

Allegations against Staff and Volunteers – Guidelines for Meeting

Threshold

These procedures should be applied when there is an allegation or concern that any person who works with children, in connection with their employment or voluntary activity has:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child;
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children

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

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003);
- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003);
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text/email messages or images, gifts, socializing etc.);
- Possession of indecent photographs/pseudo-photographs of children

Allegations Management Meeting

The Allegations Management meeting/ discussion/ initial evaluation should:

- Decide whether there should be a s47 enquiry and/or police investigation and consider the implications;
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information
- Consider the current allegation in the context of any previous allegations or concerns;
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children (e.g. section 93, Education and Inspections Act 2006 in respect of teachers and authorised staff);
- Consider whether a complex abuse investigation is applicable (see Organised and Complex Abuse Procedure);
- Plan enquiries if needed, allocate tasks and set timescales;
- Decide what information can be shared, with whom and when

Format to follow at meeting

- Remind everyone about confidentiality
- Who is in attendance? Is anyone crucial missing?
- Do you have all appropriate reports/statements/evidence?
- Is a complex or joint Allegations Management meeting?
- Will there be single or joint agency interviews?
- Has Ofsted been informed (where appropriate)?
- Has professional body been notified?
- Who is supporting the professional?
- Who is supporting the alleged victim?

Threshold for consideration in Allegations Management meeting

The Allegations Management meeting/discussion/initial evaluation should take into account the following definitions when determining the outcome of allegation investigations:

1. **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
2. **False:** there is sufficient evidence to disprove the allegation;
3. **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
4. **Unfounded:** there is no evidence or proper basis which supports the allegation being made. It might also indicate 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;
5. **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation; the term therefore does not imply guilt or innocence

Unsubstantiated Allegations

Where it is concluded that there is insufficient evidence to substantiate an allegation, the Chair of the Allegations Management meeting/ discussion or initial evaluation should prepare a separate report of the enquiry and forward this to the designated senior manager of the employer to enable them to consider what further action, if any, should be taken.

False allegations are rare and may be a strong indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO, should refer the matter to LA children's social care to determine whether the child is in need of services, or might have been abused by someone else.

If it is established that an allegation has been deliberately invented, the police should be asked to consider what action may be appropriate.

Substantiated Allegations

If an allegation is substantiated and the person is dismissed or the employer ceases to use the person's service or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether a referral should be made to the Disclosure and Barring Service (DBS).

If a referral is to be made, it should be submitted within one month of the allegation being substantiated.