



# **POLICY AND PROCEDURE FOR DEALING WITH ALLEGATIONS OF ABUSE AGAINST ADULTS WHO WORK WITH CHILDREN**

**MAY 2010**

## **CONTENTS**

- 1. Introduction**
- 2. Scope**
- 3. Roles and Responsibilities**
- 4. Allegations Against Staff**
- 5. Initial Response to Recognition of Concern/Allegation**
- 6. Consultation**
- 7. Required Response within Educational Establishments or against other education staff**
- 8. Response by Children's Social Services and PPIU**
- 9. Allegations against Children's Social Services Staff**
- 10. Allegations against Wigan police officer or civilian employed by Wigan Police**
- 11. Allegations against Health Services Staff**
- 12. Allegations against Staff Employed by Other WSCB Agencies**
- 13. Allegations against Staff Employed in Regulated Organisations**
- 14. Allegations against Agency Staff / Subcontracted Staff**
- 15. Allegations Against Volunteers**
- 16. Allegations against Staff Employed In Other Local Authorities**
- 17. First Strategy Meeting / Professionals Meeting**
- 18. Conducting the Enquiry**
- 19. Time scales**
- 20. Resignation and Compromise Agreements**
- 21. Disciplinary Procedures**
- 22. Second and Subsequent Strategy Meeting and Reviews**
- 23. Outcomes**
- 24. Allegations Against Staff In Their Personal Lives**
- 25. Strategy Meeting (Childminders)**
- 26. Other Adults With Access To Children**
- 27. Abuse By Visitors To Children's Homes**
- 28. Child Abuse Perpetrated In Foster Placements**
- 29. Restraint**
- 30. Professional Standards to include Volunteers**

## 1 Introduction

This policy and procedure is to be applied in conjunction with procedures for individual agencies. In using these procedures, please refer to the contact list for Named Senior Officers (NSO) and Designated Managers (DM) within Organisations. This contact list is regularly updated and can be found on the WSCB website, or by following this link. Also appended to this procedure are two flow charts which set out the process to be followed when an allegation regarding staff, carers or volunteers are being addressed using these procedures. Click here to see the flow charts  
The following procedures apply to situations:

- a) Where there are suspicions or allegations of abuse by a person who works with children in either a paid or unpaid capacity i.e. any employee, foster carer, child minder or volunteer.
- b) When it is discovered that an individual known to have been involved previously in child abuse, is or has been working with children, and
- c) When the allegation or suspicion arises in connection with the individual's work, her/his own children or in relation to other children.
- d) Compliance with these procedures should ensure that where allegations of abuse are made or where there is reasonable suspicion, organisational responses are prompt, thorough, independent and proportionate to the issue of concern. These procedures are based on guidance contained within Working Together to Safeguard Children 2010 and Practice Guidance (pending) in relation to Allegations of Abuse Against Adults who Work with Children .

## 2 Scope

The framework for managing cases set out in (WT2010) applies to a wider range of allegations than those in which there is reasonable cause to believe a child is suffering, or is likely to suffer significant harm. It also caters for cases of allegations that might indicate that the alleged perpetrator is unsuitable to continue to work with children in his or her presents position, or in any capacity. It should be used in all case in which it alleged that a person who works with children has:

- Behaved in a way that has harmed, or may have harmed a child
- Possibly committed a criminal offence against a child or related to a child or
- Behaved towards a child or children in a way that indicates she/he is unsuitable to work with children. Link to Guidance for Safer Working Practice for Adults Who Work With Children And Young People

## 3 Roles and Responsibilities

- a) Each WSCB member organisation should identify a named senior officer with overall responsibility for:

- ensuring that the organisation deals with allegations in accordance with these procedures and identify Designated Managers within their organisation.
- resolving any inter-agency issues
- liaising with the WSCB on the subject

Other employer's procedures should identify a senior manager to whom allegations or concerns should be reported, together with a deputy in his/her absence or if he/she is the subject of the allegation.

**b) The Local Authority should designate a Local Authority Designated Officer (LADO) to:**

- Provide advice and guidance to employers and voluntary organisations.
- Monitor the progress of all case that are brought to their attention to ensure they are dealt with as quickly as possible through the use of a fair and consistent process.
- Liaise with the police and other agencies.
- Charing meetings that do not immediately meet a Section 47 threshold.

**c) The Detective Chief Inspector for the Wigan Public Protection Investigation Unit (PPIU) will:**

- have strategic oversight of the local police arrangements for managing allegations against staff and volunteers;
- liaise with WSCB on the issue;
- ensure compliance.

Each PPIU Detective Inspector will:

- liaise with the local authority designated officer(s) (LADO);
- take part in strategy discussions;
- review the progress of cases in which there is a police investigation;
- share information as appropriate, on completion of an investigation or related prosecution.

**d) All allegations or suspicions of abuse or neglect by staff, carers or volunteers should be considered under the child protection procedures. All allegations and suspicions should be considered in the first instance as requiring a child protection response, including child protection (Section 47) enquiries where necessary so should include a discussion between the LADO and DM within the Children Duty Team CDT.**

- e) All concerns must be referred to the Wigan Police Public Protection Investigation Unit (PPIU) as a potential criminal investigation. It is not permissible for a member of staff to conduct an enquiry about suspicion or allegation of abuse with respect to:
  - A relative.
  - A friend.
  - An immediate colleague or supervisor/supervisee.
- f) Even when there is insufficient evidence to support a criminal prosecution, complaints, regulatory or disciplinary procedures may still be justified.
- g) Subject to legal constraints, any evidence gathered in the course of an enquiry about allegations against staff / carers/volunteers can be made available to the staff responsible for disciplinary, regulatory or complaint investigation.
- h) If, following the conclusion of protection processes, further enquiries are pursued for the purpose of disciplinary, regulatory or complaint investigation, they should be arranged in a way that avoids the repeated interviewing of children or other vulnerable witnesses.
- i) As far as possible, enquiries must be conducted in the strictest confidence so that information can be given freely and without fear of victimisation and in a way that protects the rights of staff, employees, volunteers, foster carers and childminders.
- j) If an allegation relating to a child is made about a person who undertakes paid or unpaid care of vulnerable adults, consideration must be given to the possible need to alert those who manage her / him in that role and to the Adult Safeguarding Unit.
- k) Conversely, if an allegation relating to a vulnerable adult is made about a person who undertakes paid or unpaid care of children, consideration must be given to the possible need to invoke these procedures.

#### **4 Allegations Against Staff**

- a) There are three sometimes interrelated strands to an allegation
  - A police investigation of a possible criminal offence.
  - Enquires 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 procedures.

Consideration should also be given to compliant procedures.

- b) Definition of Employer from Working Together 2010

*For convenience, the term 'employer' is used throughout this guidance to refer to organisations that have a working relationship with the individual against whom the allegation is made. That 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, 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 deregister the individual. Note: in some circumstances, the term 'employer' for these purposes encompasses 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 need to be involved in dealing with the allegation.*

**Please note that the employer retains responsibility for the employee and any subsequent consideration of disciplinary action, and internal investigation also for ongoing support to the employee.** The employing or responsible agency must ensure that allegations are investigated and that any justifiable action is taken to ensure that the service is safe for children and young people to use.

**c) 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 the 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 the rule, for example, an appeal to trace a suspect, the reason should be documented and partner agencies consulted beforehand).

Information about an allegation must be restricted to those who have a need to know in order to:

- a) Protect children, (including the Family Court, where appropriate).
- b) Facilitate enquiries.
- c) Manage disciplinary/complaints aspects.
- d) Protect any rights of the alleged perpetrator.

## **5 Initial Response to Recognition of Concern/Allegation**

- a) Recognition of concern or an allegation may arise from a number of sources e.g. a report from a child or an adult within an establishment, a complaint or information arising from a disciplinary investigation.
- b) When a member of staff is suspicious or has received allegations of abuse by a colleague, they must report this in accordance with their agency procedure. If the allegation meets any of the scope set out in paragraph 3 (a), the employer should report it to the LA designated officer within one working day on 01942 486177 .

- c) However if it is a serious allegation and / or includes: current injury, risk of losing forensic evidence, danger to child, etc then first contact the police and social care.
- d) Allegation made to the police or children's social care
- e) If an allegation is made to the police, the officer who receives it should report it to the force's designated liaison officer without delay, and the designated liaison officer should, in turn, inform the LA designated officer straightaway. Similarly, if the allegation is made to children's social care, the person who receives it should report it to the LA designated officer without delay.
- f) The information must be reported to the DM in that agency and also to the NSO within the organisation responsible for ensuring that these WSCB procedures are appropriately followed.
- g) The recipient of an allegation should not determine its validity and failure to report it in accordance with procedures should be a potential disciplinary matter.
- h) The Designated/Named Person for the agency will be able to advise staff and managers if the concerns constitute sufficient grounds for the initiation of a referral to the LADO for consultation.

## **6 Consultations:**

- a) If there is no cause to suspect that 'significant harm' is an issue, but a criminal offence might have been committed, the LA designated officer should immediately inform the police and convene a meeting to decide whether a police investigation is needed. The discussion / meeting should also involve the employer. This should be done within five working days.
- b) If the allegation is not patently false and there is cause to suspect that a child is suffering, or is likely to suffer, significant harm, the LA designated officer will immediately refer to children's social care and ask for a strategy discussion to be convened straight away.
- c) In those circumstances, the strategy discussion should include the LA designated officer and a representative of the employer. Those referrals that need a strategy meeting / discussion with the police and social care will be arranged and chaired by social care. The LADO will be invited to the meeting which should be within five working days. Action plans from the meeting will be monitored by the LADO.
- d) Suspension the possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed – in respect of the child(ren) involved in the allegations, and any other children in the individual's home, work or community life. In some cases that will require the employer to consider suspending the person.

- e) Suspension 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. People must not be suspended automatically, or without careful thought. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children until the allegation is resolved. NB. Neither the local authority, the police, nor children's social care can 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 discussion or initial evaluation discussion concludes that there should be enquiries by children's social care and/or an investigation by the police, the local authority designated officer should also canvass police/children's social care views about whether the accused member of staff needs to be suspended from contact with children, to inform the employer's consideration of suspension.
- f) Consideration should be given to the need for protective action and support in relation to any other children at risk including those in the care of the alleged perpetrator.
- g) The need for consultation with the LADO must not delay a referral to CDT or PPIU.
- h) The disciplinary policies of agencies should reflect the rigour of the approach summarized above and any other organisations contracted by agencies should be made aware that they too will be expected to comply with these requirements.

## **7 Required Response within Educational Establishments or against other education staff**

- a) In November 2006, the Department for Education and Skills published statutory guidance entitled "Safeguarding Children and Safer Recruitment in Education". This comes into force on 1st January 2007. It sets out in detail the responsibilities held by all schools, education providers and further education establishments that work with under 18s for the safe recruitment of the workforce, including those staff being recruited from overseas.

The guidance replaces the following earlier documentation:

- Child Protection: Preventing Unsuitable People from Working with Children and Young Persons in the Education Service (2002)
- Criminal Records Bureau (CRB): Managing the Demand for Disclosures (2002)
- Safeguarding Children in Education (2004)
- Use of Supply Teachers and associated Guidance Notes for Teacher Employment Businesses and Agencies (2004)
- Safeguarding Children: Safer Recruitment and Selection in Education Settings (2005)



- Dealing with Allegations of Abuse against Teachers and Other Staff (2005).

The document covers:

- the duties for safeguarding and promoting the welfare of children in education;
- recruitment and selection processes;
- recruitment and vetting checks;
- dealing with allegations of abuse against teachers and other staff (Chapter 5).

Head teachers and managers in Education should ensure that they are familiar with this guidance, and that they have access to it.

- Upon receipt of an allegation of abuse by a member of staff, including temporary staff, in school or other educational staff the NSO or DM should report this to the LADO, advice can also be sort for the Child Support Team.
- If the allegation is against a Head Teacher the staff member receiving it must alert the nominated governor (usually the Chair or Vice-chair) who in turn must inform and consult with the NSO for Education.
- The NSO or DM , following consultation with the Local Authority Designated Officer, if the nature or seriousness of the allegation requires referral to Children's Social Services.
- If the circumstances justify it, a referral should be made without delay and PPIU informed at the earliest opportunity of any matters that may constitute a criminal offence.
- In these circumstances, witnesses should not be interviewed or asked to provide a written statement by anyone other than the PPIU.

## **8 Response by Children's Social Services and PPIU**

- A referral to PPIU of an allegation against a member of staff, carer or volunteer must be reported immediately to the Local Authority Designated Officer who will determine who is to chair the inter-agency Strategy Discussions if it is not a s.47 CA1989
- A Strategy Discussion will determine the approach to be taken and whether child protection (Section 47) enquiries should be made. The PPIU will decide whether or not to investigate an allegation of crime. If the situation requires allocation in Children's Social Services for Section 47 enquiries or other

assessment for services, the Local Designated Officer will liaise with the relevant divisional Services Manager to ensure appropriate allocation.

## **9 Allegations against Children's Social Services Staff**

- a) If an allegation is made about any staff member employed by Children's Social Services, the Local Authority Designated Officer will ensure the NSO has been informed,
- b) Achieving an appropriate degree of independent scrutiny over the process and an independent element in the investigation may involve:
  - The appointment of external independent investigator/s to supplement or oversee the process.
  - Use of staff within the organisation who are sufficiently separate from the line management of those against whom the allegation is made.

## **10 Allegations against Wigan police officer or civilian employed by Wigan Police**

The allegation must be brought to the immediate attention of the Detective Inspector for PPIU. The Detective Inspector must ensure that concern is reported to the Local Authority Designated Officer.

## **11 Allegations against Health Services Staff**

The relevant Designated or Named Doctor or Nurse of the PCT, Hospital Trust or other NHS Trust should be informed of allegations against Health services staff and be involved in Strategy Discussions. The Designated Doctor or Nurse must ensure that the concern is reported to the Local Authority Designated Officers.

## **12 Allegations against Staff Employed by Other WSCB Agencies**

All allegations against staff of WSCB agencies should be dealt with by compliance with the procedures in this section, including notification of the concern to the Local Authority Designated Officer.

## **13 Allegations against Staff Employed in Regulated Organisations**

The Commission for Social Care Inspection (CSCI) must be notified of any action taken under child protection procedures in any residential establishment.

OFSTED's Early Years Directorate must be notified of any action taken under these procedures in any day care establishment or with respect to a childminder.

## **14 Allegations against Agency Staff / Subcontracted Staff**

Allegations against agency staff / subcontracted staff should be dealt with by compliance with the procedures in this section. Following receipt of legal advice with respect to confidentiality and preservation of integrity of the enquiry, the employing agency must be informed of the allegation and the outcome of the enquiry.

## **15 Allegations Against Volunteers**

Allegations against volunteers should be dealt with in a manner which is consistent with the principles and procedures contained in this section, as far as possible. The organisation using the volunteer should (following receipt of legal advice with respect to confidentiality and preservation of integrity of the enquiry) be informed of the allegation and the outcome of the enquiry.

## **16 Allegations against Staff Employed In Other Local Authorities**

Where the allegation is against staff employed in establishments located in another authority, the referral must be passed to that authority, for enquiries to be made in accordance with its procedures.

## **17 First Strategy Meeting / Professionals Meeting**

- a) Those invited should be:
- The Chair of the Meeting (as determined by the Local Authority Designated Officer).
  - Relevant Social Worker and her/his manager.
  - Police PPIU representative.
  - Senior member of the organisation of the worker concerned, other than the line manager of the subject of enquiries.
  - Those responsible for regulation and inspection of the unit, such as Commission for Social Care Inspection or OFSTED, if applicable.
  - Personnel or Human Resources representatives as appropriate.
  - Named/Designated Person for child protection for the agency in question.
  - Consultant Paediatrician if sexual abuse has been alleged.
  - A representative of the relevant Children's Social Services if the child is placed elsewhere.
  - Complaints Officer if the concern has arisen from a complaint or a complaint investigation is in progress.
  - A representative of the Legal Department (or access to legal advice) where appropriate.
- b) Where the representative of an agency is implicated through an accusation of collusion or failure to respond to previous complaints, it is inappropriate for her/him to attend the Strategy Discussion. In these circumstances consideration must be given to arrangements for alternative representation.

c) The Strategy meeting should take as its focus the suspected/actual risk posed by the adult about whom there are concerns/allegations. They are the 'Index Person' for the purposes of these procedures and records should be maintained which allow for any future concerns to be cross-referenced. In addition, records relating to children and young people associated with investigations should note details of the nature of the enquiries/investigation and its outcome and signpost where Strategy Discussion or Strategy meeting minutes are located.

d) The Strategy meeting must:

- Outline the allegation /concern
- Review any previous allegations made against the member of staff and the establishment.
- Decide whether there should be a S.47 CA1989 enquiry and/or an internal disciplinary investigation.
- Consider the implications arising from the PPIU decision whether or not to investigate as an allegation of crime.
- Consider if a S.47 enquiry is appropriate, whether a complex abuse investigation is applicable.
- Scope and plan the S.47 enquiry.
- Consider the need for a s.17 CA1989 assessment.
- consider the need for investigation by employer.
- Allocate tasks
- Set time-scales
- Decide who to inform
- Ensure that any emergency action needed to protect a child is taken.
- Ensure that all children who may be affected directly and indirectly are identified, considered and provided with support, including ex-residents if appropriate.
- Consider, where relevant, which other local authorities should be informed.
- Ensure that the investigation is sufficiently independent.

- Make arrangements to ensure the safety of children known to the worker outside of the workplace and at home.
- Make arrangements to inform the child's parents, and consider how to involve them in the investigation and provide support and information during enquiries.
- Consider the safety of children after the enquiry.
- Recommend to the employing agency or responsible authority any action required to protect the interests of children whilst enquiries are conducted, including transfer, suspension or removal of staff (such action is the responsibility of the employing agency or responsible agency and is to be taken in the light of the details of the individual case and in accordance with 'human resource' procedures agreed with Trades Union or work place representatives).
- Agree which manager within each agency will be responsible for co-ordinating the investigation.
- Consider the need to interview other members of staff and ex-members of staff.
- Consider the need for individual support for any workers, including those who are the subject of allegations.
- Consider linkage and impact on industrial relations, personnel issues, registration and complaints issues and ongoing or subsequent proceedings in the Family or Criminal Courts.
- Consider the use of any record of video interviews for disciplinary purposes.
- Consider possible claims for compensation and alert insurers.
- Consider notifying the chief executive/senior officer of the employing agency.
- Identify the information to be shared with the alleged abuser.
- Consider the need to ensure management of any anticipated media interest.
- Agree on arrangements for the Local Authority Designated Officer to receive regular progress reports through action plans .
- The Strategy Meeting should set a review date within two to four weeks with a view to concluding the enquiry as soon as possible.

## **18 Conducting the Enquiry**

- a) Once a decision has been made to initiate an enquiry, the member of staff should be contacted and told (unless this prejudices any aspect of the investigation e.g. criminal enquiries):
- b) The nature of the allegation.
- c) How the enquiries will be conducted and her/his co-operation sought.
- d) The possible outcomes e.g. disciplinary action (if relevant, including dismissal) or referral to the Criminal Records Bureau, or a referral to a professional body, e.g. the General Social Care Council and referral to the Independent Safeguarding Authority .
- e) Consideration should be given to support networks for staff whom allegations are made against, e.g. counselling/employee assistance sessions.
- f) The enquiry should take into account any signs or patterns, which could suggest the abuse may be more widespread than it appears and if it involves other perpetrators or institutions.
- g) During the course of the enquiries, the Local Authority Designated Officer must be provided with regular progress reports as agreed at the initial Strategy meeting (LADO@wigan.gov.uk).

## **19 Time scales**

- a) Police Time Scales for review  
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, and will keep the progress of the case under review. They should, at the outset, set a target date for reviewing progress of the investigation and consulting the CPS about whether to proceed with the investigation, charge the individual with an offence, or close the case. Wherever possible that review should take place no later than four weeks after the initial evaluation, and if the decision is to continue to investigate the allegation, dates for subsequent reviews should be set at that point; this will be monitored by the LADO.
- b) Time scales for Investigation by the employer
  - Where the initial evaluation decides that the allegation does not involve a possible criminal offence, it is dealt with by the employer. In such cases, if the nature of the allegation does not require formal disciplinary action, appropriate action should be instituted within three working days. I
  - If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days. Where further investigation is required to inform consideration of disciplinary

action, the employer should discuss who will undertake that with the LA DO.

- In some settings and circumstances, it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the employer or the person's line management to ensure objectivity. In any case, the investigating officer should aim to provide a report to the employer within 10 working days.
- On receipt of the report of the disciplinary investigation, the employer should decide whether a disciplinary hearing is needed within two working days,
- and if a hearing is needed it should be held within 15 working days.

## **20 Resignations and 'Compromise Agreements'**

- a) The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children including any in which the person concerned refuses to co-operate with the process.
- b) Wherever possible the person should be given a full opportunity to answer the allegation and make representations about it, but the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available should continue even if that cannot be done or the person does not co-operate.
- c) It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.
- d) By the same token so called 'compromise agreements' by which a person agrees to resign, the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, must not be used in these cases. In any event, such an agreement will not prevent a thorough police investigation where appropriate. Nor can it override an employer's statutory duty to make a referral to the Independent Safeguarding Authority where circumstances require that.

## **21 Disciplinary Procedures**

- a) Any disciplinary process must be clearly separated from child protection enquiries.

- b) Child protection enquiries and Police investigations take priority over any disciplinary investigations, and will determine whether the investigations can be carried out concurrently.
- c) Relevant service managers must be informed of all allegations made against members of their staff. Consideration must be given to any potential misconduct or gross misconduct on the part of a staff member, and the appropriateness of the staff member being suspended whilst the child protection enquiry takes place.
- d) A decision to suspend or temporarily re-deploy staff rests with the employing agency (school governing body in the case of a school) may be informed by the discussion at a Strategy Meeting, which must take into account:
  - The safety of the child/ren.
  - Any impact on the enquiry.
- e) The fact that there may be insufficient evidence to support a PPIU investigation or prosecution should not prevent any action being taken that is necessary to safeguard a child's welfare.
- f) It may be that the allegation was prompted by inappropriate behaviour, not considered sufficiently harmful under the child protection procedures, but which may still need to be considered under the disciplinary procedures.
- g) Following notification that the child protection investigation has been concluded, staff conducting any disciplinary proceeding should request access to relevant information from Children's Social Care and the PPIU .
- h) All possible steps must be taken to avoid repeated interviewing of children.

## **22 Second and Subsequent Strategy Meeting and Reviews**

In addition to the issues addressed at the first Strategy Meeting, subsequent meetings must also address, as relevant:

- Progress and results of enquiries.
- Therapeutic and support needs of child/ren.
- Appropriate applications for criminal injuries compensation.
- Support needs of all appropriate staff.
- Future needs of the establishment.

## **23 Outcomes**

- a) A final Strategy Meeting must be held at the end of enquiries, preferably before the disciplinary hearing to plan further actions required.



- b) The process of the enquiries/investigation should be evaluated.
- c) Whether or not concerns are substantiated, the Local Authority Designated Officer should decide whether the details of the case should be presented to the WSCB or a Sub Committee, to consider if any lessons can be learnt and whether any change in policy or practice is required.
- d) Substantiated Allegations where concerns are confirmed, relevant information must be passed to appropriate authorities, such as ISA, CRB and any relevant professional bodies.
- e) Unsubstantiated Allegations Where, following initial enquiries, it is concluded either that the allegation is unsubstantiated or that there is insufficient evidence to determine whether the allegation is substantiated,
- f) The LADO will report to the relevant senior manager of the employing agency, and will enable her/him to consider what further action, if any, should be taken.
- g) The member of staff concerned must be notified of the outcome by their employer.
- h) Consideration must be given to any support the staff member may need, particularly if returning to work following suspension.
- i) The associated child and her/his parents should also be informed of the outcome.
- j) Consideration should be given to the provision of support or counselling for the child, and where appropriate, her/his parents, taking full account of a child's needs if a seemingly false or malicious allegation has been made.
- k) Staff conducting disciplinary proceedings also need to be informed when the child protection investigation/enquiries have concluded.

## **24 Allegations Against Staff In Their Personal Lives**

- a) If an allegation about abuse or neglect of a child or vulnerable adult is made about conduct outside of the work role, by a member of staff from one of the agencies subscribing to these procedures, the general principles and approach detailed above apply.
- b) A senior manager representing the employing agency should be briefed and involved in the process.
- c) As in the case of allegations against staff in their work role, achieving an appropriate degree of independent scrutiny over the process and an independent element in the investigation may involve:

- d) The appointment of external independent investigator/s to the team or to oversee the process.
- e) Use of staff within the organisation who are sufficiently separate from the line management of those against whom the allegation is made. The decision about the methodology to be adopted is to be made by the Local Authority Designated Officer in conjunction with Children's Social Care DM leading the enquiries. The decision and reasons for it must be placed on the case record.

## **25 Strategy Meeting (Childminders)**

A member of OFSTED staff should be invited to the Strategy Meeting. Their role will be to consider the legal implications of continued registration or cancellation.

The planning must include consideration of all children using the childminder, as well as the implications for any children that have used the facility in the past and the child minder's own children. The timing, method and content of the information to be shared with parents of other children will be discussed and agreed at the Strategy Meeting.

## **26 Other Adults With Access To Children**

Where there are concerns about the behaviour, actions and attitudes of an adult who has access to children, such as youth club leaders, drivers, sporting coaches' etc. consideration should be given to convening a planning meeting of key personnel from relevant agencies.

## **27 Abuse By Visitors To Children's Homes**

The possibility of abuse in children's homes perpetrated by visitors needs to be recognised in the way practices relating to vetting and recording in the way described in The Children Act 1989 Guidance and Regulations, Volume 4, Residential Care, including in some circumstances vetting of regular visitors and keeping a daily record of visitors. Should such abuse occur it should be referred to Children's Social Services.

## **28 Child Abuse Perpetrated In Foster Placements**

The possibility of physical, emotional and sexual abuse or neglect of children by foster carers must not be discounted. The Children's Social Services Department's duty to investigate under Section 47 of the Children Act 1989 applies equally to children in foster carer as it does to children living with their own families. Action taken to investigate allegations of abuse of foster children should also include consideration of the safety of any other children living in the household, including the foster carer's own children.

## **29 Restraint**

Residential Social Workers, Teachers, Foster Carers, Health workers in residential child care establishments, Hospital staff, staff in Secure Estates and Early Years professionals are all prohibited by law from applying more than permissible types and levels of restraint to those children for whom they are professionally responsible the young persons Human Rights must be considered at all times .

## **30 Professional Standards to include Volunteers**

- a) All adults who work with children and young people should work to their own organisations or professional bodies code of conduct this should include reference to link Guidance for Safer Working Practice for Adults Who Work with Children and Young People
- b) Volunteers who work with children are also expected to maintain standards of conduct comparable to those prescribed for colleagues in paid employment link Guidance for Safer Working Practice for Adults Who Work with Children and Young People

*Flow Charts*

*List of NSO DM*