



Allegations against staff and the Local Authority Designated Officer: information for staff and volunteers who are subject to allegations

Introduction

Any adult working or volunteering with children may at some point become the subject of an allegation that they have harmed a child or may not be suitable to work with children. This can be a distressing situation but it is an essential part of safeguarding children that any allegation is investigated.

This part of the leaflet explains what happens when an allegation is made and the procedures that will be followed. Full details of how allegations are dealt with in Camden can be found in the Camden Safeguarding Children Partnership guidance available at: <https://cscp.org.uk/professionals/managing-allegations-against-staff-and-volunteers-lado/>

What happens when an allegation is made?

The responsible officer from your organisation will discuss the allegation with the LADO to decide what action needs to be taken, including whether you should be told about the allegation. At this point, it may become clear that the allegation is false or malicious: where this is the case you will be informed and no further action will be taken.

What action may be taken?

If there are concerns that a child may have suffered significant harm, or a criminal offence has occurred or there are indications that you may be unsuitable to work with children, the LADO will ask for a strategy meeting to be held. The police, Children's Safeguarding and Social Work (CSSW) and your employer will all be involved in this meeting.

Other agencies may be asked to share relevant information depending on the circumstances, for example Ofsted will be contacted if the allegation involves an incident in an early years setting.

The purpose of the meeting is to share information and decide on the next course of action. This may be:

- CSSW carrying out an investigation under child protection procedures
- Police action in relation to a possible criminal offence
- Disciplinary action carried out by your employer.

Suspension

The responsible officer will decide whether you should be suspended based on the information available but will seek the advice of the LADO and police. Suspension will normally only be considered if:

- there is a continued risk to children
- a police investigation is likely to be carried out
- the allegation is so serious it would warrant immediate dismissal if proved true.

If suspension is being considered the responsible officer should meet with you to discuss the matter and you may wish to have a Trade Union representative or friend present for support. Your employer should give you written reasons for suspension within 1 working day of their decision.

If you are returning to work following suspension your employer should meet with you in advance to make suitable arrangements for your return.

Alleged criminal offence

In some cases the police may decide to proceed with a criminal investigation. You may be arrested and interviewed under caution or invited to assist the police with their enquiries. In this instance you **must** seek legal representation; this may be available through your Trade Union or at the police station.

Internal investigation

Your employer may need to conduct an internal investigation in order to decide how to proceed. It may be conducted by a senior member of staff or by an independent person, depending on the nature of the case. When there are criminal proceedings on-going, it may not be possible for an employer to complete their investigations until after these are concluded.

Agency workers

If you are an agency worker, your placing agency will be involved and co-operate in an investigation. If disciplinary procedures do not apply, an investigation may still be necessary to assess your continued suitability to work with children.

Resignations and compromise agreements

Your employer has a duty to continue with any action or investigation following an allegation and must try to reach a conclusion regardless of whether you resign or otherwise cease to work for them, or if you refuse to co-operate. They are barred from using a “compromise agreement”, for example where you resign without disciplinary action being taken and with an agreed reference.

Timescales

Cases will be dealt with as quickly as possible but will be conducted in a thorough and fair manner. Although the aim is to complete investigations between 1-3 months, some cases may take up to 12 months to conclude depending on the factors such as the seriousness and complexity of the allegation. Cases will be monitored by the LADO in order to avoid unnecessary delay.

Support

Anyone who is subject to an investigation will find it stressful and should therefore be offered support.

Your employer should:

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

If you are a Camden foster carer, the Fostering team will arrange for independent support from the North London Fostering Consortium.

It is important that you take up any support offered and you can also seek help from your GP if you feel the stressful nature of the situation is causing health problems.

Notifications

Confidentiality should be respected and people only told of the allegation on a “need to know” basis. If the matter becomes subject to speculation, your employer, after consulting with you, the LADO and the police, may need to issue a statement for parents, children or the public.

Record keeping and references

A comprehensive summary of the case will be kept on your confidential personnel file and retained until normal retirement age of 10 years after the investigation took place. This includes allegations found to be without substance, but allegations that

are proved to be malicious will not be recorded. Allegations that prove to be false, unsubstantiated or malicious will not be referred to in references.

Referral to the Disclosure and Barring Service (DBS)

The DBS holds a list of all those people who have been barred from working with children, and this information is disclosed when future employers seek to check on a potential employee who wishes to work with children. This is an important mechanism for ensuring safe recruitment practices.

Your employer or agency as a statutory duty under the Safeguarding Vulnerable Groups Act 2006 to report you to the DBS if:

- You are dismissed from misconduct arising from an allegation or because you are otherwise considered unsuitable to work with children
- You resign before a disciplinary process is completed and your employer believes that you would have been dismissed.

If you are referred to the DBS, you will be sent a letter explaining the process, including your right to make representations.