



MANAGING ALLEGATIONS TOOLKIT

Local procedures for the response and management of allegations against persons in a position of trust of children by the Local Authority Designated Officer (LADO) & Designated Officers (DO)

December 2016

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1. Scope

Children can become victims of abuse and exploitation by those who work with them either in a paid or voluntary capacity, in any setting including; social care; education; health care; leisure industry, police, faith communities as well as the third sector.

Compliance with these procedures will help to ensure that allegations are dealt with consistently and in a timely manner; that a thorough, proportionate and fair process is followed and that processes are open to challenge.

Arrangements for managing concerns or allegations of this nature should be robust and effective in keeping children safe. All allegations should be taken seriously, approached with an open mind, and not be driven by preconceived opinions about whether a child has or has not been harmed.

Local authorities should ensure that allegations against people who work with children are not dealt with in isolation. Any action necessary to address corresponding welfare concerns in relation to the child or children involved should be passed to Children's Social Care (CSC) without delay and in a coordinated manner with the Local Authority Designated Officer (LADO) or a Designated Officer (DO). Consultation with the LADO or a DO should not delay a referral to CSC relating to harm to a child.

2. Government Guidance on Managing Allegations

This document sets out the Bracknell Forest LADO process for managing allegations and should be read in conjunction with pan-Berkshire Tri-x procedures.

Section 11 of the Children Act 2004 places duties on a range of organisations, to have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children, including:

'Clear policies for dealing with allegations against people who work with children'.

Guidance is set out in Working Together 2015 Chapter 2 <http://www.bracknell-forest.gov.uk/working-together-to-safeguard-children.pdf> and set out in. 'Keeping Children Safe in Education, September 2016'

Working Together states that such policies should make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint.

Criteria for an allegation:

Where there is concern or an allegation that a person who works with children and

young people, in connection with his/her employment or voluntary activity, such as a professional from a local agency/organisation, a staff member, foster carer or volunteer 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 they may pose a risk of harm to children.*
- **In relation to teachers and staff (including volunteers) in a school or FE college that provides education for children under 18, the third bullet point should be amended to read **'behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children'***

3. Local Procedure

Guidance on Safer Working Practices for Adults who work with children and young people is also available in the Berkshire procedures online http://www.proceduresonline.com/berks/bracknell/p_alleg_against_staff.html which will help individuals form judgements on what may constitute behavior that is unsafe or abusive

These behaviors should be considered within the context of the four categories of abuse (i.e. physical, sexual, emotional abuse and neglect.) These procedures will therefore also apply where an inappropriate relationship takes place between staff members and children/young people, including:

- An adult in a position of trust is having a sexual relationship with a child under 18, even if consensual. (Sexual Offences Act 2003)
- An adult in a position of trust is 'Grooming' i.e. meeting a child under 16 with intent to commit a relevant offence. (Sexual Offences Act 2003)
- There is other 'grooming' behavior giving rise to concerns of a broader child protection nature e.g. inappropriate text/e-mail messages or images, gifts, socialising, etc.

There are other circumstances where these procedures will also apply including:-

- An adult is in possession of indecent images of children.
- It is discovered that a person who is or has been working with children or young people has been previously involved in child abuse.
- An allegation has been made against a person working with children in a paid or voluntary capacity but the allegation does not relate to the working

environment e.g. allegations by their own children.

- An adult's own children are subject to Child Protection Plans
- An adult living in the same household where another person who is disqualified lives or is employed (disqualification by association) as specified in regulation 9 of The Childcare (Disqualification) Regulations 2009 under section 75 of the Childcare Act 2006.

These procedures **do not** apply to matters that amount to bad or poor practice, which remain within normal line management arrangements.

N.B Historical allegations should be responded to in the same way as contemporary concerns. It is important to establish if the person is still working with children and if so to inform the current employer or voluntary organisation.

This process also applies to any person, who manages or facilitates access to an establishment where children are present.

Investigators should be alert to the **signs of organised or multiple abuse** and/or the involvement of other perpetrators or institutions. They should then consider whether the matter needs to be dealt with under the procedures for organised or multiple abuse, which if applicable, will take priority.

There may be up to 3 strands in the consideration of an allegation:

- A police investigation of a criminal offence;
- Assessment by Children's Social Care about whether a child is in need of protection or services;
- Consideration by an employer of disciplinary action in respect of the individual.

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

- In Bracknell Forest Child Protection Chairs and Independent Reviewing Officers support the LADO where necessary and in this role are known as a DO; the work is overseen & managed by the LADO. **In this document when 'LADO' is referred to, it can also mean DO**
- The LADO should first establish that the allegation is within the scope of these procedures and may have some foundation and evaluate whether the report is an allegation, a concern about the quality of care or practice or a complaint.
- The role of the LADO is to provide guidance to employers and help agree next steps and establish how an allegation will be investigated, as well as

consideration of suspension of the accused.

- The LADO will maintain an overview of the case until conclusion and liaise with police, social care and the employer to ensure that a fair process is being followed and that actions are followed up in a timely way.
- The LADO must be informed of all allegations that come to the employer's attention and appear to meet the criteria set out in section 2 above within one working day.
- The LADO provides advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS) and regulatory bodies such as OFSTED, General Medical Council, Health & Care Professionals Council Health, etc.

The Bracknell Forest LADO will only deal with people who are employed or volunteer in the Bracknell Forest Borough. If the allegation relates to someone outside of this Borough it should be passed on to the LADO in that area, although there may be close liaison if joint areas are involved.

The LADO should also consider with the employer whether the allegation is verifiable and whether any further details may be needed to establish the facts of the allegation.

Key Considerations regarding persons to be notified

The LADO should be informed within 1 working day when an allegation is made. A referral form should be completed and submitted directly to MASH. However there are some circumstances where an allegation will not meet the criteria for MASH such as a suitability issue or where the level of harm is less than the MASH threshold and would not necessarily involve Police and/or Children's Services; in these circumstances a LADO referral form should be submitted directly to the LADO. When in doubt a referrer should contact the LADO to discuss and determine appropriate pathway for the referral.

It is expected that where there are immediate concerns regarding a child's safety, there should be no delay in referring to MASH, in parallel to notifying the LADO. In these circumstances, Children's Social Care will convene a Section 47 strategy meeting or have a strategy discussion and following a child protection investigation, the LADO will consider next steps if the allegation is substantiated.

The LADO will discuss and advise the employer regarding notifying the parents of the child/ren involved and consider the impact upon a possible disciplinary or investigative process. If a decision is made that the parent/s should be fully or partially informed, the employer will notify the parents. Sufficient information should be provided to the parent regarding the process and be kept informed surrounding the progress of the case and outcome (where there is no criminal prosecution.) This will generally be restricted to the outcome of a process excluding

deliberations/information used in a hearing.

The LADO should discuss with the employer regarding what information can be disclosed to the accused person, which will be informed by information from Police and/or Children's Social Care. Where appropriate, the employer should inform the accused person of the nature of the allegation, how enquiries will be undertaken and the possible outcome. The LADO will also discuss with the employer consideration of suspension of the accused or safeguarding measures to be put in place, in order to safeguard both the accused and other children in the setting.

OFSTED should be informed of any allegation or concern made against a member of staff in any day care establishment for children under eight or against a registered child minder. OFSTED should be invited to participate in any strategy discussion/meeting.

Children's social care should inform OFSTED of all allegations made against a foster carer, prospective adopter, or member of staff in a residential child care facility.

Confidentiality considerations

It is imperative that confidentiality is protected at all times during an investigation or consideration of an allegation. Information should be restricted to those on a need to know basis to protect children and minimize disruptions to the investigatory process. Further information is available on [http://www.proceduresonline.com/berks/online/Child Protection Procedures](http://www.proceduresonline.com/berks/online/Child%20Protection%20Procedures).

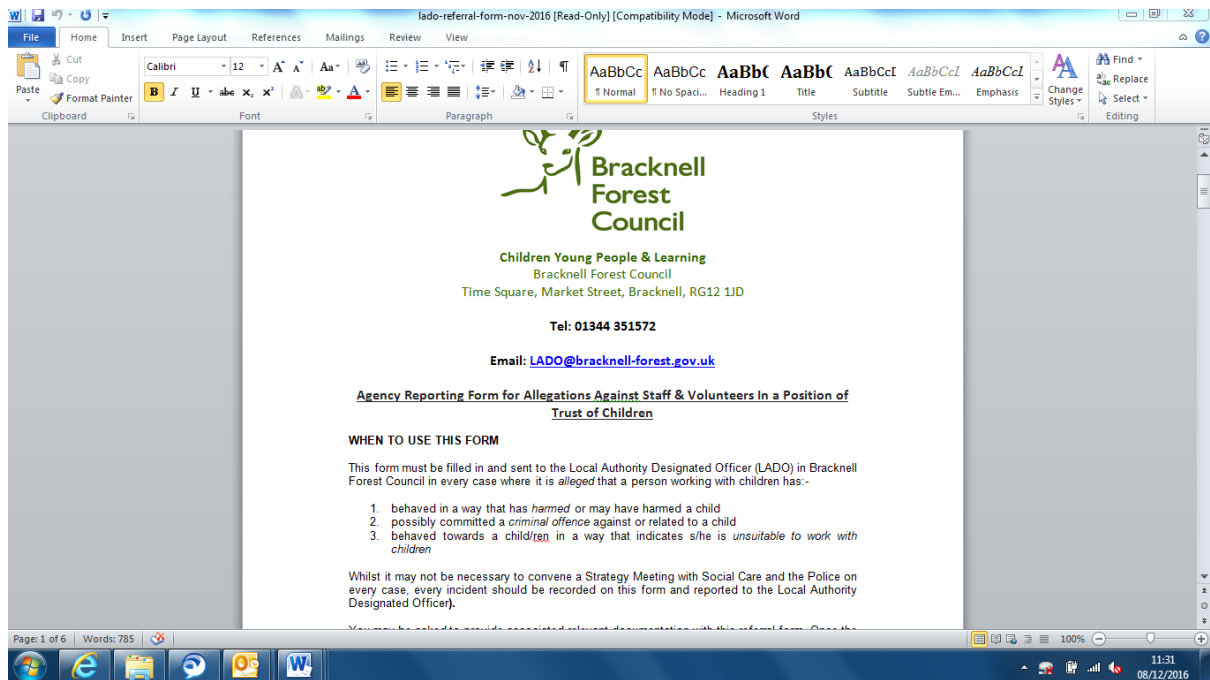
The accused member of staff should be advised to contact their union or professional association as well as Human Resources at the earliest opportunity to ensure adequate support is in place.

Wherever possible, police and Children's social care should, during the course of their investigations and enquiries, obtain consent to provide the employer and/or regulatory body with statements and evidence for disciplinary purposes, when relevant.

Bracknell Forest Process

Step 1 – Referrals

If a telephone call comes directly to the LADO or Conference & Review Team Admin, they will record the information or ask the referrer to complete a LADO referral form; this is available online or can be sent via email to the referrer.



Upon receipt of referral the LADO should first establish that the allegation is within the scope of these procedures and may have some foundation and evaluate whether the report is an allegation, a concern about the quality of care or practice or a complaint. An initial discussion will take place between the LADO and designated senior manager of the agency/department/organization. If it is a consultation which does not reach the criteria for a referral, the LADO will give advice or signpost to another LADO or agency and record as a consultation as well as record on the allegations spreadsheet tracker; but may still monitor the progress of the agreed actions.

Step 2 - Initial consideration

The LADO and designated senior manager should discuss/consider in the first instance the following:-

- Is this an allegation which fits the criteria in Section 2
- Is there evidence/information that establishes that the allegation is false or unfounded.
- Does the person work or volunteer in the Bracknell area?
- Is there enough information to progress the referral?
- Does this need to be referred to MASH if not already done so
- Consideration of suspension of the accused or safeguarding measures to be

put in place whilst the matter is being considered/investigated.

- What information can be shared at this stage with the accused and parent/carers of the child/ren.
- Has a Criminal offence possibly been committed.
- What action if any the employer has taken

If following discussion, the referral does not meet the criteria for progression, the LADO will advise the employer on the next steps that may be taken which include:-

- Taking no further action;
- Increased supervision for the employee
- Training
- Internal management of a conduct issue
- Further investigation to inform consideration of disciplinary action.
- Continued liaison with the employer to monitor the progress of agreed actions and provide advice/support when required/requested.

Step 2 – Referral progresses

In circumstances where there is cause to suspect that a child is suffering or is likely to suffer significant harm, a referral to the Multi-Agency Safeguarding Hub (MASH) should be made to request an immediate strategy meeting/discussion. These will be in circumstances where the child/young person resides with the accused; i.e. foster carer, residential home, accused's own child/ren.

MASH will create a child contact on 'Mosaic' (Children's Services Database) which is then passed to Children's Services Duty & Assessment Team. The Duty & Assessment Team on receipt will notify the LADO and invite to a strategy meeting; if convened.

*To note, discussions are taking place (December 2016) with IT Applications about a LADO recording process on Mosaic; which when in place this document will be further updated. At the present time all LADO activity is recorded on the 'G' drive which is restricted to a few members of Bracknell Forest Council Staff.

Step 3 – Initial evaluation

The LADO must take account of other ongoing investigations e.g. criminal investigations by the Police, any action required by Children's Social Care or any action by the employer.

The Police must be consulted about any case in which a criminal offence may have been committed. Where the threshold for significant harm is not reached but a police investigation may be needed, the LADO should discuss with the police the timing and conduct of any criminal investigation and whether any disciplinary

process can run in parallel or may need to await the outcome of police enquiries. This discussion should take place within 1 working day.

Step 4 –Allegations Management Strategy meeting

If the referral is established as meeting the criteria either an **Allegations Management Strategy Meeting** will be convened (as soon as is practical but within 5 working days) or an **Allegations Strategy Discussion** will take place between the police and the LADO. These **Strategy Discussions** will take place in circumstances such as; it is clear that a criminal offence has not been committed and there is no role for Children’s Social Care.

Allegations Management Strategy Meetings are arranged and chaired by the LADO with administrative support. Minutes of the meeting are undertaken and distributed by a LADO administrator.

The referrer should provide the LADO with details of their designated safeguarding lead and HR representative. A formal email invitation will be sent to all involved professionals by the LADO administrative support. Professionals will be expected to provide a brief report as to the context of the allegation along with any enquiries made. Professionals will be invited to consider at the end of the meeting four possible courses of action:-

1. A police investigation of a possible criminal offence;
2. Enquiries and assessment by Children’s Social Care about whether a child/ren is in need of protection or in need of services;
3. Consideration by an employer of disciplinary action in respect of the individual;
4. No further action

It may be that action one and two are already in process or concluded when the **Allegations Management Strategy Meeting** is convened and in which case participants may be in a position to determine the outcome of the allegation as follows:-

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

Unsubstantiated – this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Unfounded (*This outcome cannot be used for allegations against teachers and staff (including volunteers) in a school or FE college that provides education for children under 18*) – there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they

may not have been aware of all the circumstances;

Malicious – there is clear 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;

Actions and timescales will be agreed upon at the **Allegations Management Strategy Meeting** and minutes will be taken and distributed within 5 working days of the meeting.

Consideration will be given at the **Initial Allegations Strategy Meeting** whether a subsequent strategy meeting is required and if so, a date, time and venue will be identified. This is to ensure that all tasks have been completed including referrals to regulatory bodies if appropriate as well as agreeing an action plan for future practice based on lessons learnt.

In advance of the **Allegations Management Strategy Meeting**, if the parents/carers of the child concerned are not already aware of the allegation, the LADO will discuss how and by whom they would best be informed. In cases where the Police and Children's Social Care are involved, the LADO should consult these colleagues about how to best inform parents/carers.

Should an allegation be concluded as malicious or unfounded the attendees of the **Allegations Management Strategy Meeting** will give consideration to a referral to MASH for assessment of the child's home circumstances; if Children's Social Care is not already involved.

Where it is concluded that there is insufficient evidence to substantiate an allegation, the LADO of the **Allegations Management Strategy Meeting** will pay particular attention to ensuring that the minutes of the meeting reflect considerations around any further action that may be required in respect of the accused and/or the organisation

Should an allegation be substantiated, the LADO should discuss with the employer whether a referral should be made to the Disclosure and Barring Service. This should be completed within 1 month of the allegation being substantiated. Additionally, consideration should also be given to referring to a professional regulatory body such as the Health & Care Professionals Council, OFSTED, General Medical Council etc.

At the conclusion of a case in which an allegation is substantiated the **Allegations Management Strategy Meeting** will advise the employer to review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice to help prevent similar events in the future. This should include issues arising from any decision to suspend a member of staff, the duration of the suspension and whether or not suspension was justified

A feedback form will be sent to all participants in the LADO process to further support improvements to the LADO service.

5. Process for logging LADO activity and monitoring and analysing LADO information

For each referral the LADO will commence a 'Running Sheet' which documents activity and progress of a case which is updated as necessary. The LADO will maintain a spreadsheet to inform quarterly reviewing of the function.

The LADO should keep comprehensive records in order to ensure that each case is being dealt with expeditiously and there are no undue delays. A LADO tracker will be updated with this information. The case should be subject to regular reviews on a fortnightly/monthly basis depending upon its complexity either via **Subsequent Allegation Management Strategy Meetings** or by liaising with the police and/or children's Social Care colleagues, or the employer as appropriate. Where target timescales cannot be met, the LADO should record the reasons for this.

Regular dip-sampling of LADO activity is undertaken as part of quality assurance activities. This is completed by the Head of Performance Management & Governance; the learning of which is discussed in 1-1 supervision with the LADO as well as key themes disseminated in line with LADO reporting activity.

6. Timetable of reporting

Quarterly reporting to the Local Safeguarding Children's Board (LSCB) is provided which details areas such as number of referrals and consultations; sources and types of abuse and outcomes. Additionally, an annual report is collated and presented to the LSCB Executive Group. Furthermore, a departmental monthly exception report is completed by the LADO for the Head of Performance Management & Governance.

7. Meetings

The LADO attends a LADO regional group 3-4 times per year which is coordinated by the Surrey LADO. There is an annual LADO national conference which the LADO also attends.

Appendix 1 – Allegations Management Strategy Meeting Agenda

Allegations Management Strategy Meeting

AGENDA

Purpose of meeting

1. The purpose of the meeting is to discuss what action is required following an allegation 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 children, or related to a child
 - behaved towards a child or children in a way that indicates they may pose a risk of harm to children.*

*In relation to teachers and staff (including volunteers) in a school or FE college that provides education for children under 18, the third bullet point should be amended to read 'behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children'

2. To give consideration to the following courses of action:-
 - A police investigation of a possible criminal offence
 - Enquiries and assessment by children's social care about whether a child/ren is in need of protection or in need of services
 - Consideration by an employer of disciplinary action in respect of the individual
 - No further action.

Part 1 - Information Sharing

Details & background of child/ren concerned

Details & background of Individual subject to the allegation/s

Details of allegation/concern

Details of any child protection issues

Details of any police involvement/criminal offences

Details of previous allegations

Part 2 - Discussion and evaluation of information

Other Children at Risk//Safety Issues

Media Issues

Support issues during and on completion of the process.

Is there sufficient information about the allegation/concern at this stage to progress either an internal or external investigation?

Part 3 - Decision making

Is there a role for Police; Children's Social Care or Employer to investigate?

Part 4 - Agree an Action Plan.

Details of action by who and timeframe.

Subsequent Allegations Management Strategy Meeting

AGENDA

Purpose of meeting

1. To review progress of action plan from previous allegations management strategy meeting.
2. Whether any other children have been identified at risk/safety issues/child's views (where appropriate)
3. On conclusion of an investigation to determine an outcome
4. To consider what if any further actions are required and any lessons learnt.
5. To consider what support; media issues; referrals if appropriate to DBS and professional regulatory bodies may need to be made.

Appendix 2 - Bracknell Forest Local Authority Designated Officer (LADO) & Designated Officer (DO) Feedback Form

Date of initial contact with LADO/DO:

If a DO please state their name:

Indicate as appropriate:-

1. How was initial contact made?

Telephone:

Email:

2. Did you receive a response in a timely manner? (Within one working day)

Yes:

No:

3. How helpful and supportive did you find the Local Authority Designated Officer/Designated Officer in their response?

Rate
0 -10



Comments:

4. Did the Allegations Strategy Meeting provide a clear outline of concerns?

Yes:

No:

5. How effectively did the meeting consider the allegations and risk?

Rate
0 -10



Comments:

6. Were you clear in relation to next steps/timelines?

Rate
0 -10



Comments:

7. Did you feel the Local Authority Designated Officer/Designated Officer was approachable during the process?

Yes:

No:

8. Did the service meet your expectations?

Rate
0 -10



Comments: (What could we have done better?)

Contact details (if you would like to be contacted regarding your feedback):-

Name:

Job title:

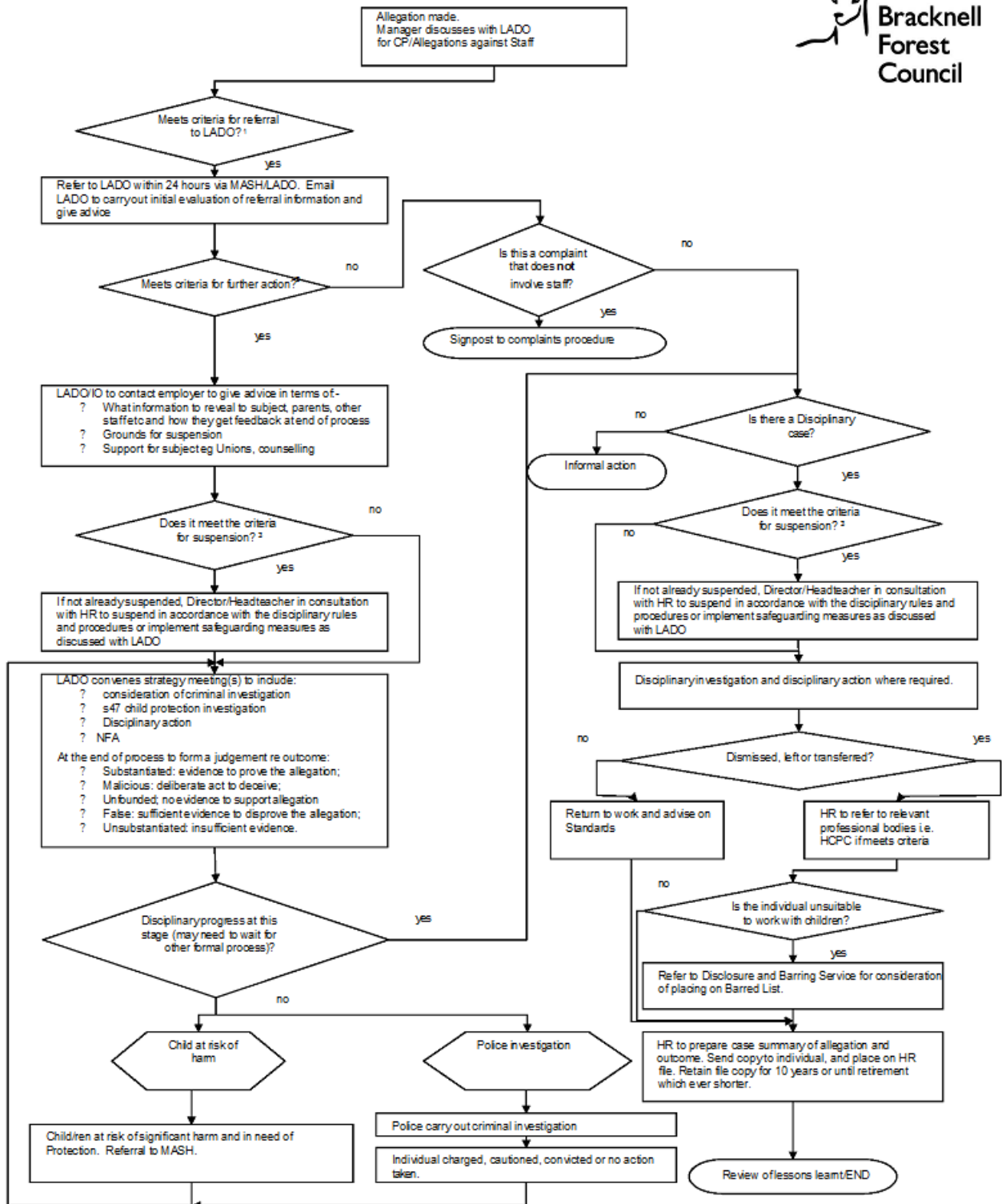
Email/Telephone:

Appendix 3 - Useful Contacts

Lead	Email	Tel
MASH	MASH@bracknell-forest.gov.uk	01344-352005
Education	Debbie Smith Debbie.Smith@bracknell-forest.gov.uk	01344-354014
School transport	Thelma Padwick <Thelma.Padwick@bracknell-forest.gov.uk>	01344-355234
CAIU police	richard.webb@thamesvalley.pnn.police.uk	01753-835569
	matt.gow@thamesvalley.pnn.police.uk ;	01753-835569
HR manager CYP&L	Paul Young <Paul.Young@bracknell-forest.gov.uk>; HR manager	01344354060
HR advisor	Hayley Chapple <Hayley.Chapple@bracknell-forest.gov.uk>;	01344-354057
HR advisor	Sarah Hunter <Sarah.Hunter@bracknell-forest.gov.uk>;	01344-354058
BF licencing officer (taxis)	Niamh Kelly <Niamh.Kelly@bracknell-forest.gov.uk>	01344-352590
Child minding BF	Lorraine Collins	01344-312806
Early years providers BF	Cherry Hall < Cherry.Hall@bracknell-forest.gov.uk >	01344-312811

Appendix 4

Allegations against Staff Process within Bracknell Forest Council



¹ An allegation that a person working with children has: 1. Behaved in a way that has harmed or may have harmed a child. 2. Possibly committed a criminal offence relating to a child. 3. Behaved towards a child or children in a way that indicates that he or she may pose a risk of harm to the children (Working Together 2015).

² LADO to consider the following criteria: 1. A police investigation of a possible criminal offence. 2. Enquiries and assessment by children's social care re whether a child/ren is in need of protection. Services. 3. Consideration by employer of disciplinary action with respect to the individual (Working Together 2006). 4. Complaints process

³ Suspension to be considered if: 1. Alleged offence is potentially Gross Misconduct. 2. Alleged offence is potentially a criminal offence. 3. A child is at possible risk of significant harm (Working Together 2006). 4. Will protect the conduct of the investigation. 5. Will protect the individual, organisation or victim.