an opinion on the appropriateness of suspension and this, as with any decision to suspend, should reflect an assessment of continuing risk and consideration of possible alternative work activities (eg. of a non-child contact nature). A potentially useful risk assessment tool to assist

employers in making judgments about suspension is included as Appendix 4.

43. If the decision is made to suspend the worker, even as a 'neutral act' to protect all parties, it should be done with a recognition of the need to establish appropriate arrangements to support the individual while the case remains on-going. The worker should be advised to contact their Trade Union or professional association where this is relevant, and in all cases the employer should strive to ensure updates about progress and likely timescales for investigation and other actions are provided regularly. It is recommended that a named contact person is provided wherever possible to facilitate an effective communication arrangement.

Joint Evaluation Meeting

44. In situations where inter-agency enquiries/assessment are not required, then it may be appropriate to convene a meeting between the employer and the LADO to evaluate the level of concern and to decide whether further disciplinary investigation is required and if any additional actions (eg. suspension if not already considered) are necessary.
45. Evaluating the level of concern emanating from any allegation is an important precursor to determining whether the behaviour has called into question the person's suitability to continue working with children. The issue of 'unsuitability' is complex and is considered further in paras. 57-60.

Timescales

46. Where a Joint Evaluation Meeting is not felt to be necessary, and/or the allegation does not require formal disciplinary action, appropriate action should be undertaken **within 3 working days**.
47. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held **within 15 working days**.
48. Where further investigation is required to inform consideration of disciplinary action, then the investigating officer should aim to provide a report **within 10 working days**.
49. Following receipt of the report of the disciplinary investigation, the employer should decide whether a disciplinary hearing is needed

within 2 working days. If a hearing is required it should be held **within 15 working days.**

50. The above timescales are indicative targets, and in some circumstances it will be necessary to extend these so that the integrity and thoroughness of the investigative process is not compromised.
51. In all circumstances the LADO is required to monitor the progress of cases and should, where necessary, seek to expedite any actions which will help bring about as early a resolution as possible to the allegation/concern. The LADO should review all cases at not less than 4 weekly intervals, and more frequently where there exists particular complexity. It is an expectation that where applicable the Police designated officer provides the LADO with regular updates in respect of any on-going Police investigation.

Record Keeping

52. Record keeping by agencies is an integral part of all safeguarding processes. Records which relate to the management of allegations need to document a complete picture of the events, decisions and actions so that it is clear when something happened, how decisions were made, and what chain of events led to a particular action. Records should be kept and maintained at every stage of the process thus ensuring decisions are made on full, accurate and up to-date information and the rationale for those decisions can be traced, scrutinised and justified where necessary.

53. Clear and comprehensive records will :

- Enable accurate information to be given in response to any future request for a reference
- Provide clarification in cases where future CRB disclosure reveals information from the Police that an allegation was made but did not result in a prosecution or conviction.
- Prevent unnecessary re-investigation if an allegation resurfaces after a period of time.
- Be an essential part of any necessary referral to the DCSF/ISA

Accurate record keeping and retention also allows for patterns of behaviour which may pose a risk to children to be identified.

54. Records of allegations must be retained until the subject of the allegation reaches normal retirement age, or 10 years from the date of the allegation if that is longer. Records relating to allegations which have been found to be without substance must also be retained in the same manner.

55. The LADO is similarly required to maintain appropriate records which will reflect advice given and actions undertaken throughout the management of a case, and is additionally required to provide periodic data returns to the SSCB and the DCFS/Regional Government Office.

Unsuitability

56. It will be necessary with some allegations or concerns to make a careful judgment when :

- *A person who works with children has behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.*

57. The issue of 'unsuitability' is potentially a very complex one and the consequences for any worker who is so deemed are significant in terms of his/her future work activities with children. There is currently no additional statutory guidance to define parameters to the type of behaviour or conduct which would meet this criteria. It effectively extends the scope of these procedures to include possible consideration of events or concerns which arise outside of the workplace.

58. For example, unsuitability maybe evidenced when :

- Contravened or has continued to contravene any safe practice guidance given by his/her organization or regulatory body.
- Exploited or abused a position of power
- Acted in an irresponsible manner which any reasonable person would find alarming or questionable given the nature of work undertaken.
- Demonstrated a failure to understand or appreciate how his/her own actions or those of others could adversely impact upon the safety and well being of a child.
- Demonstrated an inability to make sound professional judgments which safeguard the welfare of children.
- Failed to understand or recognise the need for clear personal and professional boundaries in his/her work.
- Behaved in a way in his/her personal life which could put children at risk of harm
- Become the subject of criminal proceedings not relating to a child
- Become subject to enquiries under local child protection procedures
- Behaved in a way which seriously undermines the trust and confidence placed in him/her by the employer

(DCSF 2008)

59. Where there is no criminal conviction (or caution) then it will be necessary to make judgments on the basis of the balance of probabilities. Great care should be exercised in evaluating all the available information, and a specialised assessment of the adult's behaviour should be commissioned by the employer when it is the view of the LADO and other professionals that this is required or desirable in order to assess any risk posed to children.

Action on Conclusion of a Case

60. Where an allegation or concern has required investigation by the Police and/or Children's Social Care, then it is necessary to ensure that the outcome of these processes appropriately informs subsequent actions.
61. The police (or the CPS) should inform the employer and the local authority designated officer as soon as a criminal investigation and any subsequent trial is concluded, or if a decision is taken to close an investigation without charge. The LADO should then record this decision and discuss with the employer whether any further action is required and, if necessary, how to proceed.
62. If the allegation is substantiated and the person concerned is dismissed for reasons of misconduct which harmed a child, or placed a child at risk of harm, or because they consider the person to be unsuitable to work with children, (or the employer ceases to use the person's services for the same reason, or the person resigns in response to those conclusions), then there is a **statutory duty** on the employer to make a referral to the DCSF/ISA (www.isa.gov.org.uk/). This is irrespective of whether the evidence is such that the employer or LADO feel that the case is likely or unlikely to result in the individual being barred from working with children. If the person is subject to registration or regulation by a professional body, e.g. General Social Care Council, General Medical Council or OFSTED etc, the LADO should advise on whether a referral to that body is appropriate.
63. If, however, it is decided upon the conclusion of a case that a person who has been suspended (or otherwise removed from routine duties) can return to normal work duties, then the employer should consider how that might be best facilitated and recognise the likely need for strategies of support and re-integration. Issues associated with renewed or future contact between the worker and child initiating the allegation should also be considered, and appropriate steps taken to effectively manage the situation and any potential difficulties.

Resignations and compromise agreements

64. It is important that every effort is made to follow cases through to a conclusion in all circumstances irrespective of whether the individual submits their resignation or in any way declines to co-operate with the necessary investigation or activities. It may be appropriate, depending on the outcome of the investigatory process, to refer concerns about a worker to the ISA/DCSF – this responsibility remains with the employer irrespective of the workers actions, and is an important facet of bringing about a safer children’s workforce.
65. A “compromise agreement”, by which a person agrees to resign on the basis of the employer not pursuing disciplinary action, and by both parties agreeing a form of words to be used in any future reference, should not be considered appropriate in any circumstances. A disciplinary process should, as far as practicable, be undertaken and concluded when the circumstances require such a response even in the absence of the worker.

Whistle-blowing

66. All staff should be made aware of the organisation’s whistle-blowing policy (Public Interest Disclosure Act 1999) and feel confident to voice concerns about actions or attitudes of colleagues. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, then s/he should contact the LADO directly.
67. It is important that organizations policies relating to the management of allegations and ‘whistle blowing’ are cross referenced and accessible to all members of staff. They should be seen as significant components of a Safer Recruitment culture.

The Self Employed

68. Occasionally allegations or concerns will arise that relate to individuals who are not contractually or directly linked to a line management structure and/or conventional HR arrangements. For example, providers of musical tuition or taxi drivers/escorts involved in the provision of school transport. It is important that responses to these situations are as robust as they would be for other sectors of the children’s workforce.
69. In these situations there will be assumption that the organization which is commissioning the service(s) being provided will assume the responsibilities normally associated with that of ‘employer’, although the LADO will take a prominent role in identifying any additional commissioning organizations or other potential children at risk, and bring about the participation of regulatory bodies where relevant. The

LADO will take further key responsibility in co-ordinating cross border activity (see para. 75-77)

Safeguarding Concerns relating to parents/carers who work with children

70. Section 47 enquiries in intra-familial cases should wherever possible, identify whether the parent or carer or concern also works with children. Consideration needs to be given whether any actual or potential concerns about significant harm within the family also have implications for the safety of the children in the parent/carer's place of work, or whether the nature of the concerns would suggest that the person may not be suitable to work with children.
71. As soon as a children's social care Team Manager becomes aware that a Section 47 enquiry involves a parent who works with children, they should discuss the matter with the LADO. The LADO will give advice as to whether the procedure for allegations against people who work with children should be followed, and assist in co-ordinating other activities as required
72. In some situations an allegation of abuse may be made against a person closely associated with a member of staff e.g. partner, and consideration will be required as to whether any risks extend to the children for whom the member of staff is responsible. This should include:
- the ability and/ or willingness of the member of staff to adequately protect the children
 - whether measures need to be put in place to ensure their protection
 - whether the response/ behaviour of the member of staff calls into question their suitability to work with children
73. If the member of staff lives in a different local authority area to that which covers his/her workplace, the LADO will liaise as necessary with other Designated Officers and help to facilitate agreement on respective roles and responsibilities in terms of actions and convening of meetings.

Cross Border Issues.

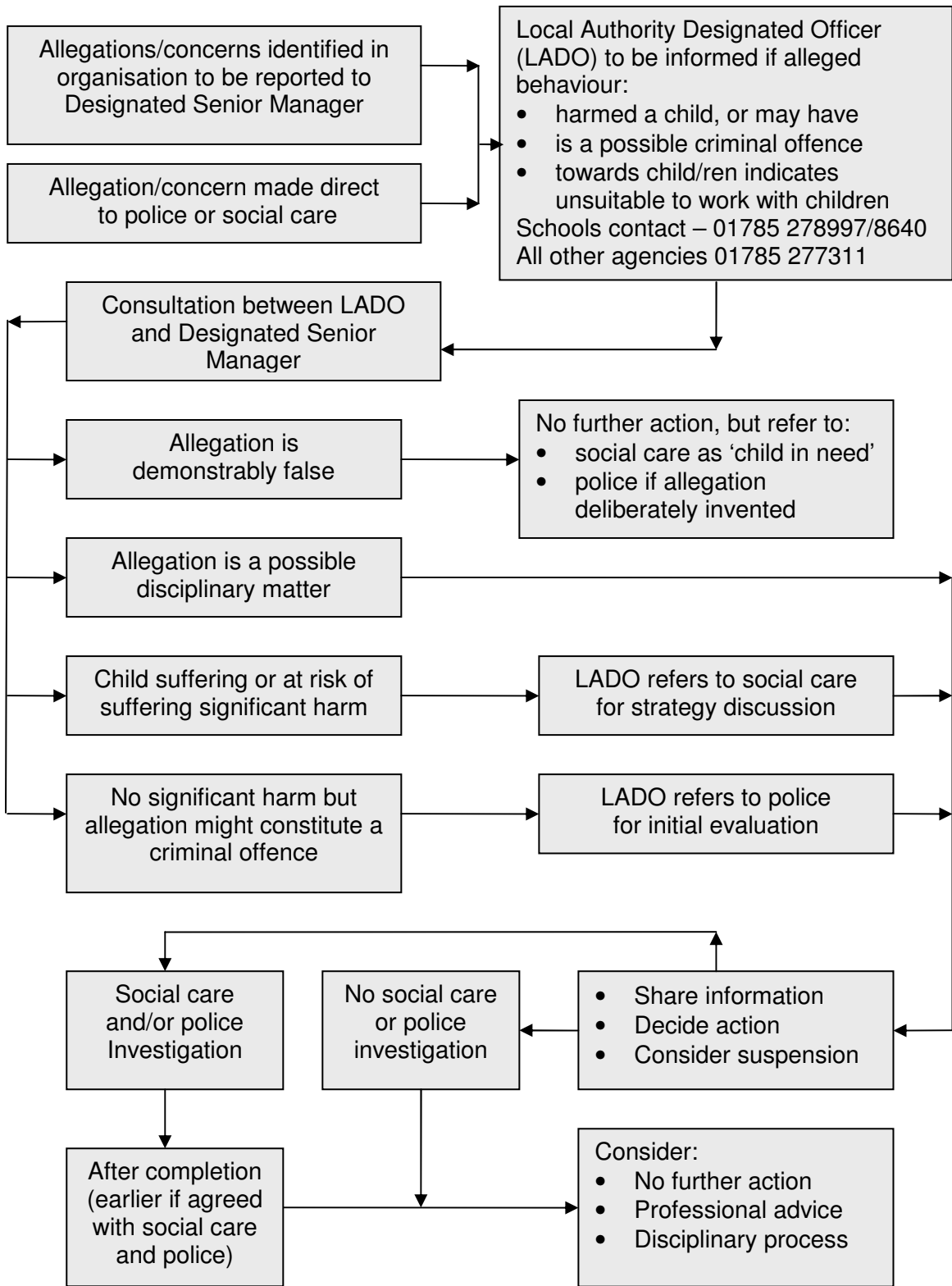
74. Some allegations or concerns will reflect circumstances which are not solely located within the boundaries of this local authority. For example, a worker may be employed within one local authority, undertake voluntary work in another, and live with his/her children in a third area.

75. The West Midlands Government Office has provided specific guidance to assist in circumstances in which there are issues which span two or more local authorities (see Appendix 5). In all cases professional judgments and negotiations will need to take place between the respective LADO's in terms of who should take the lead responsibility in co-ordinating the investigation.

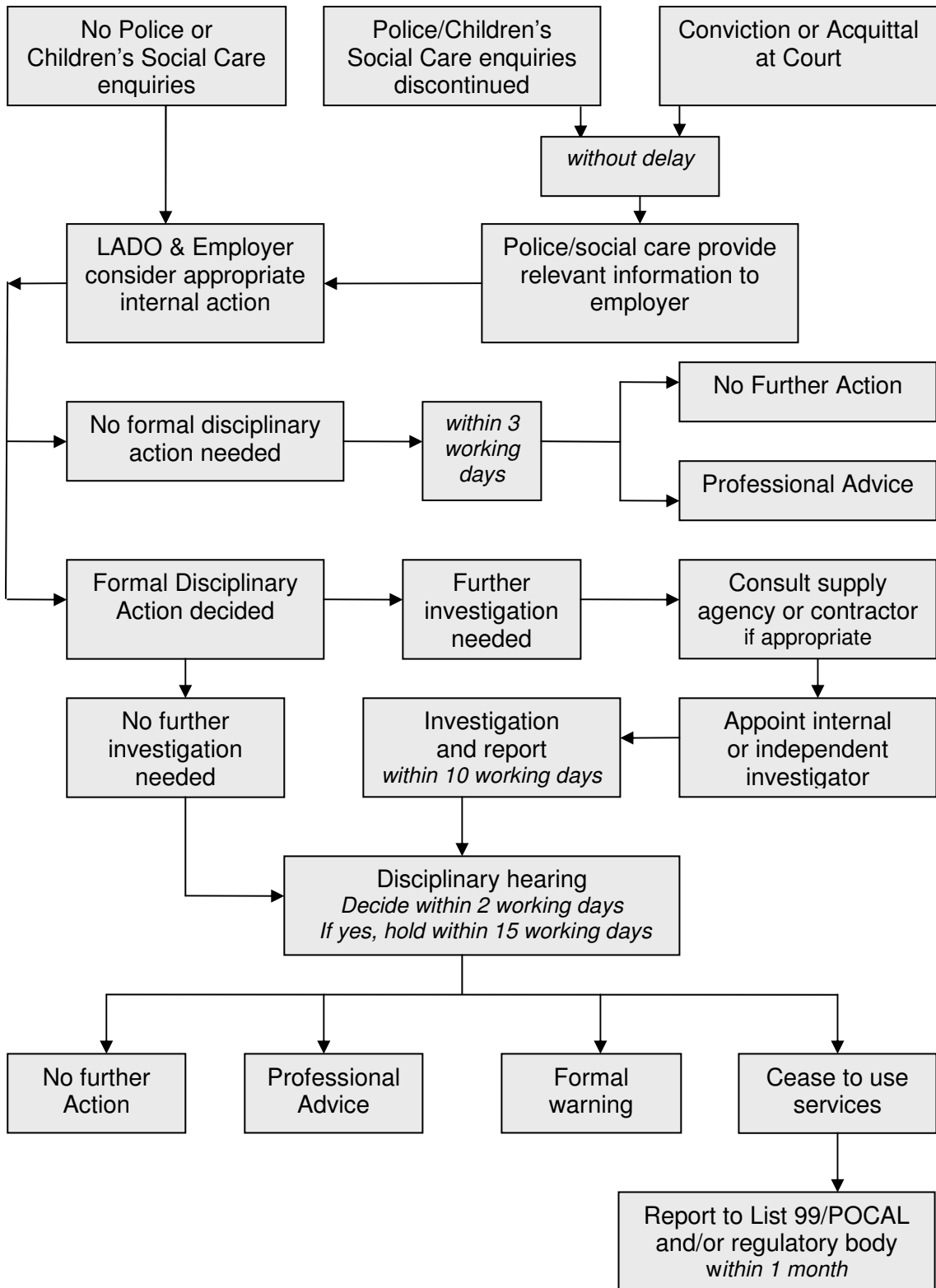
76. The guidance suggests that responsibility ordinarily will rest with :

- The local authority where the subject has substantive employment.
- For the self-employed, the local authority where he/she resides.
- Volunteer – the area where he/she has a substantive role or area in which he/she resides.
- Agency/Supply staff – the local authority who currently employs the person.
- Multiple subjects/'victims' – the local authority in which the concerns have arisen (eg residential establishment)

**ALLEGATIONS/CONCERNS AGAINST STAFF AND VOLUNTEERS
CHILD PROTECTION PROCESS**



**ALLEGATIONS/CONCERNS AGAINST STAFF AND VOLUNTEERS
DISCIPLINARY/SUITABILITY PROCESS**



Appendix 3

Suspension Risk Assessment Tool

RISK ASSESSMENT FOR SUSPENSION

Suspension should only be considered if one or more of the following apply:

- A child or children are at risk of significant harm
The allegation warrants investigation by the police
- The allegation is so serious that dismissal / gross misconduct is possible

The following factors need to be considered:

CONTENT OF INCIDENT:	CONSIDERATION:
Duration and frequency of abuse Degree of threat or cohesion Extent of premeditation Degree and nature of harm	
INFORMATION RE STAFF MEMBER: Previous concerns Previous allegations Attitude to allegation Contact with pupil Teaching duties	
INFORMATION RE CHILD: Age and level of understanding Special needs and vulnerability Impact on health and development Previous allegations	
INFORMATION RE PARENT / CARER: Attitude to allegation Previous allegations Experience Training	
SCHOOL PROCEDURES AND POLICY: Policy/procedure in place? Degree of compliance Training	

Risk identified and action plan:

Decision to suspend: YES/NO

Date of decision

Name and signature of responsible manager:

Appendix 4

Cross-Border Issues – Regional Guidance.

MANAGEMENT OF ALLEGATIONS AGAINST PEOPLE WHO WORK WITH CHILDREN & YOUNG PEOPLE WHERE THERE ARE CROSS-BORDER ISSUES

The following guidance has been prepared on behalf of the West Midlands Regional Safeguarding Network and Government Office West Midlands (GOWM).

1.0 PURPOSE

- 1.1 To provide supplement guidance to West Midlands Local Safeguarding Children Boards in respect of allegations against people who work with children, where there are cross-border issues between two or more local authority areas.
- 1.2 To promote good practice in effective communication, information sharing, and decision-making in order to safeguard children & young people who are the subject of concern.
- 1.3 To ensure compliance with Chapter 6 and Appendix 5 of *'Working Together', 2006*.

2.0 DEFINITIONS

- 2.1 This guidance applies to when there is an allegation or concern that any person who works with children, in connection with their employment, voluntary or personal activity, 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;
 - Behaved towards a child or children in a way that indicates they are unsuitable to work with children.
- 2.2 The term 'employment' is used to refer to organisations that have a working relationship with the individual against whom an allegation is made – including volunteers as well as paid staff, agencies, contractors and regulatory bodies such as Ofsted in the case of childminders. Employing agencies that provide services to children and young people have a duty to have in place:
 - rigorous recruitment and selection procedures;

- guidelines for staff which promote safe working practices to ensure the safe care of children
- clear procedures and support systems for dealing with concerns or allegations against employees or volunteers
- whistle blowing policy

The above provides a clear rationale for the guidance laid out in section 3.

2.3 Where allegations are made, or where there are concerns about suitability to work with children, the investigation is likely to involve the following three strands of activity:

- The police investigation of a possible criminal offence
- Enquiries and assessment by Children's Social Care services as to whether the child is in need of protection or in need of services
- Consideration by an employer of disciplinary action in respect of the individual.

3.0 INFORMATION SHARING

3.1 In deciding what information to share with another local authority or Local Safeguarding Children Board, individuals will need to give careful consideration to duties under the Data Protection Act 1998, the law of confidence, where relevant, the Human Rights Act 1998 and their own local safeguarding children procedures and information-sharing protocols. This is of particular importance where consideration is being given to disclosing or sharing information in respect of an individual's 'suitability to work with children' where that individual has not been formally charged or convicted of an offence under Schedule 4 of the Sexual Offences Act 2003.

3.2 This is of particular importance where consideration is being given to disclosing or sharing information in respect of an individual's 'suitability to work with children' where that individual has not been formally charged or convicted of an offence under Schedule 4 of the Sexual Offences Act 2003. It is recommended that legal advice be sought in any case.

4.0 MANAGEMENT OF ALLEGATIONS OR CONCERNS

All Cases

- 4.1 In all cases, professional judgements and negotiations will need to take place between the respective **Local Authority Designated Officers (LADO)** in reaching a decision about who takes the lead in terms of co-ordinating such investigations, in accordance with the roles and responsibilities of individual agencies outlined in **2.3**.
- 4.2 In all cases, there should be no delay in undertaking Section 47 investigations due to delays in facilitating multi-agency Strategy or Co-ordination Meetings or agreeing which local authority should take the

lead in this respect. In some cases, it will be appropriate to undertake such investigations due to the need to safeguard the immediate welfare of the child or children, or preserve important evidence as part of a criminal investigation.

Concerns of allegations in respect of Individual employment

- 4.3 Where concerns arise in respect of an individual's behaviour in accordance with **2.1**, the Local Authority Designated Officer (or representative) to whom these such concerns or allegations are referred will share information with:
- The local authority area in which the person is employed (in their substantive role)
 - The local authority area in which the person normally resides
 - The police operational command unit area in which an offence may have been committed.
- 4.4 If the individual to whom the concerns or allegations relate is employed in accordance with **2.2**, then the local authority area in which he/she is employed should take responsibility for the co-ordination of the strands of the investigation outlined in **2.3**. This will normally take the form of an independently chaired Strategy Meeting or Position of Trust Co-ordination meeting (Birmingham)
- 4.5 If the subject of concern or allegation is self-employed, the local authority in which the individual normally resides will coordinate.

Concerns in respect of individuals employed by 'supply agencies'

- 4.6 If the subject works for one or more independent supply agencies, the local authority in which he/she is currently employed or in which the concerns in respect of his/her employment have arisen will take the lead in terms of co-ordination.
- 4.7 If the individual works for several 'supply agencies and the concern relates to an individual's suitability, for example, their behaviour outside of their employment, co-ordination being undertaken by the local authority in which he/she normally resides.

Concerns in respect of individual volunteers

4.8 There may be some occasions when an individual about whom concerns or allegations have arisen is not employed and works in a voluntary capacity for a number of organisations. In these circumstances where it is not possible to identify the "employer" the local authority in which the individual normally resides should take the lead in co-ordinating the strands of investigation.¹

¹

Concerns in respect of more than one individual or multiple victims

- 4.9 There may be occasion when concerns or allegations arise in respect of a number of individuals working with children & young people, either in a single location or different locations. Generally, the local authority either where the concerns have arisen or where the establishment is located will take the lead in terms of co-ordination.
- 4.10 If the concerns relate to one specific establishment, such as a child-care provider or residential facility, the local authority in which the establishment is located will take the lead in co-ordination of the strands of the investigation. Consideration should be given to initiating the Ofsted Serious Incident Protocol in respect of regulated providers.
- 4.11 In all cases where there are multiple victims and multiple 'perpetrators', consideration should be given to initiating the local authorities 'organised abuse' procedures.

Role of Government Office West Midlands (GOWM)

- 4.12 Consideration should be given to notification to Local Government Office in cases where there are allegations of a serious criminal nature and/or the potential for national media coverage.
- 4.13 In some circumstances, it will be appropriate for GOWM to support the lead local authority designated officer with co-ordination and information sharing, particularly in complex cases involving several local authority areas.
- 4.14 GOWM will facilitate learning from the management of allegations across the region and where appropriate support training for senior officers and Local Authority Designated Officers in carrying out their functions in accordance with '*Working Together, 2006*'.

5.0 MONITORING & REVIEW

- 5.1 It is the responsibility of the Local Authority Designated Officer (LADO) to monitor the effectiveness of these arrangements and report to the Local Safeguarding Children Board in accordance with local agreement.
- 5.2 The Regional Safeguarding Network will review these procedures on an annual basis to identify any learning and improvements necessary to ensure the effectiveness of cross-border arrangements.

5.3. The Regional Safeguarding Network will review this document in the event of the publication of any new national guidance and procedures concerning the management of allegations against people who work with children & young people.