

POLICY AND ASSOCIATED PROCEDURE FOR MANAGING ALLEGATIONS AGAINST PEOPLE WHO WORK WITH CHILDREN

REFERENCE NUMBER	DHS 33 Managing Allocations
APPROVING COMMITTEE(S) AND DATE	Quality & Strategy Committee
AUTHOR(S) / FURTHER INFORMATION	Associate Director of Safeguarding, Assurance and Governance, Associate Director of HR, Workforce and Organisational Development
LEAD DIRECTOR	Medical Director
THIS DOCUMENT REPLACES	New document
REVIEW DUE DATE	March 2013
RATIFICATION DATE	February 2011
VALIDATION SIGNATURE	

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1. INTRODUCTION

Children can be subjected to abuse by those who work with them in any and every setting. All allegations of abuse or maltreatment of children by a professional, staff member or volunteer must therefore be taken seriously and treated in accordance with this policy.

Scenarios within which allegations against adults working with children arise can be complex and allegations may emerge for a number of reasons. Those responding to these scenarios need to be sensitive to the needs of all involved and the potential implications of non-adherence to the policy and associated procedures, which should be applied with commonsense and judgement.

Some allegations will be so serious as to require immediate referral to Children's Social Care and the police for investigation. Others may be much less serious and at first sight might not seem to warrant consideration of a police investigation, or enquiries by Children's Social Care. However, it is important to ensure that even apparently less serious allegations are seen to be followed up, and that they are examined objectively by someone independent of the organisation concerned.

It is for this reason that all organisations that provide services for children, or provide staff or volunteers to work with or care for children, are required to operate a procedure for handling such allegations which is consistent with the guidance contained in *Working Together to Safeguard Children* (HM Government 2010). Whilst for commissioning organisations there is a requirement for them to ensure that contractual arrangements with providers include the requirement to operate such procedures.

This policy and associated procedure is therefore based on the framework for dealing with allegations of abuse made against a person who works with children, detailed in Chapter 6 and Appendix 5 of *Working Together To Safeguard Children* (HM Government 2010) and is in line with Lancashire Safeguarding Children Board (LSCB) agreed procedures for 'Managing allegations against workers, carers and volunteers who have contact with children'.

Compliance with the policy allows for consideration of the adult's behaviour at the earliest opportunity when a concern or allegation arises. Compliance also helps to ensure that allegations of abuse are dealt with expeditiously and in a manner that is consistent with a thorough and fair process.

1.1 Scope

This policy applies to all staff and volunteers across NHS Central Lancashire who work with or care for children.

The policy and associated procedure clarifies the roles and responsibilities of those involved and sets out the process to be followed to ensure allegations are investigated so that appropriate action can be taken without delay. Whilst the primary concern is for the safety and welfare of any child it is also

important to ensure that allegations are dealt with sensitively and investigated in a manner which is fair for the individual who is the subject of the allegation and is consistent with the NHS Central Lancashire's disciplinary procedure.

The scope of this policy is not limited to allegations involving significant harm or the risk of significant harm. It should also be used in respect of any allegation that a person who works with children 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 s/he is unsuitable to work with children.

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

- a police investigation of a possible criminal offence;
- enquiries and assessment by Children's Social Care about whether a child is in need of protection or in need of services; and
- consideration by an employer¹ of disciplinary action in respect of the individual.

If an allegation relating to a child is made about a person who undertakes paid or unpaid care of vulnerable adults, consideration should be given to the possible need to alert those who manage her/him in that role. See Safeguarding Adults Procedures <http://www.lancashire.gov.uk/acs/sites/safeguarding/>

The processes described in this document can also be applied if an allegation is made against a person in relation to his/her work with adult service users, which causes concern about the welfare of an adult service user's children.

1.2 Principles

The key principles of this policy are that:

- In all cases of alleged abuse the safety of the child is paramount;
- All cases of suspected or alleged abuse by an employee or volunteer will be taken seriously.
- NHS Central Lancashire recognises that employees and volunteers are themselves vulnerable and have a right to expect that complaints or allegations about their behaviour will be investigated professionally and objectively and that appropriate support is available.
- Employees who raise concerns about colleagues will be listened to and receive appropriate support both during and after the investigation.
- Investigation will be thorough, fair and timely.

¹ In some circumstances the term "employer" will encompass more than one organisation. For example, where staff providing services for children in an organisation are employed by a contractor, or where temporary staff are provided by an agency. In those circumstances both the contractor or agency, and the organisation in which the accused individual worked will need to be involved in dealing with the allegation.

The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness, complexity of the allegation, but it is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Indicative timescales are therefore given throughout; it should be noted they are not meant to be performance indicators but are useful targets to aim for.

1.3 Definitions

A child - for the purpose of this policy a child is anyone who has not yet reached their 18th birthday. 'Children' therefore means 'children and young people' throughout.

Work with children applies to a person whose work brings them into contact with children. This includes permanent or temporary employees; agency workers; contract or bank workers; workers who work off site e.g. may work from home; individuals working in a voluntary capacity and workers employed via Commissioned Services.

Strategy Discussion takes place when there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm. This is convened by the Local Authority Children's Social Care with the police, and other bodies including employers as appropriate.

Section 47 enquiry - the Children Act 1989 introduced the concept of significant harm as the threshold that justifies compulsory intervention in family life, in the best interests of children. It gives local authorities a duty under section 47 to make enquiries when they have *reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or likely to suffer, significant harm* to enable them to decide whether they should take action to safeguard or promote the child's welfare.

1.4 Roles and Responsibilities

NHS Central Lancashire:

As a member organisation of Lancashire's Safeguarding Children Board NHS Central Lancashire should have a named **Senior Officer** who has overall responsibility for:

- ensuring that the organisation operates this policy / procedure;
- resolving any inter-agency issues that may arise; and
- liaison with LSCB on the subject (as appropriate).

As an employer NHS Central Lancashire should:

- put in place and operate arrangements for handling allegations or concerns in line with these procedures
- identify a **Senior Manager** to whom allegations or concerns that a member of staff or volunteer may have abused a child should be reported.
- identify an alternative person to whom concerns should be reported in the absence of the named Senior Manager or in cases where that person is the subject of the allegation or concern.

Contact details for named and senior manager can be found at appendix 1.

Local Authority Designated Officer (LADO)

In line with statutory guidance the Local Authority has appointed a Local Designated Officer (LADO). See section 6 for contact details. The LADO's role extends across allegations within all agencies and organisations and includes:

- the management and oversight of individual cases;
- providing advice and guidance to employers and voluntary organisations;
- liaising 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 thorough and fair process.

Police and Children's Social Care

Where allegations are made against adults who work with children and young people, it is the Police and Children's Social Care who investigate alleged or suspected abuse or possible criminal behaviour.

Lancashire Safeguarding Children Board

Lancashire Safeguarding Children Board (LSCB) has responsibility for ensuring there are effective inter agency procedures in place for dealing with allegations against people who work with children and for monitoring and evaluating the effectiveness of those procedures.

PROCEDURE FOR MANAGING ALLEGATIONS AGAINST PEOPLE WHO WORK WITH CHILDREN

2. THE PROCESS

2.1 Responding to an Allegation

There are a number of sources from which an allegation may arise, such as a child, parent, carer, member of the public, work colleague etc.

2.2 The person to whom the allegation is initially reported should:

- treat the matter seriously;
- if the allegation has come from a child, reassure the child that they are right to report it;
- avoid asking leading questions and keep an open mind;
- make a written record of the information (where possible use the child/adult's own words, including:-
 - what is being alleged and what is alleged to have happened;
 - when and where did the alleged incident(s) take place (time, date and location);
 - who was present, including any potential witnesses;
 - sign and date the written record;
- report the matter immediately to their line manager, all verbal reports must be followed up in writing using the disclosure record (appendix 3). Where the line manager is implicated in the allegation, or is unavailable report directly to the named Senior Manager (see appendix 1 for contact details).

The member of staff should not:

- investigate or ask leading questions if seeking clarification;
- make assumptions or offer alternative explanations;
- promise confidentiality, but give assurance that the information will be shared on a 'need to know' basis only so that the matter can be investigated in order to keep other children safe.

Where there is an immediate risk to a child or young person, an urgent referral to Children's Social Care should be made in accordance with Lancashire's Safeguarding Children Procedures. NHS Central Lancashire's procedure ['What to do if you are worried a child is being abused'](#) provides detailed guidance on how to make a referral. The allegation issue can be followed up once any immediate risk issues have been addressed.

2.3. Initial action by the manager to whom the concern/allegation was reported

- obtain the written details of the concern/allegation, signed and dated by the person receiving the allegation (not the child/adult making the allegation) (i.e. disclosure record at appendix 3);
- if the child has sustained an injury, consider the need to have her/him medically examined. In this instance parent/carer must be notified and reason given as to why medical required;
- consult with the designated Senior Manager to determine whether the allegation meets the threshold or as to what further information may be needed. Record discussions, including any decisions made and the reasons for those decisions;
- complete the Allegations Notification Form (appendix 4) for consideration by the named Senior Manager;
- at no time during the initial gathering of information should the child(ren), accused person or potential witnesses be interviewed.

2.4 Initial Action by Senior Manager

The Senior Manager **should not** investigate the matter by interviewing the accused person, any child(ren) or potential witnesses. The Senior Manager **should:**

- obtain written details of the allegation, signed and dated, from the original recipient and should receive a copy of the Allegations Notification Form;
- record any other information at their disposal i.e. what else is known about any of the individuals implicated – length of service, specific role within the organisation, previous/current level of contact with the child(ren) involved, details of any relevant health records pertaining to the child(ren) implicated, whether there have been any previous relevant concerns, allegations or disciplinary issues;
- whether the subject of the allegation has any children of their own or children who reside at their home address;
- check to see whether any contemporaneous records exist which might relate to the alleged incident;

- counter sign and date an updated record of discussions and decisions completing Action Plan Box on Notification Form which makes clear what if any further action is proposed

Inform a senior HR officer to consider whether any action may be required in line with the disciplinary procedure. At this time it may not be necessary to invoke the PCT's disciplinary procedures but the decision may need to be reconsidered at any stage during the process of investigating the allegation. It should be noted that the decision to suspend rests ultimately with the employer and should be in accordance with the policies and procedures of NHS Central Lancashire.

If the allegation meets any of the criteria in section 1.1 the Senior Manager should refer the matter to the LADO within 1 working day. A copy of the completed Allegation Notification Form (appendix 4) should be sent securely to the LADO and a copy should also be retained for the organisation's own record.

In the unlikely event that a decision about whether to refer to the LADO still cannot be made then the Senior Manager should contact the LADO via telephone in order to discuss and verify whether there is evidence or information that establishes that the allegation is false or unfounded or outside the scope of this procedure.

Where a notification to the LADO is to be made then it is imperative that the subject of the allegation is notified, formally, in writing, of this as soon as possible. However, where a strategy discussion is needed, or it is clear that Police or Children's Social Care may need to be involved, that should not be done until those agencies have been consulted and have agreed what information can be disclosed to the person.

The LADO will be able to advise the Senior Manager on when and how to inform the employee of the allegation and any parents/carers as appropriate².

If the person is a member of a union or professional association s/he should be advised to seek support from that organisation.

The LADO will notify the Senior Manager of any notifications made directly to the Police or Children's Social Care, of which the organisation may not otherwise be aware.

2.5 Initial Considerations and Actions by LADO

The LADO will discuss the matter with the named Senior Manager and where necessary obtain further details of the allegation and the circumstances in which it was made. The discussion should also consider whether there is evidence/ information that establishes that the allegation is false or unfounded.

² There may also be occasions when some or all of the available information cannot be shared i.e. where impediment may result or where sharing may place someone at increased risk of harm.

If the allegation is not patently false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will immediately refer to Children's Social Care and ask for a strategy discussion to be convened straight away. In those circumstances the strategy discussion should include the LADO and a representative of NHS Central Lancashire (usually the named Senior Officer or their deputy).

If there is not cause to suspect that 'significant harm' is an issue, but a criminal offence might have been committed, the LADO should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion should also involve the employer.

Where the initial evaluation decides that the allegation does not involve a possible criminal offence it will be dealt with by the employer. See section 5.3 on disciplinary action.

2.6 Strategy Discussions

Where there is reasonable cause to suspect that a child has suffered, is suffering or is likely to suffer significant harm, or where a lack of clarity remains, then a strategy discussion will take place **within 24 hours**. This will involve Children's Social Care, the Police, LADO and the named Senior Manager. In some cases it may be that the strategy discussion will agree upon the need for immediate investigative or protective action i.e. Section 47 or criminal investigations.

Alternatively, the strategy discussion may indicate that no further action is required from investigative agencies and that the matter can therefore be dealt with by the employer in accordance with their own procedures. In all cases, decisions about or enquiries by external agencies will preclude a disciplinary or 'internal' process by the employer.

2.7 Strategy Meetings

If a multi-agency strategy meeting needs to be convened in response to an allegation, this should occur within 5 working days of the referral to Children's Social Care. The meeting will be co-ordinated by Children's Social Care. Attendees should provide a written report.

In convening a strategy meeting consideration should be given to inviting appropriate representatives from all of the agencies involved with a child/family, alongside representatives from inspectorates where this is in line with notification requirements. While there may be a need to invite certain professionals with particular expertise on a case by case basis, Police, Children's Social Care and the employer (except where to do so may impede an investigation or place a child or young person at increased risk) should always be invited.

In line with the LSCB procedure the strategy meeting should:-

- share all relevant information;

- consider the current allegation or concern and review any previous allegations or concerns made against the member of staff and/or the establishment;
- decide whether there should be a s.47 enquiry / criminal investigation (if not already commenced);
- scope and plan any s.47 enquiry / criminal investigation;
- consider, if a s.47 enquiry is appropriate, whether a complex abuse investigation is applicable;
- allocate tasks agreeing any further action with timescales required and who is responsible;
- identify who may need to be interviewed e.g. witnesses, staff, children – and who will do this;
- decide who to inform and when (subject of allegations, child, parents);
- make recommendations regarding immediate suspension without prejudice, disciplinary, competency, regulatory or complaints procedures;
- agree criteria for a re-referral where new evidence comes to light suggesting that a further strategy meeting need to be convened;
- agree arrangements for the outcome of any internal process to be reported to the LADO and chair;
- set a date for a review strategy meeting which should occur, wherever possible, within 28 days of an initial strategy meeting

2.8 Reviewing the Strategy Discussion or Meeting

The time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness and complexity of the allegations. However, it is in everyone's interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation. Every effort should be made to manage cases in order to avoid unnecessary delay. The LADO will monitor and record timescales in respect of all cases and liaise with Senior Managers and appropriate bodies in the event of delay.

The Review Strategy Meeting will draw together all relevant information following the completion of enquiries by Children's Social Care, the Police and any other agency (as appropriate), and make multi-agency decisions about any further action to be taken in the case, including timescales for completion³.

Where difficulties have been encountered by investigative agencies the review will also provide an opportunity to clarify what these are, to identify solutions, make further plans and agree upon timescales

Should enquiries take longer than the initial four week period, then the case will be reviewed every four weeks to ensure that there is ongoing review and to avoid unnecessary delay.

The LADO will monitor the progress of cases either via:

- review strategy discussions/meetings; or

³ It is imperative that written reports are produced by all agencies for reviews which make clear the findings of any enquiries, including reason(s) for taking no further action.

- by liaising with the Police, Children's Social Care, employers and regulatory bodies/inspectorates as appropriate

2.9 Monitoring Progress

The LADO will keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. The record will assist the LSCB to monitor and evaluate the effectiveness of the procedures and provide statistical information as required.

2.10 Action on Conclusion of a Case

Where the initial evaluation decides that the allegation does not involve a possible criminal offence it will be dealt with by the employer. In such cases, if the nature of the allegation does not require formal disciplinary action, appropriate action should be instituted within three working days. If a disciplinary hearing is required refer to section 5.3.

If the person is convicted, the Police should inform the employer and LADO immediately to enable the employer to take any appropriate action.

It is imperative that the final outcome of all cases is relayed to the LADO in order that appropriate records can be maintained. Where this does not happen the LADO will actively pursue the relevant information which needs to be provided without delay.

2.11 Referral to the Independent Safeguarding Authority

If the allegation is substantiated and the employer dismisses the person or ceases to use the person's services, or the person resigns or ceases to provide his/her services, decisions need to be taken about the need for referrals to the Independent Safeguarding Authority (ISA) and /or to a professional regulatory body is required.

The LADO can and should offer this advice although recommendations may already have been made at a strategy meeting. If a referral is required it should be made by the employer within one month of the decision to refer.

In cases where any doubt or a lack of clarity remains regarding a referral to the ISA / professional regulatory body, the employer should liaise with the LADO in order to ascertain what if any action still needs to be taken, by whom and within what timescales.

2.12 Learning Lessons

Where an allegation has been substantiated a review of the circumstances of the case should be undertaken to determine whether there are any improvements to be made to policies, 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.

2.13 Action in respect of Unfounded or Malicious Allegations

If an allegation is determined to be unfounded or malicious, the employer should refer the matter to Children's Social Care to determine whether the child concerned is in need of services, or may have been abused by someone else.

In the rare event that an allegation is shown to have been invented or malicious, the Police should be asked to consider whether any action might be appropriate against the person responsible.

Unfounded – this indicates 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. For an allegation to be classified as unfounded, it will be necessary to have evidence to disprove the allegation.

Deliberately Invented or Malicious – this implies a deliberate intention to deceive. A malicious allegation may be made by a child following an altercation with a member of staff or a parent who is in dispute with the organisation. For an allegation to be classified as malicious, it will be necessary to have evidence which proves this intention.

3. GENERAL CONSIDERATIONS

3.1 Suspension Issues and Support for Staff

Discussions about suspension may take place at an early stage then and while other professionals may wish to express a view, the decision to suspend rests ultimately with the employer and should be in accordance with each organisation's own policies.

Suspension is not and should never be an inevitable or automatic response to an allegation, neither is it a disciplinary sanction. Recourse to suspension should not occur without good reason and/or without consideration having been given to appropriate alternatives. However, suspension 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 is so serious that it might be grounds for dismissal.

A senior HR officer is best placed to advice on the procedure for suspending staff and further guidance is available at appendix 6.

In any event, whether a member of staff is suspended or not, in any case where a formal notification to the LADO is made then a worker must:

- be provided with a copy of this procedure;
- be advised to seek advice and support from their trade union/professional body;
- be provided with the name and contact detail of an individual within the organisation who will act as a point of contact during the course of the investigation and who can provide updated information and act as a conduit.

3.2 Resignation and Compromise Agreements

The fact that a person tenders his or her resignation or ceases to provide their services must not prevent an allegation from being followed up in accordance with these procedures and a formal conclusion reached.

Wherever possible, the person should be given a full opportunity to answer the allegation and make representations about it as soon as possible. However, any enquiries and investigations should continue to a conclusion even if the person refuses to co-operate; decisions will be taken on the strength of what is known in the event that an individual chooses not to make representations⁴

A compromise agreement by which a person agrees to resign, the employer agrees not to pursue disciplinary action and both agree a form of words to be used in any future reference must not be used in situations to which this procedure applies i.e. section 1.1.

3.3 Disciplinary Considerations

If it is necessary to invoke the disciplinary procedure required this will be in accordance with NHS Central Lancashire's disciplinary procedures.

When further investigation is needed to inform consideration of disciplinary action, the employer and the LADO should discuss who should undertake this. In any case, the investigating officer should aim to provide a report within 10 working days.

On receipt of the report the employer should decide, within 2 working days, whether a disciplinary hearing is needed. If a hearing is required, this will be in accordance with the disciplinary procedures.

The aim of an investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider whether a prima facie case exists within terms of the local disciplinary procedure; the purpose is not to prove or disprove the allegation.

The LADO should continue to liaise with the employer to monitor progress of the case and provide advice/support when required/requested. It is the responsibility of the employer to inform the LADO of the outcome of the investigation and of any action taken by the employer.

3.4 Sharing of information to inform the disciplinary process

If the Police or Crown Prosecution Service decides not to charge or to administer a caution, or if the person is acquitted, the Police should ensure that all relevant information is made available to the employer without delay. Where this does not occur the LADO will liaise with the Police Senior Manager.

⁴ Where other factors impact (e.g. illness) decisions will need to be taken about how best to initiate or conclude any enquiries in order to avoid delay. HR should always be consulted for advice.

Information obtained in the course of enquires by Children's Social Care should be taken into account when considering disciplinary action.

3.5 Record Keeping

Employers should keep a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and details of any action taken and decisions reached, on a person's confidential personnel file and give a copy to the individual.

The information should be retained on the individuals file, including for people who have left the organisation, at least until the person reaches normal retirement age or for 10 years if that will be longer.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where a future CRB Disclosure reveals information from the police that an allegation was made but did not result in a prosecution or a conviction. And it will prevent unnecessary re-investigation if, as sometimes happens, allegations re-surface after a period of time.

The organisations Protocol for Managers on Providing Employment References -appendix K- must be observed at all times. Where additional information is held, for example with the LADO, a note will be placed on the individual's personal file (this may be a hard copy or an electronic copy) which will alert HR and/or the line manager to that effect.

3.6 Confidentiality

Every effort will be made to maintain confidentiality while an allegation is being investigated or considered. If the matter is subject to a police investigation the police will not normally provide any information to the press or media that could identify the individual who is under investigation, unless or until the person is charged with a criminal offence.

In exceptional cases the police may need to disclose information e.g. if an appeal is necessary to trace a suspect. In such cases the reasons should be documented and partner agencies consulted beforehand.

All allegations and investigations will be dealt with by designated or named managers on behalf of the trust and information will only be shared on a need to know basis, in order to make a full and fair assessment of the case.

A child or vulnerable adult may confide in a member of staff about the alleged abuse or neglect. The member of staff should make clear to the individual who approached them asking for confidentiality that they will need to pass this information on but give some assurance that the matter will be disclosed only to people who need to know.

If any member of staff is approached by the press or media regarding an allegation or investigation falling within the scope of this policy they should immediately contact the Communications team being mindful of the

requirement not to communicate with the media unless specifically authorised to do so.

4 IMPLEMENTATION

4.1 Monitoring and Compliance

Compliance will be measured by annual reporting to the Quality and Strategy Committee on the number of allegations made, outcome and timeliness of the process (including any internal disciplinary action taken as a result of the allegation).

Note: all substantiated allegations must be notified to the Associate Director for Safeguarding NHS Central Lancashire (see appendix 1 for contact details)

4.2 Breaches of Policy

This policy is mandatory. Where it is not possible to comply with the policy or a decision is taken to depart from it, this must be notified to the Assistant Director for Quality and Clinical Outcomes immediately so that the level of risk can be assessed and an action plan can be formulated.

5 REFERENCES

HM Government (2010) *Working Together to Safeguard Children*, London, DCSF

Lancashire Safeguarding Children Board Procedure for managing allegations against people who work with children and young people, accessed at: http://www.lancashire.gov.uk/education/safe_child_board/safeguarding_childr_en_procedures/index.asp

Appendix 1**CONTACT DETAILS**

	Name and contact details
Named Senior Officer	Jean Rollinson Associate Director of Safeguarding Tel: 01772 644457 Email: jean.rollinson@centrallancashire.nhs.uk
Designated Senior Manager	Maureen Kirwan Head of Safeguarding and assurance Tel: 01772 777920 Sara.barr-frost@centrallancashire.nhs.uk
Senior HR Officer	Liz Jones (Commissioning) Tel: 01772 678010 Email: liz.jones@centrallancashire.nhs.uk
Local Authority Designated Officer (LADO)	Tim Booth Tel: 01772536694; Mobile: 0782690522 Email: tim.booth@lancashire.gov.uk Or in his absence Phil Threfall Tel: 01772 532634 / 07768 367597 Email: phil.threfall@lancashire.nhs.uk

Flowchart: Procedure for Managing Allegations

Appendix 2

What is an allegation?
Information which indicates that an adult has or may have:

Behaved in a way that has harmed or may have harmed a Child

Behaved in a way that has harmed or may have harmed a Child

Behaved towards a child or children in a way that indicates they are 'unsuitable' to work with children

Allegation Against an Adult which meets or may meet the criteria (left)
Recipient does not investigate but passes basic information to Line Manager / Senior Manager as appropriate

Allegation Reported to Organisation's Senior Manager
Senior Manager collates basic information but does not investigate

Senior Manager makes recommendation re any further action and notifies LADO using electronic notification form within 1 working day

Initial consideration by LADO
Discussion with / feedback to Senior Manager within 1 working day (including information to be provided to alleged perpetrator)

LADO decides on and takes appropriate next course of action i.e.:

- strategy discussion
- formal strategy meeting (within 5 working days)
- Passes back to referrer / employer for action and logs

Police Investigation

**S47
Child Protection enquiries**

Employer's Action
(held in abeyance pending outcome of any 'external' enquiries)

LADO track, monitors progress & outcomes

Contact Information

Lancashire's LADO
Is: Tim Booth:
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In Tim Booth's absence the contact person is:
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Our organisations Senior Manager is:

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In their absence the contact person is:
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Appendix 3

Disclosure Form -to be used by person initially reporting allegation / concern

Please Note: a separate form must be completed for each incident.

If an incident concerns more than one young person each young person must be named on the form.

Information about the person against whom the allegation has been made

Name: Adult / Child:

Date of Birth: Sex M/F: Job Title:

Make a written record of the information (where possible in the child's/adult's own words) including:

What is alleged to have happened

Where the alleged incident took place

Who was present (including any witnesses)

When the alleged incident took place (time and date)

Details of person completing this form

Name: Date:

Job Title: Direct Telephone:

e-mail

LADO Notification Form

A Information about the person against whom the allegation has been made

Name: Adult / Child:

Date of Birth: Sex M/F: Job Title:

Last Date of Criminal Records Bureau (CRB) check: Disclosure No.

Home address of person:

Are there any children resident at the person's home address. If yes please give name(s) and date(s) of birth:

Does the person have any other contact with vulnerable individuals (child/adult), please name:

Name of person's employer

Name of Senior Manager / Person dealing with the allegation:

Contact details for Senior Manager / Person dealing with the allegation:

Employment Sector:

Foster Care Lancashire County Council <input type="checkbox"/>	Foster Care Agency <input type="checkbox"/>	Adopters <input type="checkbox"/>
Social Care <input type="checkbox"/>	Residential Lancashire County Council <input type="checkbox"/>	Residential Agency <input type="checkbox"/>
Health <input type="checkbox"/>	Education <input type="checkbox"/>	Nursery/childminder <input type="checkbox"/>
Police <input type="checkbox"/>	Connexions <input type="checkbox"/>	Voluntary Organisation <input type="checkbox"/>
NSPCC <input type="checkbox"/>	Immigration / Asylum Support Services <input type="checkbox"/>	Probation <input type="checkbox"/>
CAFCASS <input type="checkbox"/>	Other (please state) <input type="text"/>	Secure Estate <input type="checkbox"/>
		Faith Group <input type="checkbox"/>
		Armed Forces <input type="checkbox"/>
		YOT <input type="checkbox"/>

Have any allegations or concerns been made against this person previously: Yes No

Details of previous concerns:

Ethnicity:

1. White / British <input type="checkbox"/>	7. Mixed White / Black Caribbean <input type="checkbox"/>	13. Asian or Asian / British Indian <input type="checkbox"/>
2. White / Irish <input type="checkbox"/>	8. Mixed White / Asian <input type="checkbox"/>	14. Asian or Asian / British Pakistani <input type="checkbox"/>
3. White Traveller Irish Heritage <input type="checkbox"/>	9. Black / Black British African <input type="checkbox"/>	15. Asian British any other Asian background <input type="checkbox"/>
4. White Gypsy Roma <input type="checkbox"/>	10. Black / Black British Caribbean <input type="checkbox"/>	16. Chinese <input type="checkbox"/>
5. White any other background <input type="checkbox"/>	11. Black British any other Black background <input type="checkbox"/>	17. Mixed any other mixed background <input type="checkbox"/>
6. Mixed White / Black African <input type="checkbox"/>	12. Asian or Asian / British Bangladeshi <input type="checkbox"/>	18. Any other ethnic group <input type="checkbox"/>

B Information about any child identified

Name: Address where the child is residing:

Date of Birth: Sex (M/F): Is the child Looked After (yes/no):

Is the child subject to a Child Protection Plan (yes/no): Category of child protection plan:

Child's Social Worker: Contact number for social worker:

Usual residence of child at time of incident: LCC Residential Agency Residential Adopters

LCC Foster Care Agency Foster Care Residential School With parents / family

Child's current carer (Parent, Relative, Foster Carer): Name of carer:

Contact details for current carer (telephone number)

Other relevant information about the child:

Is more than one young person involved, or is a child at risk now (yes/no): How many:

List Name(s) and DoB(s):

- Ethnicity:**
- | | | |
|--|---|---|
| 1. White / British <input type="checkbox"/> | 7. Mixed White / Black Caribbean <input type="checkbox"/> | 13. Asian or Asian / British Indian <input type="checkbox"/> |
| 2. White / Irish <input type="checkbox"/> | 8. Mixed White / Asian <input type="checkbox"/> | 14. Asian or Asian / British Pakistani <input type="checkbox"/> |
| 3. White Traveller Irish Heritage <input type="checkbox"/> | 9. Black / Black British African <input type="checkbox"/> | 15. Asian British any other Asian background <input type="checkbox"/> |
| 4. White Gypsy Roma <input type="checkbox"/> | 10. Black / Black British Caribbean <input type="checkbox"/> | 16. Chinese <input type="checkbox"/> |
| 5. White any other background <input type="checkbox"/> | 11. Black British any other Black background <input type="checkbox"/> | 17. Mixed any other mixed background <input type="checkbox"/> |
| 6. Mixed White / Black African <input type="checkbox"/> | 12. Asian or Asian / British Bangladeshi <input type="checkbox"/> | 18. Any other ethnic group <input type="checkbox"/> |

C Information about the allegation or concern

Primary Category of Abuse: Physical Emotional Sexual Neglect

Nature of Allegation or Concern: Occurred during or following authorised intervention or physical restraint

Grooming / Sexual Exploitation / Trafficking Mobile phone/ Internet / Email

Date of alleged incident:

Where did alleged incident take place:

Who made the allegation? child / member of staff / parent - other

Brief description of allegation or concern:

Action Plan arising from allegation:

(For example - No further action, disciplinary investigation, internal enquiry, suspension of staff, child no longer present, referred to Children's Social Care)

Reason for Action Plan / Recommendation

(For example – no previous concerns, contact with the children)

Date concern raised with Agency making referral:

Name and job title of person who raised allegation or concern with Agency:

D Agency making referral to LADO:

Health <input type="checkbox"/>	Social Care <input type="checkbox"/>	Faith Group <input type="checkbox"/>	Adoption / Foster Care Agency <input type="checkbox"/>
Police <input type="checkbox"/>	Connexions <input type="checkbox"/>	Education <input type="checkbox"/>	Voluntary Organisation <input type="checkbox"/>
Probation <input type="checkbox"/>	CAFCASS <input type="checkbox"/>	Secure Estate <input type="checkbox"/>	Immigration / Asylum Support Services <input type="checkbox"/>
Armed Forces <input type="checkbox"/>	NSPCC <input type="checkbox"/>	YOT <input type="checkbox"/>	Other (please state) <input style="width: 100px;" type="text"/>

E Details of person completing this form

Name: Date:

Job Title: Direct Telephone:

email address:

Appendix 5

Allegation Record pro-Forma

RECORD OF CHILD PROTECTION ALLEGATION
(for retention on the employee's personal file)

This form is to be used for **all** child protection allegations made against staff working for NHS Central Lancashire

Employee details:

Employee Name:			
Position		Date of birth	
Home address			
Work place			

Details of allegation:

Date of incident:		Date of allegation:	
Brief details of allegation: <i>*No third-party details to be included</i>			
Children's Social Care involvement & outcome:			
Police involvement & outcome:			
Employer's action <i>(if no action, explain why):</i>			
Outcome of employer's action/decision:			

A copy of this record to be provided to the employee once the matter has been concluded and retained on their personal file until the employee reaches normal retirement age or a period of 10 years from the date of allegation if that is longer. The purpose of the record is to assist in response to future reference requests, to provide clarification in cases where a future CRB disclosure reveals information from the Police about an allegation that did not result in a criminal conviction and to help prevent unnecessary re-investigation if an allegation resurfaces after a period time.

Appendix 6

USE OF SUSPENSION

Note: In all cases where suspension is considered it must be in accordance with NHS Central Lancashire's disciplinary procedure

Working Together states that suspension should be considered in every case where:

- there is cause to suspect a child is at risk of significant harm;
- the allegation warrants investigation by the police, or
- the allegation is so serious that it might be grounds for dismissal

Suspension should not be seen as an automatic response to an allegation or imposed as a 'knee jerk action'. A decision to suspend without careful thought could impede a police investigation (see case study X below). In some cases it will not be immediately obvious that suspension is appropriate and this course of action may only become clear after information is shared with, and discussion had, with other agencies and HR.

The power to suspend rests with the employer alone and it cannot be required by another agency, although the employer should have regard to the views of investigative agencies if involved.

Case study X – Suspension impeding police investigation

A worker was reported to possess indecent photographs of children. The manager made the decision to suspend the worker without consulting the LADO or other agencies. The worker went home and destroyed all the evidence, damaging the chances of a subsequent conviction. If the LADO had been involved in the initial decision, he or she would have considered the need for police involvement and acted accordingly.

Assessment of Risk

When considering suspension, the Senior Manager, and HR representative, together with the LADO and other agencies as appropriate, should make an assessment using the three criteria above. In making their assessment, they should consider the following five factors:

Nature of the allegation and the context in which it occurred The Senior Manager and LADO should consider the nature of the allegation, both in terms of misconduct and also whether it constitutes sexual, physical or emotional abuse or neglect or a combination of these.

The member of staff's level of contact with children Due regard should be given to the level of contact that the member of staff has with children during the course of their duties and whether this presents either an unacceptable level of risk or whether this can be managed effectively e.g. working with an assistant or other colleague.

Previous history (for both child and employee) If there is information that the child concerned has made previous unsubstantiated, unfounded allegations or false allegations, the Senior Manager and LADO should be careful not to assume that the allegation is false or without foundation on this occasion. Similarly, where the

member of staff has been the subject of previous allegations, it should not be assumed that they therefore present a higher level of risk unless there is an indication that previous advice or warnings have been disregarded or it points to a pattern of concerning behaviour.

Views of other agencies (e.g. police, children's social care) If the nature of the allegation is such that an interagency strategy discussion is held, the LADO should canvass the views of Police and/or Children's Social Care as to whether the member of staff should be suspended from contact with children. The employer should have regard to these views in reaching a decision about suspension.

Alternatives to suspension: While weighing the factors as to whether suspension is necessary, alternatives to suspension should be considered if available and deemed suitable. This may be achieved by:

- the individual undertaking duties which do not involve direct contact with the child concerned or other children e.g. office work
- providing an assistant/colleague to be present when the individual has contact with children

It may be appropriate to use an alternative to suspension when an allegation is first made. This would allow time for an informed decision regarding suspension to be made and possibly reduce the initial impact of the allegation.

Support

Any member of staff subject to an allegation, regardless of any decision to suspend or otherwise, should be supported throughout the process for example via occupational health / counselling services, *First Assist* (further guidance is available within NHS Central Lancashire's disciplinary procedures). S/he should also be encouraged to seek advice and support at the earliest opportunity from their professional association or trade union if s/he is a member.

If suspended, the member of staff, or his/her representative, should be given the name of a contact person who should then keep him/her up to date regarding the progress of the case. The need for help and support is equally applicable when considering a suspended person's return to work.

Confidentiality

The employer and LADO have a responsibility to safeguard confidentiality as far as is possible. Sensitive information must only be disclosed on a need to know basis, to other professionals involved in the investigative process. Confidentiality will be maintained by those professionals dealing with the allegation, but if other people become aware of the allegation, they may not feel bound to maintain confidentiality. Therefore consideration should be given as to how best to manage this, particularly in relation to who should be told, what information can be disclosed, when and how.

The employer should consider carefully, and keep under review, decisions as to whom else should be informed of the suspension and investigation e.g. senior members of staff, and to what extent confidentiality can or should be maintained according to the circumstances of a particular case. The LADO should seek advice from the Police and Children's Social Care if involved.

Record Keeping

The employer should maintain a record of the decisions reached regarding suspension, who was involved in making those decisions, the rationale behind them, and details of any action taken.

Appendix 7**Information for Staff and Volunteers Faced with an Allegation⁵****A QUICK GUIDE FOR STAFF AND VOLUNTEERS WHO ARE FACED WITH AN ALLEGATION.****Introduction**

Any allegation of abuse is obviously likely to cause a great deal of anxiety and concern. This quick guide is appended to the Procedure for Managing Allegations Against People Who Work with Children. It is intended to provide you with a broad overview of some of the key issues and to signpost you to appropriate information, advice and support.

Professional Associations & Trade Unions

You should already have been advised to contact any professional association that you are a member of. If you haven't already done that you should consider contacting them as they are well placed to offer advice and support in these difficult circumstances.

Employee Assistance Programme

If you feel that you need additional emotional support, you may contact *First Assist*, an Employees Assistance Programme on 0800716017 (details on how to access the scheme are available on the intranet); the scheme is free and confidential to all NHS Central Lancashire staff. You are also advised to contact your GP if you feel that your health is being adversely affected.

Suspension

Suspension is not a sanction or an automatic response to an allegation; alternatives to it will have been discussed and carefully considered. In taking a decision to suspend, your employer will have taken into account the views of the Local Authority's Designated Officer, HR, the Police and Children's Social Care - if they are involved.

Suspension is considered in all cases where:

- Someone's continued presence on site may pose a risk to someone
- To enable a child protection or criminal enquiry to proceed un-impeded
- It is serious enough to have the potential for there to be grounds for dismissal

If you have been suspended from work as a result of the allegation, you should keep in contact with your line manager who will keep you updated in relation to any investigative processes.

Following a suspension, you should be invited to a meeting with your employer to discuss your return to work.

Further information on the act of suspension can be found in NHS Central Lancashire's disciplinary procedures.

⁵ This Guide should be provided to the subject of an allegation by the employer's Senior Manager at the outset, along with the Managing Allegations Procedure to which it is appended.

Investigative Processes

As the procedure states, the allegation may be the subject of an investigation by Children's Social Care or the Police. At the conclusion of any investigation by Children's Social Care or the Police, or if these agencies decide that they do not need to conduct an investigation, the matter will be handed back to the employer to deal with.

If this involves an internal disciplinary investigation, it will be in accordance with NHS Central Lancashire disciplinary procedure; a copy of which is available on the intranet. It may also be the case that you will be provided with advice, guidance, training and/or support in respect of any issues that have emerged following this allegation. You should think about what would be of particular use to you and be prepared to make this clear to your employer.

Confidentiality

Clearly, allegations of abuse are extremely sensitive matters and all reasonable steps will be taken in order to ensure that any information pertaining to them will be dealt with in strictest confidence and on a 'need to know' basis. In the unlikely event that the matter becomes subject to speculation outside of the workplace/in the public domain, advice will be sought regarding any action that may be required to address and manage this. Again, this will be done with the utmost sensitivity and in consultation with you and any other individuals who may be affected

Five Frequently Asked Questions:

❖ **When will I be given an opportunity to respond to the allegation?**

The principles of natural justice dictate that any person accused of something should be afforded an opportunity to know what is being alleged and to respond. How and when that occurs will depend upon the nature of the allegation and any enquiries that are being made in respect of it; but there will be an opportunity for you to respond to the allegation.

❖ **If I am to be spoken to or interviewed by Police and/or Children's Social Care (i.e. a social worker) when and where will this happen?**

Again, the need for sensitivity and discretion is at the forefront of everyone's mind in dealing with matters of this sort. In the event that you do need to be spoken to or interviewed then this will be arranged and handled with the utmost discretion. You should seek advice from your line manager/ HR/ Union or Professional Association regarding any additional advice or support that you may need in the event that you are to be interviewed formally.

❖ **What Information about this process, including any meetings and/or investigative processes, will I have access to?**

If you are faced with an allegation you should be provided with a copy of the Procedure for Managing Allegations by your employer. This will inform you of the process(es) that need to be followed by your employer and the relevant authorities/agencies in dealing with the allegation. Minutes of strategy meetings are confidential documents and are not disclosed to third parties (i.e. those not in attendance) as a matter of course. Once any enquiries have been

concluded a request for a summary of any such meeting can be made to the Chair of the meetings. For obvious reasons, the disclosure of any records/potential evidence held by investigative agencies is subject to the usual rules of confidentiality and Data Protection/Freedom of Information Act legislation.

❖ **What Records will be kept, by whom and for how long?**

In line with the relevant national guidance, the employer and Local Authority Designated Officer are required to keep a record of all allegations for ten years or until you reach retirement age, whichever is longer. Such records are maintained for the protection of adults and children alike and you should be provided with a copy of the record that is kept by your employer. (See below)

❖ **Will this impact upon any future CRB disclosure or references if I apply for another job?**

CRB information is disclosed at the discretion of the Chief Constable although discussions about CRB disclosures may occur during the course of multi-agency strategy meetings (Managing Allegations Procedure sections 3). Employers will provide details of any allegations that have been made against individuals in the event that they are asked for a reference by a prospective employer; this is intended to ensure that clarity is achieved which protects adults and children alike i.e. it will prevent unnecessary re-investigation in future and leave no doubt that appropriate and robust procedures were followed and the matter dealt with appropriately at the time.

Do take time to read the managing allegations procedure and appendices carefully. In the event that you need to clarify anything contact HR, or your Union / Professional Association.