

b

TOOLKIT FOR MANAGING ALLEGATIONS AGAINST STAFF IN YOUTH, VOLUNTARY & FAITH SETTINGS

Prepared by:

Roddy Leith
Safeguarding Manager for Youth Services
Lambeth Children and Young People's Service

Revised February 2012

INTRODUCTION

Purpose of the ‘Lambeth Allegations Toolkit’

1. This toolkit has been produced to assist and support the providers of Youth, Voluntary & Faith services within the borough in situations where an allegation of abuse has been made against any member of staff, volunteer or committee member and is designed to enable managers and committee trustees where appropriate, to use their ‘common sense and judgement’ when dealing with incidences in line with the Pan London Child Protection Procedures agreed protocols.
2. This toolkit will help to ensure that allegations against staff are managed fairly, quickly, consistently and supportively, whilst ensuring that young people are effectively protected at all times.
3. Where an allegation has been made, unsafe practice is witnessed or events in a person’s private life indicate a person could pose a risk of harm if they continue to work in regular or close contact with young people in their present position, or in any other capacity, these procedures should be used. In considering the allegation the following three ‘tests’ are applied, which are;
 - behaved in a way that has harmed a child, or may have harmed a child/young person
 - possibly committed a criminal offence against or related to a child/young person
 - displays behaviours which indicates they may pose a risk of harm if they work regularly or closely with children/young people

These ‘tests’ are not mutually exclusive and any combination of one or all may be met. A child in these circumstances refers to any person under the age of 18 years.

4. It is also designed to assist management by outlining the type of initial enquires that should be made if an allegation is made against a member of staff and to recognise their responsibility as to where initial enquiries end and a child protection or criminal investigation commences.

Whilst organisations have a statutory duty to co-operate with any investigation, such investigations are the overall responsibility of Lambeth Social Care and/or Police. Over-zealous enquiry or investigation by management, however well meaning, can lead to crucial evidence being tainted or corrupted which may mean that a prosecution, or effective disciplinary action, can not be taken forward. However, it must be noted that organisations will be expected to undertake their own internal disciplinary investigations which may include evidence gathered as part of the child protection or criminal investigation.

5. This toolkit will provide step-by-step guidance for dealing with allegations or concerns made against professionals so that there is a consistency of approach in all cases in line with the procedures as outlines in the ‘*London Child Protection Procedures*’ and the measures outlined in the Government guidance ‘*What To Do If You Are Worried A Child Is Being Abused*’.
6. Allegations against a professional must be reported to the Local Authority Designated Officer (LADO – Eva Simcock tel 0207 926 4679 or em esimcock@lambeth.gov.uk) on the agreed LADO reporting form (see **Appendix 3**), normally after discussion with the designated Local Authority Safeguarding Representative (Roddy Leith tel 0207 926 9193 or em rleith@lambeth.gov.uk) as soon as is practical but within one working day.

7. It is an expectation under the Children's Act 2004 that all staff, volunteers and contractors are aware of their responsibilities and duty to safeguard children and young people which includes knowing the procedure for responding to and managing incidences if / when allegations are made against professionals. This also applies if disclosures are made or concerns are raised about the working practices or behaviours about other members of staff, including volunteers and contractors.
8. Under the requirements set out in the Children Act 1989 and the Children Act 2004 all organisations working with children & young people have a statutory duty to share all necessary information and to fully cooperate with child protection investigations, including carrying out any initial investigations, the sharing of information on a need to know basis and instigation any recommendations made. It should be noted that this duty to share information does not negate the common law duty of confidentiality inasmuch that confidential information should not be shared without permission. However the sharing of confidential information without consent is lawful where there is a 'public interest' in doing so and the safeguarding of the child or young person is the priority.
9. This statutory duty to be fully engaged and cooperative in any investigation equally applies where the staff member is not direct employee.
10. Where a member of staff subject to an allegation tenders his or her resignation, or ceases to give their services in the case of a volunteer for example, this must not prevent the allegation being followed up and a conclusion reached. Similarly a 'compromise agreement' must not be used to as a device to prevent any investigation and/or disciplinary action being pursued. In any event 'compromise agreements' cannot prevent any criminal investigation, nor does it override the statutory duty to refer the member of staff or volunteer to the ISA for consideration of that person to be included on the Children's barred List.
11. Whilst this toolkit is written with specific reference to the parts of the documents outlined above, as they relate to allegations against staff, these whole documents must be considered in their entirety when dealing with child protection and safeguarding matters.
12. This allegations toolkit must be used in conjunction with all relevant statutory guidance, and does not supersede or replace any such guidance.
13. Whilst this toolkit provides support and guidance to organisations if / when an allegation is made against a professional, it must be recognised that the most effective child protection and safeguarding arrangements are proactive rather than reactive. Therefore, organisations must appreciate that the most effective deterrent from employing unsuitable persons from working with young people are robust safer recruitment procedures (as indicated in the Youth Services Safeguarding Policy & Resources Pack) which includes a supervised induction and probationary period.

Further information and guidance / training on safer recruitment protocols can be accessed by contacting Roddy Leith at the above contact details.

Framework for managing allegations

14. This toolkit provides the broad framework within which allegations should be managed and includes attached appendices which outline the step-by-step guide and flowchart which expand on each step and detail the actions to be taken.
15. There are a number of reasons for managing allegations against staff and volunteers in a timely, efficient and fair manner. These include:
 - a. That allegations are reported without delay, within one day
 - b. That allegations are reported to the most senior person within the organisation who in turn, contacts their designated safeguarding representative. In the absence of the

most senior person within the organisation or if the allegation has been made about that person, the allegation is escalated to the chair or trustees or governing body.

- c. To ensure the continued safety and welfare of any alleged victim and other children or young people
- d. To protect evidence
- e. To prevent the over-referral of cases to the investigating agencies
- f. To minimise the need for suspension of an alleged perpetrator of abuse where possible, which will include considering any alternatives to suspension? (Government guidance reminds us that suspension should not be a default position when managing allegations.)
- g. To minimise the time an alleged perpetrator is suspended, where no alternative to suspension can be reasonably found.
- h. To obtain a fair, proportionate and consistent outcome for all parties
- i. It should be clear that the same procedures for reporting allegation disclosures also cover instances where a member of staff has concerns about another member of staff's behaviour towards children, at work or in their private lives.

Key Contacts

Roddy Leith
Designated Safeguarding Manager for Youth, Voluntary & Third Sector
Tel 0207 926 9193 / 07976 490054
Em rleith@lambeth.gov.uk

Eva Simcock
Local Authority Designated Officer (LADO)
Tel 0207 926 4679
Em esimcock@lambeth.gov.uk

CYPS Social Care
Referral & Assessment Duty Intake Team
Tel 0207 926 6010 / 6583 / 6586 / 6676
Fax 0207 926 6874

Out of Hours Emergency Duty Team
0207 926 1000 (ask for Emergency Social Care Duty Team)

Police
Tel 999

ALLEGATIONS / CONCERNS AGAINST STAFF CHILD PROTECTION PROCESS

