

**PROTOCOL FOR THE MANAGEMENT OF ALLEGATIONS OF ABUSE AGAINST  
AN ADULT WORKING WITH CHILDREN**

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**1. INTRODUCTION**

These procedures should be applied when there is an allegation or concern that any person who works with children, in connection with their employment or voluntary 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 or
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm if they work regularly or closely with children.

- These behaviours should be considered within the context of the four categories of abuse (physical, sexual and emotional abuse and neglect). These include concerns relating to inappropriate relationships between members of staff and children or young people, for example:
- Having a sexual relationship with a child under 18 if in a position of trust even if consensual (see ss 16-19 Sexual Offences Act 2003)
- “Grooming” i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003)
- Other “grooming” behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text/email messages or images, gifts, socialising etc)
- Possession of indecent photographs/pseudo-photographs of children.

All references to “members of staff” in this document should be interpreted as meaning all paid or unpaid staff and volunteers, including foster carers and approved adopters.

If the concern is not connected to the person’s employment/work activity, these procedures may also apply where concerns arise about the person’s behaviour towards his/her children or any other child. Children’s Social Care and/or the Police should consider if they need to inform the person’s employer and the LADO and assess whether there may be implications for children with whom the person has contact at work.

In some cases an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family or other household member) may present a risk of harm to children for whom the member of staff is responsible. In these circumstances, these procedures should apply, in order to consider the ability and willingness of the member of staff to protect the children, what measures need to be put in place to ensure their protection and whether the role of the member of staff is compromised.

When allegations of historical and/or complex abuse are made and where the case involves an allegation against a person/s who works with children, this procedure should also be followed.

Each ESCB member organisation should identify a named senior officer with overall responsibility for

- Ensuring that the organisation deals with allegations in accordance with local and national procedures and guidance
- Resolving any inter-agency issues
- Liaising with the ESCB on the subject.

Employers should appoint a designated senior manager to whom allegations or concerns should be reported to and a deputy who should receive reports in the absence of the designated manager or where the allegation relates to the designated manager.

## LADO

“Working Together to Safeguard Children” (2015) says that local authorities should have a designated officer (DO) or team of officers to be involved in the management and oversight of allegations against people who work with children.

Previous editions of the guidance referred to this role as LADO (Local Authority Designated Officer). Enfield will continue to use the term LADO as this a well-established role and professionals and agencies are familiar with this term.

The role of the LADO in Enfield sits within the Safeguarding and Quality Service. The LADO is the Service Manager of the service and is a qualified social worker. A duty system operates within the service (CP Chair/IRO) on a daily basis, and the duty officer will deal with allegations in the absence of the LADO. All CP Chairs/IROs are qualified social workers.

## 2. CASE RESPONSIBILITY

- The Enfield LADO is responsible for managing allegations which involve professionals and volunteers who work in Enfield, if the alleged incident has taken place in Enfield in their professional capacity.
- The Enfield LADO is also responsible for convening strategy meetings and to have an oversight, in relation to allegations against foster carers who live and look after children in Enfield. This is irrespective of which local authority or fostering agency is responsible for the foster carer or the local authority responsible for the child/young person.
- In situations where the alleged incident has taken place in Enfield, the strategy meeting will be convened by Enfield LADO and the responsible local authority/agency will attend.
- A referral to the CAIT where the young person originated from (within London) will be made and a representative will be expected to attend. If the originating authority is outside London, a referral will be made to Enfield CAIT.

## 3. SUMMARY OF THE PROCESS

It is essential that any allegation of abuse made against a member of staff working with children is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation. The time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness and complexity of the allegation.

### Initial consideration

An allegation against a member of staff may arise from a number of sources. The person to whom the allegation or concern is first reported **should**

- Make a written record of the information (where possible in the child’s/adult’s own words) including the time, date and place of alleged incident, persons present.
- Immediately report the matter to the designated senior manager (or deputy in their absence) or another appropriate senior manager if the allegation is in relation to the designated manager.

The person to whom the allegation or concerns is first reported **should not**

- Investigate or ask leading questions
- Make assumptions or offer alternative explanations
- Promise confidentiality, but give assurance that the information will only be shared on a “need to know” basis.
- The designated manager must inform the LADO within one working day and prior to any investigation taking place and complete a LADO referral form.

If an allegation requires immediate attention but is received outside office hours, it should be reported to EDT (Emergency Duty Team) or local police and inform the LADO as soon as possible.

If a police officer receives an allegation, s/he will, without delay, report it to a sergeant in the CAIT, who should inform the LADO.

If there is immediate risk, appropriate action may need to be taken e.g. urgent involvement of the police, urgent medical attention, securing evidence, removal of member of staff.

The LADO and the designated senior manager should consider first whether further details are needed and whether there is evidence or information which establishes that the allegation is false or unfounded/false. If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or likely to suffer significant harm, a strategy meeting should be convened, within 3 working days. If this is not possible, as key participants are not available, the LADO will have a telephone discussion to avoid any delay pending the strategy meeting, ensuring the welfare and safety of the child.

The LADO will send a referral (form 87A) to CAIT.

The LADO will advise the designated senior manager how and when to inform the parents of the child and how much information should be shared with the accused person and when, ensuring that this will not impede on the investigative process.

When the LADO agrees that no further action is to be taken regarding the individual facing the allegation, the decision and justification should be recorded by both the designated senior Manager and the LADO and agreement reached as to what information should be put in writing to the individual concerned and by whom. The designated senior Manager should also consider with the LADO any action in respect of those who made the initial allegation and consider what information should be shared with the child and their parents/carers and by whom.

### **Strategy Meeting**

The LADO will chair the meeting, track the progress of the investigation and ensure that actions are completed within the agreed timescales.

The following is a list of possible participants:

- Children’s social care
- CAIT
- The Designated Nurse or Doctor for safeguarding in Enfield, when an allegation concerns a health agency professional
- Designated senior manager for the employer concerned

- Human resources
- Senior representative of the employment agency or voluntary organisation, if applicable
- Manager of fostering service or agency when an allegation is made against a foster carer
- Access to Resource Team/Placements Service when an allegation is against a residential or semi-independent provision or foster carer from a fostering agency.
- OFSTED
- Consultant Paediatrician
- Legal adviser where appropriate
- Early Years Service when an allegation is made against a child minder

There are up to three strands in the consideration of an allegation at the strategy meeting:

- A police investigation of a possible criminal offence
- Social care enquiries and/or assessment about whether a child is in need of protection or in need of services
- Consideration by an employer/regulatory body of action in respect of the individual.

The strategy meeting will:

- Decide how the allegation will be investigated, allocate tasks and agree timescales
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information. Whenever possible, all agencies should obtain consent from individuals concerned to share statements and evidence they obtain with the service for disciplinary purposes at the conclusion of the investigation or any court case.
- Consider the current allegation in the context of any previous allegations or concerns
- Where appropriate, consider if a member of staff used reasonable force to control or restrain a child (e.g. section 93, Education and Inspections Act 2006 in respect of teachers and authorised staff)
- Decide what information can be shared with whom and when
- Consider whether a complex abuse investigation is applicable
- Ensure that arrangements are made to protect the child/ren involved and any other children affected
- Consider what support should be provided to the children and their families
- Consider what support should be provided to the member of staff and s/he will be kept up to date with the progress of the investigation
- Make recommendations where appropriate regarding suspension or alternatives to suspension
- Consider issues for the attention of senior management (e.g. media interest)
- Consider DBS referral
- Agree dates for review strategy meetings/discussions (if appropriate)

A final strategy meeting should be held to ensure that all tasks have been completed, including referrals to the DBS (Disclosure and Barring Service), if appropriate, and where appropriate, agree an

action plan for future practice based on lessons learnt. The strategy meeting will agree who should make the referral to DBS.

The final strategy meeting should take into account the following definitions when determining the outcome of the allegation investigation:

**Substantiated** – there is sufficient identifiable evidence to prove the allegation

**Malicious**- there is sufficient evidence to prove there has been a deliberate act to deceive and the allegation is entirely false

**False**-there is sufficient evidence to disprove the allegation

**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 not have been aware of all the circumstances.

**Unsubstantiated** – this is not the same as a false allegation. It means there is insufficient evidence to prove or disprove the allegation.

Should the strategy meeting recommend that the employer should consider disciplinary action.

Minutes of the strategy meeting and actions agreed are shared on a need to know Basis as agreed at the meeting, and distributed within 5 working days. A summary of the record of strategy meeting may be used in subsequent disciplinary procedures

#### **4. SUPPORTING THOSE INVOLVED**

Following the first strategy meeting the parents/carers of the child/ren concerned must be informed about the outcome of the meeting. This should be done in writing by the LADO (as chair of the meeting) unless the strategy meeting makes a different recommendation.

***N. B. The deliberations of a disciplinary hearing, and the information taken into account (after a strategy meeting), in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome.***

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care, or the police as appropriate, should consider what support the child or children involved may need.

The service should also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for the individual. For staff employed by the Local Authority that may include support via occupational health or employee welfare arrangements such as a Support Officer from Human Resources. If the person is a member of a union or professional association s/he should be advised to contact that body at the outset.

The LADO will update the member of staff on a regular basis, in writing, unless otherwise agreed at the strategy meeting, and s/he will be advised in writing about the outcome of the investigation. This may not be necessary or appropriate, if a member of staff is convicted or dismissed.

## **5. CONFIDENTIALITY**

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

- Protect children
- Facilitate enquires
- Manage disciplinary/complaints aspects
- Protect any rights of the person who is the subject of the allegation

The minutes of the Strategy meeting must not be shared with a 3<sup>rd</sup> party including the family and the person against whom the allegation has been made without the permission of the LADO.

## **6. TIMESCALES**

It is in everyone's interest 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.

It is the responsibility of the Chair of the strategy meeting/s to monitor the progress of the investigation and ensure that actions are completed within the agreed timescales.

## **7. RESIGNATIONS AND "COMPROMISE AGREEMENTS"**

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 cooperate with the process. 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. In such cases, the LADO should give consideration as to whether a referral to the DBS is appropriate and if so, who should make the referral.

By the same token so called "compromise agreements" by which a person agrees to resign, the service agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, **should not** be used in these cases. In any event, such an agreement will not

prevent a thorough police investigation where that is appropriate. Nor can it override the statutory duty to make a referral to the DBS where circumstances require this.

## **8. USEFUL CONTACTS**

**LADO** - 020 8379 2746/2850

**Police Child Abuse Investigation Team (CAIT)** - 020 8733 5139

**Safeguarding and Quality A Service** - 020 8379 2850 for a Duty Child Protection Chair/Independent Reviewing Officer for advice

**Educational Lead for Safeguarding** - 020 8379 2800

## **9 USEFUL INFORMATION**

Children Act 1989

Children Act 2004

London Child Protection Procedures, London Safeguarding Children Board

Keeping Children Safe in Education (July 2015)

Working Together to Safeguard Children (March 2015)

ANNUAL LADO REPORT

## **9. GLOSSARY**

SQS Safeguarding and Quality Service

CAIT (Police) Child Abuse Investigation Team

Liquid Logic Children's Services database

ESCB Enfield Safeguarding Children Board

LADO Local Authority Designated Officer

DBS Disclosure and Barring Service

Strategy Meeting Multi-agency meeting to discuss allegations of abuse