



city & hackney
safeguarding
children board

City of London Corporation

Local Authorities Designated Officer

Guidance

**Allegations against staff or volunteers
who work with children**

July 2015

Introduction

- 1.1 This local procedure outlines what should be done when responding to allegations made against professionals working in the City of London. This guidance should be read in conjunction with Chapter 7 “*Allegations against staff or volunteers, who work with children*” of the LSCB London Child Protection Procedures 2014. http://www.londoncp.co.uk/chapters/alleg_staff.html

2. How to make an initial referral or enquiries

- 2.1 You can make a referral by emailing pat.dixon@cityoflondon.gov.uk or phoning **020 7323 1215**.
- 2.2 Initial referrals will be taken on by the LADO or the Children and Families Team, Duty Social when they are not available. **Any suspected immediate risk to any child or children should be responded to immediately and the case referred to the Children and Families Team 020 7323 3621.**
- 2.3 The LADO will offer advice, as appropriate to the referrer as to the immediate steps to take to safeguard a child/ren.
- 2.4 Appropriate referrals will be made where 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 a child**
 - **Behaved towards a child or children in a way that indicates they are unsuitable to work with children.**
- 2.5 In respect of jurisdiction, allegations will be dealt with by the City of London Corporation LADO where the **alleged incident took place within the City of London, or where an allegation is made against an adult in their personal life and they work with children in the City of London.** All allegations, including historic allegations, will be responded to.
- 2.6 Some consultations may not reach the LADO criteria above in which case the employer should be advised to consider their own procedures and whether there is a matter of conduct that needs to be explored through an internal investigation or whether any other action may be required.
- 2.7 The LADO will make a decision within one working day with regards to whether:
- there should be no further action
 - the employer should be advised to follow disciplinary procedures in consultation with their HR
 - there should be an Initial Evaluation Meeting and / or
 - Strategy Discussion or Meeting to decide whether there should be a s47 enquiry.
 - immediate suspension should be considered where there is cause to suspect a child has suffered or is likely to suffer significant harm; the allegation warrants investigation by the Police; or the allegation is so serious that it might be

grounds for dismissal. Only the employer has the power to suspend an employee and their decision should be in consultation with their HR department.

- if suspension is not indicated, what action the employer will undertake to ensure safeguarding of all children pending the outcome of an investigation

3. Actions that will be taken when LADO criteria is met

- 3.1 If the threshold within the criteria above is met, the LADO will request a written record be sent by the employing agency of the incident/ disclosure made including the date, time, and details of persons present and what was said.
- 3.2 The LADO will confirm with the referrer whether there are any previously known allegations against this member of staff and whether they work with children within any other organisation and whether they have children of their own who may need to be considered.
- 3.3 Referral details will be forwarded to either the allocated social worker in the Children and Families Team for the child who has allegedly been harmed and/or the child/ren of the professional against whom the allegation has been made or referred to the appropriate Local Authority where the child/ren reside.
- 3.4 The Children and Families Team will contact the Police and have a Strategy Meeting or Discussion to confirm whether this will be a single or joint investigation. The LADO will confirm who should be invited to attend. Any delay in convening the Strategy Meeting should not delay other key actions, such as s47 enquiries.
- 3.5 Discussions between the LADO and the employing organisation should confirm who within the employing organisation will inform the subject about whom the allegation has been made and what level of information can be shared (not usually the child's name at this stage).
- 3.6 Information will not be shared if this places a child at further risk or if sharing information at this stage is likely to impact upon a police investigation. The subject should be advised to contact their professional association and/ or Union and consultation should be held with HR to consider support that may be available.
- 3.7 Where an allegation is made against an adult who works with both children and vulnerable adults, the LADO will make contact with the Adult Social Care Team, within the City of London Corporation to check whether the individual is known to them and to alert them to the concerns. If appropriate the Adult Social Care Team member should attend the Strategy Meeting.

4. Strategy Meetings

- 4.1 A Strategy Meeting should be convened within three working days of the referral and the meeting will consider the following:
 1. Whether s47 enquiries are to be undertaken in cases where there is reasonable cause to suspect a child has suffered or is likely to suffer significant harm;
 2. Whether parallel disciplinary processes should be initiated and, if so, at what stage
 3. The current allegation in the context of any previous allegations or concerns

4. Planning of the investigation, allocation of tasks and timescales
 5. What information that can be shared, with whom and when and any shielding of children's social care or other agency records
 6. The arrangements that are in place to protect the child/ren involved or affected (including children with whom the subject works and the subject's own children if aged under 18 years)
 7. The support to be offered to the child/ren who have made an allegation
 8. The support to be offered to the member of staff through the process of investigation
 9. Any other factors that may affect the management of the case, for example media interest, managing confidentiality
 10. Whether there are any measures that the employing agency needs to take to ensure that they have appropriate safe recruitment practices in place and that they provide a safe environment for children.
 11. Whether a referral to the Disclosure and Barring Service (DBS) is required.
- 4.2 It is vital that at all stages of the process that the person/ people responsible for communicating with the child's family are clearly identified and that they keep all parties informed of the progress of any internal or statutory investigation in relation to the allegation. Consideration will need to be given to the support that the child and family may need as a result of the allegation and through the process of investigation
- 4.3 The employer should keep the subject about whom the allegations have been made informed of the process and decisions. This should take place only if it does not put a child or children at further potential risk. Consideration will need to be given to support that the subject needs through the process of investigation including through HR, their professional body and/ or their union.
- 4.4 The management of some allegations will require more than one Strategy Meeting. Subsequent meetings should be arranged preferably two weeks after the previous meeting, and up to four weeks in more complex cases. This will allow for further discussion to take place as soon as agreed actions have been completed. At the conclusion of the meeting, a recommendation will be made by the LADO about the appropriate outcome to be recorded.

5. Attendance at Strategy Meetings

- 5.1 Attendees should include:
- The designated senior manager of the employing organisation
 - A representative from the HR section of the employing organisation
 - A social worker from Children and Families Team, if child is a City of London resident or social worker from the local authority where the child resides.
 - Designated or named Safeguarding Children Health Professional when an allegation concerns a health agency professional/ worker
 - Ofsted where the allegation concerns child care provision for children under the age of 8 or where the allegation is against a registered child-minder
 - Supervising Social Worker and Manager from the Independent Fostering Agency when an allegation is made against a foster carer.
 - Those responsible for regulation and inspection where applicable (eg Ofsted, General Medical Council, Health & Care Professional Council and Care Quality Commission)

- Where a child is resident in another authority, representatives of relevant agencies in that area
- Complaints Officer if the concern has arisen from a complaint

5.2 As this meeting is a Strategy Meeting the subject and parents are not invited.

6. Decision making

6.1 The Final Strategy Meeting will come to a conclusion as to whether the allegation was:

- 1) **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- 2) **False:** there is sufficient evidence to disprove the allegation;
- 3) **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- 4) **Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all of the circumstances
- 5) **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.

6.2 The attendees of the meeting should contribute to the decision making and action planning within each meeting and will contribute to the final decision making. Where there is any difference of opinion the LADO will make the final decision.

6.3 Any serious dispute regarding decisions that cannot be resolved however should be escalated to Assistant Director of People and managed as per the CHSCB Escalation Policy and consistent with Pan-London Child Protection Procedures.

6.4 At the conclusion of the process a letter should be sent to the subject of the investigation to advise them of the outcome. A decision will be made at the Strategy Meeting as to who this letter will come from.

6.5 If the allegation is substantiated and either disciplinary procedures lead to the subject being dismissed from work and/ or if the Police investigation leads to a prosecution and conviction, the employer will make a referral to the Disclosure and Barring Service (DBS) for their consideration.

6.6 The employer should update the LADO with the outcome if disciplinary procedures are started and should also confirm with the LADO when the referral to DBS has been submitted.

7. The role of the LADO

7.1 Key responsibilities of the LADO are to:

- send out invites to all those required to attend the Strategy Meeting(s)
- manage the process required when an allegation is made against a professional
- ensure timescales are adhered to in convening meetings and in carrying out agreed actions
- to ensure that the responsibility for any actions arising are delegated to named people
- keep the Assistant Director of People informed of progress of case including media interest and matters that arise that have implications for wider practice, any professional disagreements and concerns about practice and any delay in the process and completion of the case
- record the discussion and decisions with clear timescales and circulate these to professionals who attended the Strategy Meeting or who did not attend but need to be updated
- consider any issues that have wider implications for policy and practice
- check whether there have been any previous allegations in respect of the individual (and their children) and/or organisation and will check other recording systems such as Frameworki
- circulate Strategy Meeting minutes within a maximum of 10 working days via Egress.

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| Approved by: | |
| Date Approved: | |
| Date revised / adopted: | |
| To be reviewed: | |
| Available: | |