

# Lewisham Safeguarding Children Board

## PROTOCOL FOR THE MANAGEMENT OF ALLEGATIONS AGAINST ADULTS WHO WORK WITH CHILDREN



**LEWISHAM SAFEGUARDING CHILDREN BOARD**  
**Protocol for the management of allegations against adults who work with children**

## **1. CONTEXT**

This protocol is drawn up in accordance with the guidance in Working Together to Safeguard Children 2013.

Further guidance is contained within the London Child Protection Procedures 4th edition 2010 and Safeguarding Children and safer recruitment in Education 2007.

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
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

These behaviours should be considered within the context of the four categories of abuse – physical, sexual, emotional abuse and neglect. These include concerns relating to inappropriate relationships between members of staff and children or young people. For example:

- Having a 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 an 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, socialising etc)
- Possession of indecent photographs/pseudo photographs of children

Employers also need to consider other behaviours which may lead them to question someone’s suitability. For example;

- Shouting at or using inappropriate language towards a child
- Humiliating or making threats towards a child
- Overstepping professional boundaries
- Failing to protect children from harm from others or poor supervision

This list is not exhaustive but serves to illustrate the wide range of behaviours which employers may need to consider.

## **2. ROLES AND RESPONSIBILITIES**

Within LB LEWISHAM, the Local Authority Designated Officer (LADO) is the Quality Assurance Team Manager (Child protection) Tel number 0208 314 7280  
Duty Child protection Chair 0208 314 9177

The LADO has responsibility for:

- Having an oversight into the management of individual cases referred to Children and Young People Service

- Providing advice and guidance to employers and voluntary organisations
- Liaison with the police and other agencies
- Monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a fair and thorough process

Each LSCB member organisation should designate a Named Senior Officer with overall responsibility for:

- ensuring that the organisation deals with allegations in accordance with the London Child Protection Procedures
- resolving inter-agency issues
- liaison with the LSCB on the subject

The Named Senior Officers would normally designate Senior Managers (DSM's) within organisations who would deal directly with individual allegations or concerns.

In all cases the location of the incident determines who is responsible for the initial evaluation and investigation: e.g if a child normally resides in Lewisham and is abused by an adult outside Lewisham, the LADO in that area will be responsible for taking appropriate action. In exceptional circumstances the lead LADO may transfer the case to Lewisham LADO if this is appropriate. The home LADO will accept the case subject to consulting with relevant partner agencies.

### **3. General considerations relating to allegations and concerns of abuse**

All organisations, both statutory and voluntary should follow the procedures laid down in Chapter 15 of the London Child Protection Procedures. These are currently being updated, in line with Working Together 2013 and the Department for Education statutory guidance updated April 2013, Dealing with Allegations of Abuse Against Teachers and Other Staff .

All allegations or concerns about an adult's behaviour which may meet the threshold must be referred to the LADO within one working day. .

If an organisation is in doubt as to whether to refer a matter for investigation, they should contact the LADO, or duty Child Protection Chair.

0208 314 7280 (LADO)  
0208 314 9177 (Duty CPC)

When a referral is necessary this should be completed on an inter-agency referral form (attached) and sent to Lewisham Referral and Assessment Service.

[Referral & Assessment Team@lewisham.gov.uk](mailto:Referral & Assessment Team@lewisham.gov.uk)

Advice should always be sought from the LADO, the duty Child Protection Chair, the appropriate Designated Senior Manager, or the police if appropriate, as to whether to share information about the allegation with the victim, perpetrator or the victim's parents. This decision would be dependant on whether there was likely to be an ongoing police or internal disciplinary investigation.

### **4. Strategy Meetings**

In most cases where a referral is sent about an allegation or a concern in relation to a member of staff, a Strategy Meeting will be convened by the Quality Assurance team.

The Strategy Meeting will be chaired by a Child Protection Chair. It will be formally conducted and records kept.

Attendees at the strategy meeting should include:

- The Designated Senior manager of the organisation in question or an appointed delegate.
- A representative from the HR section of the organisation in question (where the allegation may result in a decision to start a conduct investigation or to suspend the staff member)
- Police CAIT
- An investigating social worker from the Referral and assessment team
- Those responsible for regulation and inspection where appropriate (e.g. OFSTED)
- A legal representative where appropriate

The Strategy Meeting should:

- Decide whether there should be a S47 investigation and/or a police enquiry
- Consider whether any parallel disciplinary process should take place
- Consider the current allegation in the context of previous allegations or concerns
- Plan enquiries, allocate tasks and set time-scales
- Decide what information can be shared, with whom and when.

The Strategy meeting should also:

- Ensure that arrangements are in place to protect the child/ren involved and any other children affected.
- Consider what support should be offered to children involved
- Consider what support should be offered to the member of staff or volunteer involved.
- Ensure that investigations are sufficiently independent
- Make recommendations where appropriate about suspension or alternatives to suspension. (Appendix 5 of Working Together to Safeguard Children 2010 – section 21)

A final meeting should generally be held when the Section 47 investigation is concluded to ensure that all tasks have been completed and where appropriate agree an action plan for future practice based on lessons learnt.

The chair of the strategy meeting will formally write to the member of staff or volunteer at the end of the process outlining the findings of the investigation. This may however not be appropriate if there is an ongoing police or disciplinary investigation. The chair may also write to the parent/carer where required.

Normally the minutes of strategy meetings are not widely distributed because of confidentiality issues – both with regard to staff members and of service users or members of the public. In certain circumstances it may be appropriate for the chair of the meeting to summarise the findings of an investigation for the purposes of a disciplinary investigation.

## **5. Evaluation Meetings**

Evaluation meetings are also convened on occasions where it is unclear whether the allegation or concern meets the threshold for referral to the police or CSC. – these meetings essentially evaluate the information held, what the gaps are, and agree a way forward. One outcome could be to take the matter to a strategy meeting and refer to the police.

## **6. Disciplinary Process**

The LADO/Education designated officer and the Designated Senior Manager of the service concerned should discuss whether disciplinary action is appropriate or necessary. This may be at the strategy meeting if there is one, or in the evaluation meeting/discussion if the matter does not go forward to a strategy meeting. The final decision about disciplinary action would always lie with the employer of the member of staff concerned.

The discussion should consider any alleged potential misconduct or gross misconduct on the part of the member of staff and take into account:

- Information presented by the police and/or LA social care
- The result of any investigation or trial
- The different standards of proof in disciplinary and criminal proceedings

Where the workers concerned are supply, contract or volunteer workers, normal disciplinary procedures do not apply. In these circumstances the providing agency (if any) should be involved in the Strategy meeting

## **7. Referral to the Disclosure and Barring Scheme**

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

They are responsible for:

- processing requests for criminal records checks
- deciding whether it is appropriate for a person to be placed on or removed from a barred list
- placing or removing people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland

The range of organisations who are able to make referrals to the DBS include;

- Regulated activity providers;
- Personnel suppliers;
- Local authorities;

- Education and Library Boards;
- Health and Social Care (HSC) bodies;
- Keepers of Registers named in the legislation; and
- Supervisory authorities named in the legislation.

Whenever a strategy meeting and the resultant investigation concludes in a member of staff leaving their post, either as a result of disciplinary action or the staff member resigning, there should be careful consideration as to whether a referral should be made to the Disclosure and Barring Service.

Once a decision has been made about this, it should be recorded by the LADO.

The responsibility for ensuring that the referral is sent lies with the senior manager of the organisation concerned. In practice this will normally be:

- The head teacher of a school
- The senior manager of a nursery/day centre
- The service manager of a social care department
- Heads/leads of other organisations including voluntary organisations, community and faith groups

In cases where there is disagreement with an organisation about whether such a referral should be sent, it may be appropriate for the LADO to send a referral or contact the DBS for advice.

The LADO should always be informed in writing of such referrals.

## **8. Record keeping and monitoring**

All Strategy Meetings should have records kept of decisions made and information received. These are in the form of notes taken by the chair. They should not be shared without agreement of the LADO

Following an investigation, employers should keep a summary of the case on the person's confidential personnel file. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. A copy of this summary should be given to the individual concerned. It should be kept for at least 10 years or until the person reaches normal retirement age.

The LADO should keep records of all Management planning meetings held and their conclusion.

A spreadsheet detailing all allegations and concerns raised is kept by the LADO.

Employers need to feed back to the LADO the outcome of any disciplinary or management investigation, for inclusion on the data base.

An outcomes form is attached.

## **9. Procedures in Specific organisations**

### **Education**

Education staff have additional guidance documents as follows:

- 'Safeguarding Children and safer recruitment in Education – produced by DfES January 2007 (updated 18.3.13)
- Dealing with Allegations of Abuse Against Teachers and Other Staff, October 2012

In addition there is detailed guidance issued by the DCSF (now the Dept of Education) around the use of restraint in classrooms. All schools and educational establishments should ensure that they have robust recording systems to log any incidents that have resulted in the use of restraint. All schools should have physical intervention policies which should be in line with LEA and DCSF guidance.

### **Foster Carers**

Foster carers are often subject of allegations because of their high level of contact with children and young people.

If there is an allegation about a foster carer, all the children in the family need to be considered including the foster carer's own children.

If the foster carer concerned is a Lewisham resident then the above procedures apply. If however the foster carer lives within another borough then a referral needs to be made to the Children's Service in the borough of residence.

### **Lewisham Healthcare NHS Trust and South London and Maudsley NHS Foundation Trust**

The above trusts have policies and procedures in place which identify action to be taken in case of allegations against staff. This covers independent contractors (e.g. GP practices, dentists and optometrists) as well as staff who are directly employed.

In addition the Trusts have a responsibility, where there is concern that the individual may have broken their code of conduct, to refer to their professional body.

## **10. Safe recruitment and good practice**

Chapter 17 of the London Child protection Procedures describes the processes required in order to ensure that staff recruited to an organisation are suitable to work with children.

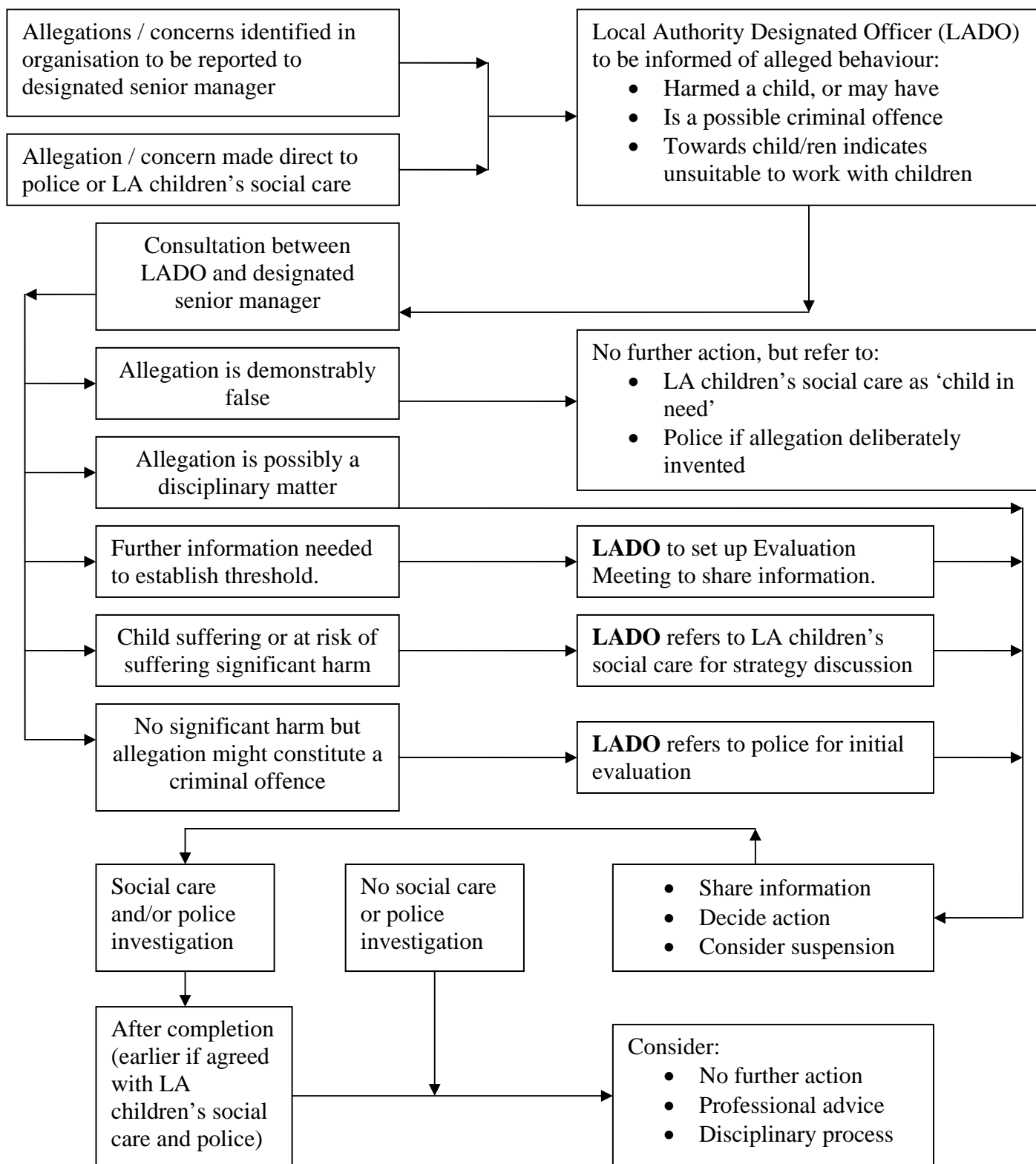
It is not necessary to repeat these processes in detail, but they should involve:

- Following standard procedures to draw up job descriptions, person specifications and advertisements
- Conducting standard interviews which test a candidate's ability, including the use of written and other aptitude tests.
- Taking up at least 2 references prior to appointment – at least one of which should be the previous employer.
- Criminal record checks with the Disclosure and Barring Service.
- Conducting checks with DBS
- Ensuring that new staff have proper induction, including an introduction to the organisation's child protection policies and procedures.

- Ensuring that new staff are made aware of the organisation's whistle blowing policy
- Ensuring that staff are given adequate child protection supervision.



# Allegations / Concerns Against Staff Child Protection Process



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The LSCB is a partnership between Lewisham Council, Lewisham Healthcare NHS Trust, Public Health Lewisham South East Cluster, South London and Maudsley NHS Foundation Trust, London Probation, Metropolitan Police, CAFCASS and Voluntary Action Lewisham.

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