

- the allegation against you is substantiated and you are dismissed for misconduct or because you are otherwise considered unsuitable to work with children; or
- you resign before a disciplinary process is completed, and your employer considers that you may have been dismissed.

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

The DBS is committed to ensuring barring decisions made are fair, consistent and thorough, and a proportionate response to the harm that has occurred or risk posed.

Other Regulatory Bodies

- If a DBS referral is required and you are in a role which is overseen by another regulatory body you may be referred to them for further investigation around your suitability to work with children.
- If you are in a secondary role in addition to your main employment, information may be shared with that organisation in relation to your suitability to work or volunteer with children.

See additional guidance on the LADO webpage:
eastsussex.gov.uk/LADO



East Sussex
Safeguarding
Children
Partnership



Raising safeguarding concerns about individuals who work with children

A Guide for
Staff

September 2020

The majority of people who work with children act professionally and provide a safe and supportive environment. However, the behaviour of adults who work or volunteer with children can result in allegations of harm being made against them.

It is never acceptable for an adult in a position of trust to harm a child and allegations or concerns regarding the behaviour of staff are always taken seriously.

Information for staff and volunteers who work with children and are faced with an allegation

Introduction

Any person working or volunteering with children may be the subject of an allegation at some point in their career. The majority of allegations against staff or volunteers relate to their behaviour in the workplace. However some concerns may relate to their personal life or the care of their own children. In some cases there may have been an allegation of abuse against someone closely associated to them and this person may pose a risk of harm to children the staff or volunteer is responsible for.

We know being subject to an allegation is a distressing situation for everyone involved, and this leaflet sets out what happens in these circumstances.

What happens when an allegation is made?

Every organisation that works with children should have a manager/ child protection lead responsible for dealing with allegations when a child may have been harmed. When they are informed of an allegation which is a serious safeguarding concern they must contact Children's Social Care within 24 hours to report the concern, and also consult with the LADO. All other conduct concerns should be reported straight to the LADO.

if you are severely distressed and your health and general well-being are affected. Please talk to your employer about this should the need arise.

Notifications

Confidentiality should be respected and people only told on a 'need to know' basis. If the matter becomes subject to speculation, your employer, after appropriate consultation, may need to issue a statement for parents, children or the public. Any information sharing will be very carefully considered.

Record keeping

A comprehensive summary of the case should be kept on your confidential personnel file. Your employer will be required to adhere to regulations regarding the retention of personnel records after your employment has ceased. The length of time that the information is retained will depend on your job role and work setting. Your employer should be able to advise you of the appropriate retention timeframe that applies to your employment record.

This includes unsubstantiated allegations. You should be provided with a copy of the summary. Other agencies, if involved, will keep their own records.

Disclosure and Barring Service (DBS)

The Disclosure and Barring Service (DBS) performs an important role in safer recruitment of people undertaking regulated activity with children. The DBS will support employers in their critical role in ensuring safe recruitment practices.

Your employer, and placing agency if appropriate, has a statutory duty under the Safeguarding Vulnerable Groups Act 2006, to report you to the DBS for consideration of barring you from, or placing restrictions on you, working with children or young people.

The DBS may decide to bar you or share information about any safeguarding concerns, which may affect your ability to work with children in the future. This should happen if:

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.

Resignations

Your employer will usually try to reach a conclusion with regard to any allegations even if you decide to resign or refuse to engage with an internal process. Your employer will need to consider what will be disclosed in an employment reference if you leave employment before the process is concluded.

Timescales

Cases should be dealt with as quickly as possible and be consistent with a fair and thorough investigation. For additional information, please see your setting's policies and procedures. Police investigations might cause delay with information being shared with you. Your case will be monitored to try and minimise the impact of unnecessary delays.

Support

Anyone 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 if you have one;
- Provide a named support person who will keep you up-to-date regarding the progress of the investigation;
- Provide a named support person who will assist you with other work matters if you are suspended.

It is important that you take up support and you can seek help through other services, for example your GP, counselling, occupational health,

The criteria for making a report to the LADO are that an individual may have:

- 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 they may pose a risk of harm to children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

The LADO will agree with the manager/CP lead how and when you will be informed of the concern and this is dependent on the nature of the allegation. If it becomes apparent at any stage that the allegation is demonstrably false then you will be informed of this and no further action will be taken.

What happens next?

If there is cause to suspect a child is suffering or likely to suffer significant harm, or a criminal offence might have been committed, a strategy meeting involving police, LADO, your employer, Children's Social Care (CSC) and other agencies as appropriate may be convened. The aim of this meeting will be to share relevant information and determine whether an investigation needs to be conducted by:

- Children's Social Care under child protection procedures;
- Police regarding any possible criminal offences;
- Your employer which will normally be held under their Disciplinary Procedure.

If there are concerns in your personal life, which may be relevant to your role at work, an evaluation will be made by the LADO, to decide if the information needs to be shared with your employer. If it is believed that a child is at risk of harm, details will be shared with your employer straight away and you may not be contacted before your employer is told. If there does not appear to be an immediate risk to children, it is

likely that you would be offered the chance to share the information with your employer in the first instance. The LADO will then contact your employer to confirm they are aware of the concerns. Examples of these include:

- Your child has been the subject of a child protection enquiry (Section 47 of the Children Act 1989);
- Your child has a child protection plan or your child is in the care of somebody else;
- You have been the subject of a criminal investigation in relation to offences against children;
- You have been arrested, cautioned or convicted in relation to offences of violence;
- You have difficulties with drug or alcohol misuse;
- There has been an allegation of abuse against a member of your household or a person closely associated to you.

Suspension

You may be suspended from work or moved to other duties during the process of the investigation. These decisions rest with the employer and they will be advised by the LADO and HR.

Suspension or a move to other duties will always be considered when:

- there is cause to suspect a child is at risk of significant harm;
- the allegation warrants a police investigation;
- it is serious enough that dismissal is a potential outcome.

If suspension is being considered, a meeting may be arranged with you to discuss this. You may be given the opportunity to be accompanied to any meeting that is held in connection with a suspension. Suspension is not a disciplinary action in itself and your employer should take steps to keep the period of suspension as short as possible. Your employer should also consider how best to manage a return to work that may occur following a period of suspension.

Alleged criminal offence

In some instances the police may decide to proceed with a criminal enquiry. You may be arrested and interviewed under caution, or invited to assist the police with their investigation. In this instance you should seek legal representation and this can be made available through your Trade Union, at the police station, or through a solicitor of your choice.

Internal investigations

Your employer may need to conduct an internal investigation, normally under its Disciplinary procedure. This may be undertaken by a senior member of staff or an independent person, depending on the nature or complexity of the case. When there are criminal proceedings it may not be possible for the employer to complete their investigations until the police conclude their enquiries, or agree your employer can proceed with their investigation.

Volunteers and supply workers

If you are a supply or agency worker, the placing agency should be involved and lead in any investigation. If you are a volunteer you may be asked to step back from your role if there is no regulatory body.

Investigation outcomes

At the end of an investigation an outcome is required.

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.

Unfounded

To reflect cases where there is no evidence or proper basis which supports the allegation being made.