



The management of allegations against adults who work with children

These Procedures Supplement the All Wales Procedures

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Introduction and scope of these Procedures

Despite all efforts to recruit safely there will be occasions when allegations of abuse against children are raised. Local Safeguarding Children Boards (LSCBs) should therefore have arrangements in place for monitoring and evaluating their effectiveness.

These procedures should be applied, in addition to established legislative and previously issued Pembrokeshire guidelines, 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;**
- **Behaved towards a child or children in a way that indicates they are unsuitable to work with children.**

These behaviours should be considered within the context of the four categories of abuse (i.e. 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 in respect of that child, even if consensual (see ss16-19 *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 / e-mail messages or images, gifts, socializing etc);
- Possession of indecent photographs / pseudo-photographs of children.

All references in this document to 'members of staff' should be interpreted as meaning all paid or unpaid staff.

Roles and responsibilities of Employers of children services in Pembrokeshire

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

- Ensuring that the organisation deals with allegations in accordance with the All Wales *Child Protection Procedures*;
- Resolving any inter-agency issues;
- Liaising with the PSCB on the subject.

Pembrokeshire County Council will designate an officer/s (Local Authority Designated Officer, referred to as LADO) to:

- Be involved in the management and oversight of individual cases;
- Provide advice and guidance to employers and voluntary organisations;
- Liaise with the Police and other agencies;
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.

All Employers of children's service workers in Pembrokeshire will designate:

- A senior manager to whom allegations or concerns should be reported;
- A deputy to whom reports should be made in the absence of the designated senior manager or where that person is the subject of the allegation or concern.

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Dyfed-Powys Police will:

- Have strategic oversight of the local Police arrangements for managing allegations against staff and volunteers;
- Liaise with the LSCB on the issue;
- Ensure compliance.

Dyfed-Powys Police Public Protection Unit should designate a detective sergeant/s to:

- Liaise with the local authority designated officer (LADO);
- Take part in strategy meetings / discussions;
- Review the progress of cases in which there is a Police investigation;
- Share information as appropriate, on completion of an investigation or related prosecution.

All Schools within Pembrokeshire will ensure:

- Head Teachers & Chair of Governors are aware of and comply with these procedures
- The Head Teacher will act as the Lead Senior Officer for allegations in respect of staff and volunteers – except where the Head Teacher is the subject of the allegation in which case the Chair of Governors will take on this role with support from the Chief Education Officer
- A copy of these procedures will be available in the staff common room of the school
- All School Staff will be aware of the Whistle Blowing procedure for their school
- All Schools operate in accordance with Welsh Government Guidance in relation to *Safeguarding Children in Education 2013*

General Principles relating to allegations and concerns of abuse in Pembrokeshire

Persons to be notified

The employer must inform the local authority designated officer (LADO) immediately an allegation is made. In the case of serious incidents of allegations violence or sexual assault the employer will notify the LADO at the same time as referring to the Police Public Protection Unit and Children Social Care (Child Assessment Team).

The LADO will advise the employer whether or not informing the parents of the child/ren involved will impede the disciplinary or investigative processes. Acting on this advice, if it is agreed that the information can be fully or partially shared, the employer should inform the parent/s. In some circumstances, however, the parent/s may need to be told straight away (e.g. if a child is injured and requires medical treatment).

The parent/s and the child, if sufficiently mature, should be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

The employer should seek advice from the LADO, the Police and / or LA children's Social Care about how much information should be disclosed to the accused person.

Subject to restrictions on the information that can be shared, the employer should, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g. disciplinary action, and dismissal or referral to the barring lists or regulatory body).

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The accused member of staff should:

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved;
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;
- If suspended, be kept up to date about events in the workplace.

CSSIW should be informed of any allegation or concern made against a member of staff in any day care establishment for children under 8 or against a registered childminder. They should also be invited to take part in any subsequent strategy meeting / discussion.

LA children's Social Care should inform CSSIW of all allegations made against a foster carer, prospective adopter, or member of staff in a residential child care facility.

Confidentiality

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, manage related disciplinary or suitability processes.

The Police should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances (e.g. an appeal to trace a suspect). In such cases, the reasons should be documented and partner agencies consulted beforehand.

Support

The organisation, together with LA children's Social Care and / or Police, where they are involved, should consider the impact on the child concerned and provide support as appropriate.

An advocate should be provided for a child/young person making an allegation, who will be able to represent the young person's views at subsequent strategy meetings. This is of particular importance for children in Residential, Fostering or Adoptive placements.

Liaison between the agencies should take place in order to ensure that the child's needs are addressed.

As soon as possible after an allegation has been received, the accused member of staff should be advised to contact their union or professional association. Human resources should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's occupational health or employee welfare arrangements.

Suspension

Suspension is a neutral act and it should not be automatic. It 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
- The allegation is so serious that it might be grounds for dismissal.

The possible risk of harm to children should be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staff's home, work or community life.

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If a strategy meeting / discussion is to be held or if LA children's Social Care or the Police are to make enquiries, the LADO should canvass their views on suspension and inform the employer. Only the employer, however, has the power to suspend an accused employee and they cannot be required to do so by a local authority or Police.

If a suspended person is to return to work, the employer should consider what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor), and also how best to manage the member of staff's contact with the child concerned, if still in the workplace.

Resignations and 'compromise agreements'

Every effort should be made to reach a conclusion in all cases even if:

- The individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations;
- It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete.

Employers should never use 'compromise agreements' (i.e. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed). Such agreements will not prevent a thorough Police investigation where it is appropriate.

Organised and historical abuse

Investigators should be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the matter should be dealt with in accordance with complex abuse procedures which, if applicable, will take priority. Organised and complex abuse.

Historical allegations should be responded to in the same way as contemporary concerns. It will be important to ascertain if the person is currently working with children and if that is the case, to consider whether the current employer should be informed (see section 5.19).

Whistle-blowing

All staff should be made aware of the organisation's whistle-blowing policy and feel confident to voice concerns about the attitude or actions of colleagues.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the LADO

Timescales

Agencies should be mindful of the impact of unnecessary delay in dealing with cases.

The target timescales is that the majority of cases will be completed within one month, but some cases will take longer because of their specific nature or complexity. The issue of resources should not represent a barrier to achieving this target.

Sharing information for disciplinary purposes

Wherever possible, Police and LA 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.

If the Police or CPS decide not to charge, or decide to administer a caution, or the person is acquitted, the Police should, subject to agreement by their internal Legal department and Force guidance, pass all relevant information to the employer without delay.

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If the person is convicted, the Police should inform the employer straight away so that appropriate action can be taken.

Record keeping

Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for ten years if longer.

Allegations against staff in their personal lives

If an allegation or concern arises about a member of staff, outside of their work with children, and this may present a risk of harm to child/ren for whom the member of staff is responsible, the general principles outlined in these procedures will still apply.

The strategy meeting / discussion should decide whether the concern justifies:

- Approaching the member of staff's employer for further information, in order to assess the level of risk of harm; and / or
- Inviting the employer to a further strategy meeting / discussion about dealing with the possible risk of harm.

If the member of staff lives in a different authority area to that which covers their workplace, liaison should take place between the relevant agencies in both areas and a joint strategy meeting / discussion convened.

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 child/ren for whom the member of staff is responsible. In these circumstances, a strategy meeting / discussion should be convened to consider:

- The ability and/or willingness of the member of staff to adequately protect the child/ren;
- Whether measures need to be put in place to ensure their protection;
- Whether the role of the member of staff is compromised

Multi-Disciplinary Assessment of Risk

There are two key risk decision points:

- when allegations come to light,
- When the initial investigations have been completed

The process is strengthened by having a multidisciplinary discussion of risk and risk management strategies.

At the initial, subsequent and final Strategy meetings, Social Care, Police, Employer and other relevant bodies will jointly consider the risks and make recommendations to the employer.

The Employer retains final responsibility for disciplinary and corrective actions in respect of their staff but must show due consideration of the recommendation of the strategy meetings.

Where the actions of the employer raise significant concerns the Local Authority Designated Officer will raise the issue independently with the Chair of the PSCB/Statutory Director for Social Services. If the situation cannot be resolved to the satisfaction of the Statutory

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Director for Social Services, it is the Statutory Director for Social Services responsibility to raise the matter with the relevant regulatory body, subsequent to raising the matter with the relevant Agency LSCB senior officer.

This procedure does not interfere, and is separate to, any whistle-blowing process.

LADO role in monitoring progress

The LADO should monitor and record the progress of each case, either fortnightly or monthly depending on its complexity. This could be by way of review strategy meetings / discussions or direct liaison with the Police, LA children's Social Care, or employer, as appropriate. Where the target timescales cannot be met, the LADO should record the reasons.

The LADO should keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. Reports will be presented to the LSCB on a suitably regular frequency to assist the LSCB to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the Welsh Government, ESTYN and CSSIW as required.

If a Police investigation is to be conducted, the Police should set a date for reviewing its progress and consulting the CPS about continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than four weeks after the strategy meeting / discussion. Dates for further reviews should also be agreed, either fortnightly or monthly depending on the complexity of the investigation.