

Managing allegations against people who work or volunteer with children

Information for employees subject to an allegation



Worried about a young person?

Safeguarding children and young people and keeping them safe is everyone's business.

If you think that a child might be the victim of abuse or neglect or they may be at risk of harm, you should always report your concerns.

Please contact North Lincolnshire's Children's Services Single Point of Contact on:

- 01724 296500 (9am to 5pm Monday to Thursday, 9am to 4.30pm Friday)
- 08081 689667 (free phone)
- 01724 296555 (answerphone – out of office hours and at weekends)

101 – Police non-emergency

999 – Police emergency

You can also read the government advice for practitioners [What to do if you are worried a child is being abused](#), this leaflet will also be helpful to the members of the public who are worried about a child.

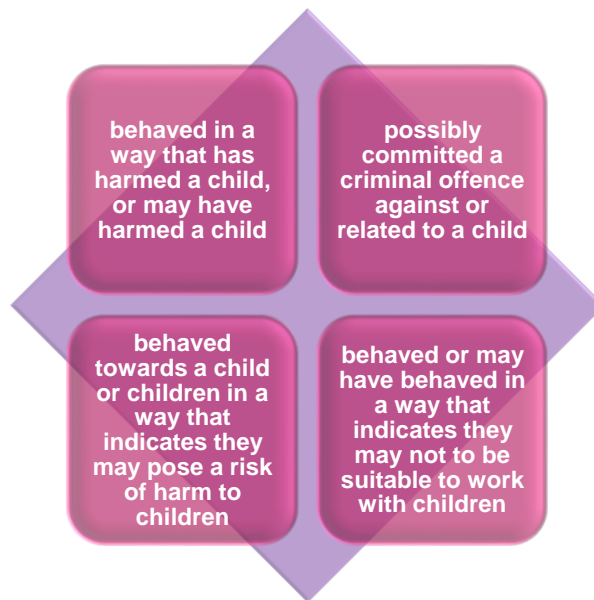
Introduction

As a person working or volunteering with children you may be subject to an allegation at some point in your career. Allegations may relate to concerns in the workplace or to your personal life, or the care of your own children. In some cases, there may be an allegation made against someone closely associated to you and this person may pose a risk of harm to the children that you care for in your personal life, as an employee or volunteer.

We understand this may be a difficult time for you. This leaflet aims to explain what happens in these circumstances.

What happens when an allegation has been made?

Every organisation that works with children should have a Named Senior Officer responsible for progressing allegations. When they are informed of an allegation, they must contact the Local Authority Designated Officer (LADO) within 24 hours to report it. The criteria for making a report are that an individual who works or volunteers with children may have:



The LADO is responsible for overseeing all safeguarding allegations about individuals who work with children and young people. This work can be paid, unpaid or voluntary. The LADO's role is to provide scrutiny and oversight and not to investigate. It is important that the LADO remains impartial to the investigation.

What happens next?

If an allegation has been made or a concern raised about the behaviour of you or someone close to you in relation to children or young people, further information is needed to understand what has happened. The LADO will agree with the named senior officer when you will be informed of the concern and this is dependent on the nature of the allegation and if the police or children's services need to be consulted.

Joint Evaluation Meetings will be held to explore the allegation and decide how it should be dealt with. This may involve the police, your employer, Children's Services and other agencies, as appropriate. You will not be invited to these meetings, but you will have an opportunity to share your views throughout the process.

The aim of this meeting is to share relevant information and determine whether an investigation needs to be conducted by:

- Children's Services under child protection procedures
- Police regarding any possible criminal offences. In some instances, the police may decide to proceed with a criminal investigation. You may be arrested and interviewed under caution or invited to assist with their investigation. In this instance you must seek legal representation.
- Your employer under disciplinary/suitability procedures

Following the investigation, a decision will be made to conclude the outcome as either Substantiated, Unsubstantiated, False, Malicious or Unfounded and you will be notified of the outcome and the meaning of this.

What may happen with your job?

Your employer may need to conduct an internal investigation in order to proceed. It may be conducted by a senior member of staff or an independent person, depending on resources and nature of the case. When there are criminal proceedings it may not be possible for the employer to complete their investigation until the police conclude theirs. If you resign from your position before the employer has concluded their investigation, this process will continue to its conclusion.

There are several ways your employer may wish to manage your employment while their investigation is ongoing. You may be asked to undertake alternative duties, or they may put you on suspension.

These actions will be considered by your employer if:

- there is cause to suspect a child is at risk of significant harm
- the allegation warrants a police investigation
- it is serious enough to be grounds for dismissal

If suspension is being considered, an interview should be arranged. You have the right to be accompanied by a trade union representative or a supporting colleague. The meeting is not an examination of evidence but an opportunity for you to make representations concerning suspension. If you are to return to work after suspension, your employer should consider how best to manage this.

Support for you

Everyone who is the subject of an allegation will find it stressful and must be offered support.

Your employer should:

- advise you to seek support from your trade union
- provide a named support person who will keep you up to date with any investigations
- provide a named support person who will keep you up to date with any work matters if you are suspended

It's important that you take support and seek support via your GP if you are feeling distressed and your health and general functioning are affected.

Timescales

Cases should be dealt with as quickly as possible, consistent with a fair and thorough investigation. Your case will be monitored by the LADO to avoid unnecessary delays.

The possible outcomes are:

Substantiated

- Evidence was able to prove that the allegation did happen

Unsubstantiated

- There is insufficient evidence to either prove that the allegation did or did not happen

False

- Evidence was able to disprove the allegation

Malicious

- There is evidence to disprove the allegation and a deliberate act to deceive. For an allegation to be classified as malicious, it will be necessary to have evidence which proves the intention to deceive

Unfounded

- Evidence was available to prove that what was alleged didn't happen or couldn't have happened or information has been misinterpreted

Record keeping

Your employer must keep records on your confidential personnel file, which will detail the allegation, how it was investigated, the outcome and action taken. Your employer will be able to provide further details of

possible information retention periods.

Allegations of a sexual nature are kept for no set period following an Independent Inquiry into child sexual abuse.

If the allegation is substantiated your employer may have a legal duty to refer the matter to the Disclosure and Barring Service (DBS) who have the power to decide whether or not you should be barred from, or have conditions imposed in respect of working with children. It may also be necessary to contact your professional regulatory organisation.

The LADO has a duty under Section 40 of the Safeguarding Vulnerable Groups Act (SVGA) 2006 to provide information to the Disclosure and Barring Service (DBS) upon request.

Employers must disclose information in references when an allegation is Substantiated.

In addition, the LADO will also keep a record of the allegation and this information will be kept on file until normal retirement age or for a period of 10 years if that will be longer (for prospective adopters/adult members of their household it is kept for 100 years from the date of Adoption Order).

Further Information

For further information, see Children's MARS policy and procedure for managing allegations against adults who work with children which is available on the [Children's MARS website](#).

These procedures implement the statutory guidance for the management of allegations which can be found in [Working Together 2018](#).