

Allegations of abuse made against volunteers working with children

Updated: April 2017 (OCC LADO and Safeguarding Team)

Summary

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Initial contact regarding any possible allegation must be made directly with a member of the LADO team as soon as possible.

SUMMARY OF KEY ISSUES/INITIAL ACTIONS TO BE TAKEN

1. Suspension should never be an automatic response. Appropriate criteria should be applied in all cases. Suspension Risk Assessment form to be completed.
2. Ensure appropriate safeguarding measures are in place during the referral/investigation process.
3. Do not seek to investigate the allegation yourself or interview the child.
4. You must consult with a member of the LADO team for the Local Authority as soon as possible after receiving the allegation. No actions should be taken until the LADO team has been contacted
5. Ideally obtain details of the "allegation" in writing, ideally signed and dated by the person receiving the allegation, and counter signed and dated by the lead for child protection. Record all actions taken with time/date and who took the action.
6. An investigating officer will be appointed, in consultation with Police, Head Teacher and Local Authority if the joint decision is made that a formal investigation is the appropriate course of action.
7. Consider the need for disciplinary action in respect of the employee where it is clear that a reportable offence has not been committed.
8. However, any disciplinary action must be kept separate from Child Protection investigations except when there is agreement between the Designated

Officer/Assistant Designated Officers for the Local Authority and those in charge of the investigation.

9. Investigations by the Police or CAFAT will take priority over an internal investigation by the establishment.
10. When issues are resolved, the member of the LADO team who is leading will write to all relevant parties with findings.

What's the difference between an allegation and a complaint?

Allegations

An allegation, in the context of the statutory obligations or organisations relates to any individual who works or volunteers in any capacity with children and where there is a concern that this person has or may have ;

- Behaved in a way that has harmed a child, or may have hurt 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

In all cases where the concern about an individual falls into one of the categories above this will be considered to be an allegation, if it relates to a child, i.e. an individual who has not yet attained the age of 18.

In all such cases the allegation must be reported to the Local Authority Designated Officer (LADO) as soon as possible, but must be within 24 hours. **Under no circumstances should the organisation/ agency carry out any investigation or take any action until the matter has been referred to the LADO.**

Complaints

Complaints are generally expressions of dissatisfaction or concern that may relate to the delivery of a service by a team or individual.

A complaint may also be an expression of dissatisfaction about procedures or policy or the way procedures and policies are implemented by any team, team member or organisation.

All organisations should have their own complaints policy and all such complaints should be addressed following that organisations policy.

Where there is no indication that the complaint relates to harm or potential harm to a child there is no need to refer to the LADO.

Allegations of abuse made against volunteers working with children

Duties for NOYT and volunteers

1. This part of the guidance is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that an adult 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 he or she would pose a risk of harm to children.

2. This part of the guidance relates to adults working with NOYT. Allegations against a staff member who is no longer working or volunteering should be referred to the police. Historical allegations of abuse should also be referred to the police.

3. NOYT has a duty of care to its volunteers. It should ensure it provides effective support for anyone facing an allegation and provide the adult with a named contact if they are suspended. It is essential that any allegation of abuse made against an adult is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation.

Initial considerations

4. The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, local arrangements should be followed to resolve cases without delay.

5. Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The designated officer(s) should be informed of all allegations that come to a setting's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.

6. The following definitions should be used when determining the outcome of allegation investigations:

- **Substantiated:** there is sufficient evidence to prove the allegation.
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **False:** there is sufficient evidence to disprove the allegation;

7. In the first instance, where an adult is the subject of an allegation chair of the management committee (the 'case manager') should immediately discuss the allegation with the designated officer(s). The purpose of an initial discussion is for the designated officer(s) and the case manager to consider the nature, content and context of the allegation and agree a course of action. The designated officer(s) may ask the case manager to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and the individual's current contact with children. There may be situations when the case manager will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with the designated officer(s) in order to help determine whether police involvement is necessary.

8. Suspension should be considered and discussed but not be an automatic response to an allegation. In some cases there may be no alternative, but consideration should always be given to alternative actions.

9. The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern; in which case this decision and a justification for it should be recorded by both the case manager and the designated officer(s), and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the designated officer (s) what action should follow both in respect of the individual and those who made the initial allegation.

10. The case manager should inform the accused person about the allegation as soon as possible after consulting the designated officer(s). It is extremely important that the case manager provides them with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services need to be involved, the case manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused.

11. If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with the statutory guidance Working Together to Safeguard Children 2015

12. Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the designated office(s) should discuss the next steps with the case manager. In those circumstances, the options open to NOYT depend on the nature and circumstances of the allegation and the evidence and information available. This will range from taking no further action to dismissal or a decision not to use the person's services in future. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.

13. In some cases, further enquiries will be needed to enable a decision about how to proceed. If so, the designated officer(s) should discuss with the case manager how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken. two members of the Management Committee.

14. However, in other circumstances, such as lack of appropriate resource within the setting, or the nature or complexity of the allegation will require an independent investigator. Many local authorities already provide for an independent investigation of allegations.

Supporting those involved

15. NOYT has a duty of care to its members.. It should act to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Individuals should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the children's social care services or the police. The individual should be advised to contact a colleague for support. if they have one, or a colleague for support. 16. The case manager should appoint a named representative to keep the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual Particular care needs to be taken when adults are suspended to ensure that they are kept informed of both the progress of their case. Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

16. Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers of the child should be told the outcome in confidence.

17. Parents and carers should also be made aware of the requirement to maintain confidentiality about any allegations made against teachers whilst investigations are on-going as set out in section 141F of the Education Act 2002 (see paragraph 20). If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

18. In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care services, or the police as appropriate, should consider what support the child or children involved may need.

19. In deciding what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 1998, the law of confidence and, where relevant, the Human Rights Act 1998.

Confidentiality

20. It is extremely important that when an allegation is made, NOYT makes every effort to 22. The legislation imposing restrictions makes clear that "publication" of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited. "Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public". This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public).

21. In accordance with the Association of Chief Police Officers' (ACPO) guidance the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional

cases where the police would like to depart from that rule, for example an appeal to trace a suspect, they must apply to a magistrates' court to request that reporting restrictions be lifted).

22. The case manager should take advice from the designated officer(s), police and children's social care services to agree the following:

- Who needs to know and, importantly, exactly what information can be shared;
- How to manage speculation, leaks and gossip;
- What, if any information can be reasonably given to the wider community to reduce speculation; and
- How to manage press interest if and when it should arise.

Managing the situation and exit arrangements

Resignations and 'settlement agreements'

23. If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. A referral to the DBS *must* be made, if the criteria are met. If the accused person resigns or their services cease to be used and the criteria are met it will not be appropriate to reach a settlement/compromise agreement

24. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible the accused should be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused does not cooperate.

25. Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

26. The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

27. The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.

Timescales

28. It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. Target timescales are shown below: the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

29. For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for NOYT to deal with it, although if there are concerns about child protection, NOYT should discuss them with the designated officer(s). In such cases, if the nature of the allegation does not require formal disciplinary action, NOYT should institute appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

Oversight and monitoring

30. The designated officer(s) has overall responsibility for oversight of the procedures for dealing with allegations; for resolving any inter-agency issues; and for liaison with the Local Safeguarding Children Board (LSCB) on the subject. The designated officer(s) will provide advice and guidance to the case manager, in addition to liaising with the police and other agencies, and monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

31. Police forces should also identify officers who will be responsible for:

- Liaising with the designated officer(s);
- Taking part in the strategy discussion or initial evaluation;
- Subsequently reviewing the progress of those cases in which there is a police investigation; and
- Sharing information on completion of the investigation or any prosecution.

32. If the strategy discussion or initial assessment decides that a police investigation is required, the police should also set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) about whether to: charge the individual; continue to investigate; or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial evaluation. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the meeting if the investigation continues.

Suspension

33 An adult facing an allegation will be suspended from NOYT until the allegation is resolved.

Information sharing

34. In a strategy discussion or the initial evaluation of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim.

Specific actions

Following a criminal investigation or a prosecution

35. The police should inform NOYT and designated officer(s) immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after person has been charged. Future action against the adult will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

In respect of malicious or unsubstantiated allegations

36. If an allegation is determined to be unsubstantiated or malicious, the designated officers(s) should refer the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, NOYT should consider whether any disciplinary action is appropriate against the child who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she was not a pupil, this is particularly relevant in schools.

Learning lessons

37. At the conclusion of a case in which an allegation *is* substantiated, the designated officer(s) should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to NOYT's procedures or practice to help prevent similar events in the future.

Further information

38. See the Crown Prosecution Service published [guidance for the police under the Protection from Harassment Act 1997](#).

Chairman of NOYT:

: Vice-Chairman of NOYT:

Date Adopted:

Date to be reviewed:

