



## **LSCB Policy and Procedures**

### **Chapter 7: Procedures for Managing Allegations against people who work with children**

**December 2013**

## Procedures for managing allegations against people who work with children

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## Introduction

Children can be subjected to abuse by those who work with them in any setting. All allegations of abuse or maltreatment of children by a professional, staff member, volunteer foster carer including private foster carer, prospective adopter and any other member of their household must be taken seriously and treated in accordance with these Local Safeguarding Children Board (LSCB) policy and procedures.

This policy and procedures apply to all organisations in North Lincolnshire that either provide services for children, or provide staff or volunteers to work with or care for children and vulnerable young people. All organisations providing services, staff or volunteers to work with or care for children should operate within these procedures.

This 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.

## Scope

The scope of these procedures applies to a wider range of allegations than those in which there is reasonable cause to believe a child is suffering, or is likely to suffer, significant harm. The procedures extend to cases of allegations that might indicate that s/he is unsuitable to continue to work with children in their present position.

**These procedures should be used in respect of all cases in which it is alleged that a person who works with children 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 if they work regularly or closely with children;

In connection with the person's employment or voluntary activity.

If concerns arise about the person's behaviour in regard to his/her own children, the Police and/or Children's Services need to consider informing the person's employer in order to assess whether there may be implications for children with whom the person has contact at work.

The term employer is used within these procedures to refer to organisations that have a working relationship with the individual against whom the allegation is made. This includes organisations that use the services of volunteers, or people who are self employed, as well as service providers, voluntary organisations, employment agencies or businesses, contractors, fostering services, regulatory bodies such as Ofsted in the case of child minders and others that may not have a direct employment relationship with the individual, but will need to consider whether to continue to use the person's services, or to provide the person for work with children in future or to deregister the individual. These procedures apply to those working with children on a temporary, supply or locum basis.

Also, in some circumstances the term "employer" for these purposes will encompass more than one organisation. For example, where staff providing services for children in an organisation are employed by a contractor, or where temporary staff are

provided by an agency. In those circumstances both the contractor or agency, and the organisation in which the accused individual worked will need to be involved in dealing with the allegation.

**There may be up to 3 strands in the consideration of an allegation:**

- a police investigation of a possible criminal offence;
- enquiries and assessment by Children’s Services about whether a child is in need of protection or in need of services; and
- consideration by an employer of disciplinary action in respect of the individual.

Allegations of historical abuse including those cases of an organised or multiple nature should be responded to in the same way as contemporary concerns. In those cases it is important to find out whether the accused person is still working with children and if so to inform the person’s current employer or voluntary organisation.

When undertaking investigations people should be alert to any sign or pattern which suggests that the abuse is more widespread and organised than it appears at first sight, or that it involves other perpetrators or institutions. It is important not to assume that initial signs will necessarily be related directly to abuse, and to consider occasions where boundaries have been blurred, inappropriate behaviour has taken place, and matters such as fraud, deception or pornography have been involved.

Some cases will also need to be referred to the Disclosure and Barring Service (DBS) for consideration of including the person on the DBS barred lists, or for consideration by professional bodies or regulators.

**Principles**

The welfare of the child is paramount.

Adults about whom there are concerns should be treated fairly and honestly and should be provided with support.

It is the responsibility of all adults to safeguard and promote the welfare of children and young people. This responsibility extends to a duty of care for those adults employed, commissioned, contracted or doing voluntary work with children and young people.

**Roles and Responsibilities**

**LSCB Role**

The LSCB has responsibility to develop policies and procedures for safeguarding and promoting the welfare of children in their area in relation to investigation of allegations concerning persons working with children.

The core objectives of the LSCB are as follows:

- to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area of the authority; and

- to ensure the effectiveness of what is done by each such person or body for that purpose.

In all their activities, the LSCB should take account of the need to promote equality of opportunity and to meet the diverse needs of children.

### **LSCB Member Organisations**

LSCB member organisations should have a Named Senior Officer who has overall responsibility for:

- ensuring that the organisation operates procedures for dealing with allegations in accordance with the guidance in chapter 2, paragraph 4 and chapter 3 paragraph 1 of Working Together to Safeguard Children 2013 and guidance for safer working practice for adults who work with children and young people. (Appendix 1)
- resolving any multi agency issues; and
- liaison with the LSCB on the subject.

Please see appendix two for a list of Local Authority Designated Manager for managing allegations.

### **County Level and Unitary Local Authorities**

County level and unitary local authorities should have a Local Authority Designate Officers (LADO) to be involved in the management and oversight of individual cases:

- providing advice and guidance to employers and voluntary organisations,
- 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.

The LADO should regularly provide data about the management of allegations to the LSCB in order that monitoring and evaluation can be undertaken and any need for improvement and action taken.

### **Police Forces**

Police forces should have clear policies in line with those from the LSCB for dealing with allegations against people who work with children. There should be a senior officer:

- to have strategic oversight of the arrangements,
- liaise with the LSCB in the force area and
- ensure compliance.

Police forces should also identify officers who are responsible for:

- liaising with the LADO,
- taking part in the strategy discussion,
- 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.

### **The Association of Chief Police Officers (ACPO) Guidance.**

The police will follow the procedures in accordance with the ACPO guidance.

In all such cases the matter should be managed in accordance with these procedures and notified to the LADO.

### **All Schools and Further Education Colleges**

All schools including academies, free schools, independent schools and all types of maintained schools and further education colleges should have procedures for dealing with allegations. The procedures should make it clear that all allegations should be reported immediately, normally to the head teacher, principal or proprietor if it is an independent school. The procedures should also identify the person, often the chair of governors, to whom reports should be made in the absence of the head teacher or principal; or in cases where the head teacher or principal themselves is the subject of the allegation or concern. Procedures should also include contact details for the Local Authority Designated Officer (LADO) responsible for providing advice and monitoring cases.

### **All Organisations**

Other employers' procedures should identify a Named Senior Officer within the organisation to whom allegations or concerns against a member of staff or volunteer should be reported, and should make sure that all staff and volunteers know who that is. The procedures should also identify an alternative person to whom reports should be made in the absence of the Named Senior Officer, or in cases where that person is the subject of the allegation or concern, and include contact details for the LADO.

The Named Senior Officer within the organisation has overall responsibility for:-

- ensuring procedures are properly applied and implemented; and
- providing advice, information and guidance for staff within the organisation

### **North Lincolnshire Roles and Responsibilities**

In addition to the responsibilities outlined above, the North Lincolnshire specific responsibilities are as below.

#### Named Senior Officers

Within North Lincolnshire the LSCB members have agreed the Named Senior Officer.

The Named Senior Officer will be responsible for:

- referring to the LADO,
- gathering any additional information required,
- taking part in the strategy or joint evaluation discussion(s),
- progressing the case jointly with the LADO and others.

## LADO

The overall LADO responsibility is delegated to the Service Manager of the Independent Review Service, who will delegate specific tasks for example the chairing of strategy meetings and deputising in his/her absence to Senior Social Workers within that service.

The LADO will report quarterly to the LSCB on:

- the number of allegations received,
- the organisation from which the allegation arose,
- the nature of the allegation and
- the time taken for the process and details of the conclusion or the progress of an ongoing case(s).

The LADO will meet on at least a bi-annually bases with Named Senior Officers to:

- monitor agencies responses to allegations against people who work with children or vulnerable adults ( if they fall within the scope)
- determine whether there are any improvements to be made to the procedures or practice to help prevent similar events in the future.

## Humberside Police

The Detective Chief Superintendent of the local division will fulfil the named Senior Officer role. A Police Senior Officer – The Detective Inspector or their deputy (Detective Sergeant) of the Public Protection Unit based at the Granary will liase with the LADO and attend strategy meetings as appropriate.

For a case that is managed by the Hi-Tech Crime Unit, reference will be made to the agreed procedure.

## Independent Service Providers

Independent Service Providers, within the North Lincolnshire area will provide details of their Named Senior Officer and the alternative person upon request by the LADO or Police. For independent services that are commissioned outside of North Lincolnshire, at the point the placement is agreed the placement will be written to by the Commissioning Team and asked to provide the name of the Named Senior Officer and their alternative person within their organisation.

Members of all agencies should inform the LADO of any independent service provider they are aware of that is required to comply with these procedures.

## **Confidentiality**

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated/considered. In accordance with the Association of Chief Police Officer's (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 might depart from that rule, e.g. an appeal to trace a suspect, the reason should be documented and partner agencies consulted

beforehand. The police must apply to a magistrates court to request that reporting restrictions be lifted. The system of self-regulation, overseen by the Press Complaints Commission, also provides safeguards against the publication of inaccurate or misleading information.

The Education Act 2011 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where the identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so.

The legislation imposing restrictions make 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 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).

It is essential that any media implications are taken into consideration within strategy meetings/discussions and the LSCB media protocol is followed. (See Appendix 3)

The named Senior Officer should take advice from the LADO, Police and Children's Services to agree the following:

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

### **Supporting Those Involved**

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. In circumstances in which the Police or Children's Services may need to be involved, the LADO should consult about how best to inform parents.

The child or children concerned should receive appropriate support. In cases where a child may have suffered significant harm, or there may be a criminal prosecution, Children's Services, or the Police as appropriate should consider what support the child or children involved may need.

They and their parents or carers should be helped to understand the process, kept informed about the progress of a case, told the result of any enquiry or disciplinary process and where necessary helped to understand the outcomes reached. The provision of information and advice must take place in a manner that does not impede the proper exercise of enquiry, disciplinary or investigative processes. The

deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but those concerned should be told the outcome. Parents and carers should also be made aware of the prohibition on reporting and publishing allegations against teachers in the Education Act 2011. If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

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

Employers have a duty of care to employees. They should ensure they provide effective support for anyone facing an allegation and act to minimise the stress inherent in the allegations process. The employer should also keep the person who is the subject of the allegations informed of the progress of the case, and arrange to provide appropriate support to the individual while the case is ongoing (this may be provided via occupational health or employee welfare arrangements where those exist). If the person is suspended the employer should notify the individual of the reasons, provide a named contact and make arrangements to keep the individual informed about developments in the workplace. The named contact will update the employee on both the progress of their case and current work related issues. If the person is a member of a union or professional association s/he should be advised to contact that body at the outset.

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.

The specific procedures in relation to allegations made against North Lincolnshire foster carers and potential adopters will be followed. (See Appendix 4 and Appendix 5)

### **Supplementary Guidance for Specialist Issues**

Where there are concerns about the welfare of a child or children, it may be that particular issues have to be considered which are of a specialist nature. These particular issues may mean that specialist advice and/or provision is necessary for a child or children. Two particular issues are abuse of disabled children and complex (organised or multiple) abuse and consideration to these issues is given. Any other specialist provision will be considered by referring to the relevant LSCB procedure.

### **Abuse of Disabled Children**

The available UK evidence on the extent of abuse among disabled children suggests that disabled children are at increased risk of abuse and that the presence of multiple disabilities appears to increase the risk of both abuse and neglect for a number of reasons:

- Many disabled children are at an increased likelihood of being socially isolated with fewer outside contacts than non disabled children.
- Their dependency on parents and carers for practical assistance in daily living including intimate personal care, increases their risk of exposure to abusive living
- They have impaired capacity to resist or avoid abuse

- They may have speech, language and communication needs which may make it difficult to tell others what is happening
- They often do not have access to someone they can trust to disclose that they have been abused
- They are especially vulnerable to bullying and intimidation
- Looked after disabled children are not only vulnerable to the same factors that exist for all children living away from home, but are particularly susceptible to possible abuse because of their additional dependency on residential or hospital staff for their day to day physical care needs.

Safeguards for disabled children are essentially the same as for non disabled children. Where there are concerns about the welfare of a disabled child they should be acted upon in the same way as with any other child. Further specific guidance can be found in Safeguarding Disabled Children – Practice Guidance (2009).

Where a disabled child has communication impairments or learning disabilities, special attention should be paid to communication needs, and to ascertain the child's perception of events, and his or her wishes and feelings. In every area, Children's Services and the Police should be aware of non-verbal communication systems, when they might be useful and how to access them, and should know how to contact suitable interpreters or facilitators. Agencies should not make assumptions about the inability of a disabled child to give credible evidence, or to withstand the rigours of the court process. Each child should be assessed carefully, and helped and supported to participate in the criminal justice process when this is in the child's best interest and the interests of justice.

In criminal proceedings under the Youth Justice and Criminal Evidence Act 1999 witnesses aged under 18 may be eligible for special measures assistance when giving evidence in court. There is a presumption that child witnesses should give their evidence by video recorded statement (if taken) and live link, which allows a witness to give evidence during a trial from outside the courtroom through a televised link to the courtroom. The other special measures available to vulnerable witnesses include clearing the public gallery in sexual offence cases and those involving intimidation, screens to shield the witness from seeing the defendant, and assistance with communication through an intermediary or communication aid. Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures gives detailed guidance on planning and conducting interviews with children and vulnerable adults and includes a section on interviewing disabled children and also those that are very young or psychologically disturbed.

### **Investigating Complex (Organised or Multiple) Abuse**

Complex (organised or multiple) abuse may be defined as abuse involving one or more abusers and a number of children. The abusers concerned may be acting in conjunction to abuse children, or acting in isolation, or may be in an institutional organisation or position of authority to recruit children for abuse.

Complex abuse occurs both as part of a network of abuse across a family or community, and within institutions such as residential homes or schools. Such abuse is profoundly traumatic for the children who become involved. Its investigation is time-consuming and demanding work requiring specialist skills from both the Police and Children's Services staff. Some investigations become extremely complex because of the number of places and people involved, and the timescale over which

abuse is alleged to have occurred. The complexity is heightened where, as in historical cases, the alleged victims are no longer living in the setting where the incidents occurred or where the alleged perpetrators are also no longer linked to the setting or employment role.

Each investigation of organised or multiple abuse will be different, according to the characteristics of each situation and the scale and complexity of the investigation. Although there has been much reporting in recent years about complex abuse in residential settings, complex abuse can occur in day care, in families and in other provisions such as youth services, sports clubs and voluntary groups. Cases of children being abused via the use of the internet and other technology is also a new form of abuse which agencies are having to address. The National Policing Improvement Agency and the Association of Chief Police Officers have issued *Investigating Child Abuse and Safeguarding Children*.

## **Suspension**

The possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed in respect of the child(ren) involved in the allegations and any other children whom the individual accused person has contact in their home, work or community life. Any concerns about the welfare of other children in the community or the family of the accused should be reported to the LADO. But suspension is highly unlikely to be justified on the basis of such concerns alone. In some cases the employer may need to consider suspending the person until the case is resolved.

Suspension should be considered in any case where there is:-

- cause to suspect a child is at risk of significant harm,
- or the allegation warrants investigation by the police, or the allegation is so serious that it might be grounds for dismissal.

People must not be suspended automatically or without careful thought. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children until the allegation is resolved and all other options should be considered before suspending a member of staff. An individual should be suspended only if there is no reasonable alternative.

Neither the Local Authority, Police or Children's Services can require an employer to suspend a member of staff or a volunteer, although they should give appropriate weight to their advice. The power to suspend is vested in the employer alone. However where a strategy discussion or initial evaluation discussion concludes that there should be enquiries by Children's Services and/or an investigation by the Police, the LADO should also canvass Police/Children's Services views about whether the accused member of staff needs to be suspended from contact with children to inform the employers consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case by case basis having undertaken a risk assessment.

When employers are making a decision regarding the suspension or reinstatement of an individual they must have regard for the advice of the strategy discussions and the multi agency plan in place. In addition they must inform the LADO of any decisions and actions taken.

The employer should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the LADO, Police and Children's Services have no objections to the member of staff continuing to work during the investigation, the employer should be as inventive as possible to avoid suspension. Based on assessment of risk the following alternatives should be considered before suspending a member of staff:

- redeployment within the organisation so that the individual does not have direct contact with the child or children concerned
- providing an assistant to be present when the individual has contact with children
- redeploying to alternative work in the organisation so the individual does not have unsupervised access to children
- Moving the child or children to areas where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend on the nature of the allegation. The employer should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated, unfounded or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the employer and the LADO. This should also include what alternatives to suspension have been considered and why they were rejected.

Where it is deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their named contact within the organisation and provided with their contact details.

### **Resignations and 'Compromise Agreements'**

The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures. 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 person 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 in reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available should continue even if that cannot be done or the person does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

By the same token so called 'compromise agreements' by which a person agrees to resign, the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any further reference, must not be used in these cases. In any event, such an agreement will not prevent a thorough police investigation where appropriate. Nor can it override an employer's statutory duty to make a referral to the Disclosure and Barring Service where circumstances require that.

### **Information Sharing**

Disclosure of information to safeguard children is supported by the Children Act 1989, Crime and Disorder Act 1998 and Working Together to Safeguard Children 2013. There are clauses in the Data Protection Act and Human Rights Act, which allow for information to be shared to safeguard and promote the welfare of children and young people. Disclosure of information must be necessary, proportionate, relevant, accurate, timely and secure.

Consideration should be given at the beginning of enquiries/investigations to gaining consent from those involved to use the statements obtained and information gathered in disciplinary proceedings this will enable information sharing to take place at the earliest opportunity.

In the initial consideration at a strategy discussion or joint evaluation the agencies concerned, including the employer, should share all relevant information they have about the person who is subject of the allegation, and the alleged victim.

Wherever possible the Police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the employer, and/or regulatory body, for discipline purposes. That should be done as the investigation proceeds rather than after it is concluded. That will enable the Police and the Crown Prosecution Service (CPS) to share relevant information without delay at the conclusion of their investigation or any court case.

Children's services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation is/are in need of protection or services so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer or regulatory body without delay.

### **Oversight and Monitoring progress**

The LADO has overall responsibility for oversight of the procedures for dealing with allegations; for resolving any multi agency issues; and for liaison with the Local Safeguarding Children's Board on the subject. The LADO will provide advice and guidance to the named Senior Officer, in addition to liaising with the Police and other agencies, and monitoring the progress of the 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.

Police forces should also identify an officer who will be responsible for:

- Liaising with the LADO
- Taking part in the strategy discussion or initial evaluation
- Subsequently reviewing the progress of those cases in which there is a Police investigation

- Sharing information on completion of the investigation or any prosecution

If the strategy discussion or initial evaluation 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) to consider 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 action meeting. Dates for subsequent reviews, at fortnightly intervals, should be set at the meeting if the investigation continues.

### **Timescales**

It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. Every effort should be made to manage cases to avoid any unnecessary delay. Indicative target timescales are shown for different actions in "The procedure" outlined below. Those are not performance indicators: 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 they provide useful targets to aim for that are achievable in many cases.

LADOs should provide advice, guidance and support as required – ensuring inquiries are expedited by:

- Monitoring the progress and coordinating appropriate review arrangements
- Making arrangements to ensure effective information sharing between parties
- Clarifying roles, responsibilities and accountabilities within the process.

In evaluating the effectiveness of this procedure the LSCB should have regard to the need to complete cases expeditiously. Data about allegations made against education staff show that it is reasonable to expect:-

- 80% of cases should be resolved within 1 month
- 90% within three months (unless there are criminal prosecutions)
- all but the most exceptional cases should be resolved within 12 months.

It is unlikely that cases that require a criminal prosecution or a complex Police investigation can be completed in less than three months.

For those cases where it is clear immediately that the allegation is unfounded 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 the employer to deal with it, although if there are concerns about child protection, the employer should discuss with the LADO. In such cases, if the nature of the allegation does not require formal disciplinary action, the employer 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.

The LADO will have a role in assuring quality and minimising undue delay by ensuring:

- The relevant agencies engage effectively in progressing inquiries
- That strategies and plans are reviewed as required

- That obstacles to the process are identified and resolved
- That processes are compliant with guidance, procedures and legislation

## **The Procedure**

A flow chart of the procedure is available in [appendix 6](#).

## **Initial Considerations**

Procedures need to be applied with common sense and judgement. Some rare allegations may be so serious as to require immediate referral to Children's Services and the Police for investigation but in all such cases the LADO must still be informed without delay and will be responsible for ensuring that the process is followed to the conclusion of the case.

Other allegations may be much less serious and at first sight might not warrant consideration of a Police investigation, or enquiries by Children's Services. In these cases, agencies own arrangements should be followed to resolve cases without delay. However, it is important to ensure that even apparently less serious allegations are seen to be followed up, and that they are examined objectively by someone independent of the organisation concerned.

Consequently the LADO should be informed of all allegations that come to the attention of the employer and appear to meet the criteria set out in these procedures, so that the LADO can consult the Police and Children's Services colleagues as appropriate. The LADO should also be informed of any allegations that are made directly to the Police (which should be communicated via the force's designated officer) or to Children's Services.

The purpose of an initial discussion is for the LADO and the referrer to consider the nature, content and context of the allegation and agree a course of action. The LADO may ask the referrer to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations and the individual's current contact with children.

Allegations made to an employer should be reported to the organisation's named Senior Officer immediately unless that person is the subject of the allegation in which case it should be reported to the deputy immediately.

If the allegation meets the criteria within the scope of this procedure, the employer/named Senior Officer or their deputy should report the matter to the LADO within 1 working day.

If an allegation is made to the Police, the officer who receives it should report it to the force designated liaison officer without delay and the designated liaison officer should in turn inform the LADO straight away. Similarly if the allegation is made to Children's Services the person who receives it should report it to named Senior Officer who will liaise with the Local Authority Designated Officer without delay.

Where an allegation is made or needs to be reported outside of usual office hours, the named Senior Officer or any other staff member will immediately report it to the

Extended Hours Team, Children's Services, or the Police and inform the LADO the next working day.

Early evaluation is necessary by Senior Officers to ensure clarity of the information and whether the allegation fits the criteria sufficiently and substantially to ensure that all relevant information is available to the LADO thus allowing informed decision making to take place.

The LADO should first establish, in discussion with the employer, that the allegation is within the scope of these procedures and that it may have some foundation. The LADO will obtain further details of the allegation and the circumstances in which it was made. The discussion should also consider whether there is evidence/information that establishes that the allegation is false or unfounded. In some cases, further enquiries will be needed to enable a decision to about how to proceed. If so, the LADO should discuss with the named Senior Officer how and by whom the investigation will be undertaken. In straightforward cases the investigation will normally be undertaken by a named Senior Officer.

If the parents/carers of the child concerned are not already aware of the allegation, the LADO will also discuss how and by whom they should be informed. In circumstances in which the Police or Children's Services may need to be involved, the LADO should consult those colleagues about how best to inform parents. However, in some circumstances an employer may need to advise parents of an incident involving their child straight away, for example if the child has been injured while in the organisation's care and requires medical treatment.

The employer should inform the accused person about the allegation as soon as possible after consulting the LADO. However, where a strategy discussion is needed, or it is clear that Police or Children's Services may need to be involved, that should not be done until those agencies have been consulted and have agreed what information can be disclosed to the person. If the person is a member of a union or professional association s/he should be advised to seek support from that organisation.

The LADO will be responsible for ensuring that initial considerations of an allegation address any immediate precautionary measures necessary and then consider the following three areas:

- A Police investigation of a possible criminal offence;
- Enquiries and assessment by Children's Services about whether a child is in need of protection or in need of services; and
- Consideration by an employer of disciplinary action in respect of the individual.

The LADO should also consider potential media implications there may be and whether or not there are any immediate welfare needs of the accused person to be addressed.

### **Where Significant Harm is Indicated**

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened. In these cases the strategy discussion should include a representative of the employer (unless there are good reasons not

to do that), and take account of any information the employer can provide about the circumstances or context of the allegation.

### **Strategy Discussion**

Whenever there is reasonable cause to suspect that a child is suffering, or is likely to suffer significant harm, there should be a strategy discussion involving Local Authority Children's Services and the Police, Health and other bodies, such as the referring agency. This might take the form of a multi agency meeting or phone calls and more than one discussion may be necessary. A strategy discussion can take place following a referral or at any other time, including during the assessment process in relation to the child.

In cases where an allegation has been made against a person who works with children, the LADO should convene a strategy discussion to determine the child's welfare and plan rapid future action if there is reasonable cause to suspect the child is likely to suffer, significant harm.

If the allegation is about physical contact, the strategy discussion with the Police should take account that in some settings and organisations staff are entitled to use reasonable force to restrain a child in certain circumstances, including dealing with disruptive behaviour and where they are a danger to themselves or others.

The strategy discussion should be convened and led by Local Authority Children's Services and those participating should be sufficiently senior to make decisions on behalf of their agencies.

The strategy discussion should include the local authority social worker and their manager, a police representative and where relevant the employer. Other relevant professionals will depend on the nature of the individual case but may include:

- the professional or agency which made the referral;
- the child's nursery or school; and
- any health services the child or family members are receiving.

The discussion should be used to:

- share available information and consider the child's welfare and safety and identify the level of risk faced by the child;
- agree the conduct and timing of any criminal investigation; and
- decide whether enquiries under section 47 of the Children Act 1989 should be undertaken;
- Decides what information is shared with the child and family on the basis that information is not shared if this may jeopardise a police investigation or place the child at risk of significant harm; and
- record agreed decisions in accordance with local recording procedures.

Where there are grounds to initiate a section 47 of the Children Act 1989 enquiry, decisions should be made as to:

- what further information is needed if an assessment is already underway and how it will be obtained and recorded;
- what immediate and short term action is required to support the child, and who will do what by when;

- agrees what further action is required, and who will do what by when, where an EPO is in place or the child is subject of police powers of protection; and
- whether legal action is required.

Where there are grounds for a criminal investigation the police should:

- discuss any relevant processes that other agencies might need to know about including the timing and methods of evidence gathering; and
- lead the criminal investigation (local authority children's social care have the lead for the S47 enquires and assessment of the child's welfare) where joint enquiries take place.

The timescale for the assessment to reach a decision on next steps should be based on the needs of the individual child and be taken at either 15 working days or within 45 days from the point of referral into local authority children's social care.

The principles and parameters for the assessment of children in need at chapter 1 of the LSCB Policies and Procedures Assessing Need and Providing Help.

### **Where the Threshold of Significant Harm is not reached but a Police Investigation might be needed**

In cases where a formal strategy discussion is not considered appropriate because the threshold of 'significant harm' is not reached, but a Police investigation might be needed, the LADO should nevertheless conduct a similar discussion with the Police, the employer, and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with (NB. The Police must be consulted about any case in which a criminal offence may have been committed).

Like a strategy discussion that initial evaluation may not need to be a face to face meeting yet it should:-

- share available information about the allegation, the child, and the person against whom the allegation has been made,
- consider whether a Police investigation is needed and, if so, agree the timing and conduct of that.
- in cases where a Police investigation is necessary the joint evaluation should also consider whether there are matters which can be taken forward in a disciplinary process in parallel with the criminal process, or whether any disciplinary action will need to wait completion of the police enquiries and/or prosecution.

### **Where it is clear that Investigations by Police and/or Enquiries by Children's Services are not necessary**

If the complaint or allegation is such that it is clear that investigations by police and/or enquiries by Children's Services are not necessary, or the strategy discussion or initial evaluation decides that is the case, the Local Authority Designated Officer should discuss next steps with the employer. In those circumstances options open to the employer will range from taking no further action to summary dismissal or a decision not to use the person's services in future. The nature and circumstances of the allegation and the evidence and information available will determine which of the range of possible options is most appropriate.

In some cases further investigation will be needed to enable a decision about how to proceed. If so, the LADO should discuss with the person's employer how and by whom the investigation will be undertaken. That should normally be undertaken by the employer. However in some circumstances appropriate resources may not be available in the employer's organisation or the nature and complexity of the allegation might point to the employer commissioning an independent investigation.

### **Action following Initial Consideration**

#### **Action following a decision that the Allegation does not involve a possible Criminal Offence**

Where the initial evaluation decides that the allegation does not involve a possible criminal offence it will be dealt with by the employer. In such cases, if the nature of the allegation does not require formal disciplinary action, appropriate action should be instituted **within 3 working days**. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held **within 15 working days**.

Where further investigation is required to inform consideration of disciplinary action the employer should discuss who will undertake that with the LADO. In some settings and circumstances it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the employer or the person's line management to ensure objectivity. In any case the investigating officer should aim to provide a report to the employer **within 10 working days**.

On receipt of the report of the disciplinary investigation, the employer should decide whether a disciplinary hearing is needed **within 2 working days**, and if a hearing is needed it should be held **within 15 working days**.

In any case in which Children's Services has undertaken enquiries to determine whether the child or children are in need of protection, the employer should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

The LADO should continue to liaise with the employer to monitor progress of the case and provide advice/support when required/requested.

#### **Action following a Criminal Investigation or Prosecution**

The Police or the CPS should inform the employer and LADO straightaway:

- Where a criminal investigation has been commenced on the person
- Where the person is convicted of an offence,
- Where a person was charged but has been acquitted by a Court
- Where a decision is made to close an investigation without charge
- Where a decision has been made not to prosecute after the person has been charged
- Where a person has received a caution.

In these circumstances the LADO should discuss with the employer whether any further action is appropriate and, if so, how to proceed. The information provided by the Police and/or Children's Services should inform that decision. Action by the employer, including dismissal, is not ruled out in any of these circumstances. The range of options open will depend on the circumstances of the case and the

consideration will need to take account the result of the Police investigation or trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

### **Definitions of the Outcomes of Allegations**

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

- a. **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- b. **False:** there is sufficient evidence to disprove the allegation;
- c. **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- d. **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;
- e. **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.

### **Unfounded or malicious allegations**

If an allegation is determined to be unfounded or malicious, the LADO should:-

- refer the matter to Children's Services to determine whether the child concerned is in need of services, or may have been abused by someone else.

In the rare event that an allegation is shown to have been deliberately invented or malicious, the Police should be asked to consider whether any action might be appropriate against the person responsible. The organisation may also consider whether disciplinary action is appropriate to the child(ren) making the allegation.

### **Action on Conclusion of a Case**

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether a referral to the Disclosure and Barring Service is required, or advisable, and the form and content of a referral. Also, if the person is subject to registration or regulation by a professional body or regulator, for example by the General Social Care Council, General Medical Council, Ofsted etc. the LADO should advise on whether a referral to that body is appropriate.

If it is decided on the conclusion of the case that a person who has been suspended can return to work, the employer should consider how best to facilitate that. Most

people will benefit from some help and support to return to work after a very stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The employer should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still in the workplace.

## **Record Keeping**

It is important that employers keep a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and details of any action taken including the reasons and justifications for any suspension and decisions reached, on a person's confidential personnel file and give a copy to the individual.

Any allegations that are unsubstantiated, unfounded or malicious should not be referred to in employer references. A history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious or unfounded should also not be included in any reference. Such information should be retained on file, including for people who leave the organisation, at least until the person reaches normal retirement age or for a period of 10 years from the date of the allegation if that will be longer. In respect of prospective adopters or adult members of their household, the information is retained on their case record for 100 years from the date of the adoption order, or if the prospective adopter does not adopt a child, normal procedure applies.. The purpose of this is to:

- Provide accurate information for any future reference
- Provide clarification if future DBS disclosure reveals information from the police about an allegation that did not result in a prosecution or a conviction
- Prevent unnecessary re-investigation if the allegation should re-surface at a later date

Allegations that are found to be malicious should be removed from personnel records.

The person to whom the allegation is reported should make a written record of the information.

The Information Commissioner has published guidance on employment records in its [Employment Practices Code](#) and supplementary guidance, which provides some practical advice on employment retention.

## **Referral to the Disclosure and Barring Service**

If the allegation is substantiated and on conclusion of the case the employer dismisses the person or ceases to use the person's services, or the person ceases to provide his/her services, the employer should consult the LADO about whether a referral to the Disclosure and Barring Service and/or professional or regulatory body is required. If a referral is appropriate the report should be made within one month.

## **Links to LSCB Whistle Blowing Policy**

The LSCB encourages everyone who has serious concerns about malpractice to speak out. Employees and other workers (for example agency staff or consultants) are often the first to realise that a child may be at risk.

If a member of staff believes that a reported allegation is not being dealt with appropriately and evaluates that the criteria (in the whistle blowing policy are met) then reference will be made to the [whistle blowing policy](#).

## **LSCB Monitoring and LADO Reporting**

The LSCB monitors and evaluates the effectiveness of the work of the Local Authority and LSCB partners to safeguard and promote the welfare of children.

The LADO should regularly provide data about the management of allegations to the LSCB in order that monitoring and evaluation can be undertaken and any need for improvement identified and action taken. At a minimum, this data should include the number of allegations received during the monitoring period, the organisation from which the allegation arose and the nature of the allegation. The data should also record the time taken for the process and details of the conclusion.

## **Learning Lessons**

At the conclusion of a case in which an allegation is substantiated, the employer and LADO should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice to help prevent similar events in the future. This should include any issues arising from any decision to suspend a member of staff, the duration of the suspension and whether or not the suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The LADO and employer should consider how future investigations of a similar nature could be carried out without suspending the individual.

If an allegation is substantiated the Managers or Commissioners of the relevant service should think widely about the lessons of the case and how they should be acted upon. This should include whether there are features of the organisation which may have contributed to the abuse occurring or failing to prevent the abuse occurring. In some cases a Serious Case Review may be appropriate.

## References

Working Together to Safeguard Children, Department for Children Schools and Families, 2010, Chapters 3, 5 & 6 and Appendix 5.

'What To Do If You're Worried A Child Is Being Abused', Department for Education and Skills, 2006

Guidance on Implementing Appendix 5 of the Government's Working Together to Safeguard Children paper, Association of Chief Police Officers, 2007

Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures, Ministry of Justice, 2011 vulnerable and intimidated witnesses including children

Management of Allegations of Abuse Against Foster Carers, North Lincolnshire Children and Young People's Service, 2012

Protecting Children -Supporting Foster Carers – Dealing with an allegation, Department for Children Schools and Families, 2009

Handling Allegations of Abuse made against Adults who Work with Children and Young People, Practice Guidance, Department for Children Schools and Families, May 2009

*Guidance under complex abuse added!*

Dealing with allegations of abuse against teachers and other staff. Guidance for Local Authorities, Head Teachers, Schools Staff, Governing Bodies, and Proprietors of Independent Schools, Department for Education, 2012

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12/2013	Updated	Claire Naylor

## Appendix 1

### Guidance for Safer Working Practice for Adults who Work with Children and Young People.

**This guidance is based upon an original IRSC<sup>1</sup> document - '*Guidance for Safe Working Practice for the Protection of Children and Adults in Education Settings*',<sup>2</sup> commissioned by DfES<sup>3</sup>.**

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<sup>1</sup> Investigation Referral and Support Co-ordinators network

<sup>2</sup> September 2006. This document is still in use and has relevance for those working in education settings

<sup>3</sup> Department for Education and Skills. now known as Department for Children, Schools and Families (DCSF)

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For further information, please contact you Local Safeguarding Children Board or the Safeguarding Adviser at your local Government Office.

## Section 1: Overview

### 1.1. Background

All adults who come into contact with children and young people in their work have a duty of care<sup>4</sup> to safeguard and promote their welfare.

The Children Act 2004, through the Stay Safe outcome of the Every Child Matters Change for Children programme<sup>5</sup>, places a duty on organisations to safeguard<sup>6</sup> and promote the well-being of children and young people. This includes the need to ensure that all adults who work with or on behalf of children and young people in these organisations are competent, confident and safe to do so.

The vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children and young people in their care. However, it is recognised that in this area of work tensions and misunderstandings can occur. It is here that the behaviour of adults can give rise to allegations of abuse being made against them. Allegations may be malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned. Equally, it must be recognised that some allegations will be genuine and there are adults who will deliberately seek out, create or exploit opportunities to abuse children. It is therefore essential that all possible steps are taken to safeguard children and young people and ensure that the adults working with them are safe to do so.

Some concerns have been raised about the potential vulnerability of adults in this area of work. It was suggested that there was a need for clearer advice about what constitutes illegal behaviour and what might be considered as misconduct. This document has been produced in response to these concerns. It was written by a team of individuals from various backgrounds who are knowledgeable about allegation procedures and the circumstances in which allegations might arise and provides practical guidance for anyone who works with, or on behalf of children and young people regardless of their role, responsibilities or status. It seeks to ensure that the duty to promote and safeguard the wellbeing of children is in part, achieved by raising awareness of illegal, unsafe and inappropriate behaviours.

Whilst every attempt has been made to cover a wide range of situations, it is recognised that this guidance cannot cover all eventualities. There may be times when professional judgements are made in situations not covered by this document, or which directly contravene the guidance given by their employer. It is expected that in these circumstances adults will always advise their senior colleagues of the justification for any such action already taken or proposed.

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<sup>4</sup> The duty which rests upon an individual to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity, or interaction for which that individual is responsible. Any person in charge of, or working with children and young people in any capacity is considered, both legally and morally, to owe them a duty of care

<sup>5</sup> [www.everychildmatters.gov.uk](http://www.everychildmatters.gov.uk)

<sup>6</sup> Process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables them to have optimum life chances Working Together to Safeguard Children: 2006 HM Government

It is also recognised that not all adults who work with children and young people work as paid or contracted employees. The principles and guidance outlined in this document still apply and should be followed by all adults whose work brings them into contact with children and young people.

The guidance contained in this document has due regard to current legislation and statutory guidance.

## **1.2. What to do if you are worried a child is being abused<sup>7</sup>**

Everyone working with children and young people should be familiar with local procedures and protocols for safeguarding the welfare of children and young people. Adults have a duty to report any child protection or welfare concerns to a designated member of staff in their organisation and/or report any concerns to the local social care office. Anyone who has concerns or is in doubt should refer to the document '**What To Do If You're Worried a Child Is Being Abused**' and follow that guidance.

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<sup>7</sup> What to do If You are Worried a Child is Being Abused HM Government 2006

## **Section 2: Using the Guidance**

### **2.1. Status of Document**

This guidance document was commissioned by the Department for Children, Schools and Families. (DCSF). It is intended to supplement but not replace or take priority over advice or codes of conduct produced by employers or national bodies.

This is a generic document that should complement existing professional procedures, protocols and guidance which relate to specific roles, responsibilities or professional practices.

### **2.2. Purpose of Guidance**

It is important that all adults working with children understand that the nature of their work and the responsibilities related to it, place them in a position of trust. This practice guidance provides clear advice on appropriate and safe behaviours for all adults working with children in paid or unpaid capacities, in all settings and in all contexts. The guidance aims to:

- keep children safe by clarifying which behaviours constitute safe practice and which behaviours should be avoided;
- assist adults working with children to work safely and responsibly and to monitor their own standards and practice;
- support managers and employers in setting clear expectations of behaviour and/or codes of practice relevant to the services being provided;
- support employers in giving a clear message that unlawful or unsafe behaviour is unacceptable and that, where appropriate, disciplinary or legal action will be taken;
- support safer recruitment practice;
- minimise the risk of misplaced or malicious allegations made against adults who work with children and young people;
- reduce the incidence of positions of trust being abused or misused.

Employers should be familiar with, and know how to access, their Local Safeguarding Children's Board's policy and procedures for managing allegations against staff.

### **2.3. Underpinning Principles**

- The welfare of the child is paramount.<sup>8</sup>
- It is the responsibility of all adults to safeguard and promote the welfare of children and young people. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children and young people.
- Adults who work with children are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions.
- Adults should work and be seen to work, in an open and transparent way.

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<sup>8</sup> Children Act 1989

- The same professional standards should always be applied regardless of culture, disability, gender, language, racial origin, religious belief and/or sexual identity.
- Adults should continually monitor and review their practice and ensure they follow the guidance contained in this document.

## 2.4. Definitions

**Children and Young People:** Throughout this document references are made to "children and young people". These terms are interchangeable and refer to children who have not yet reached their 18<sup>th</sup> birthday. This guidance, however also has value for those working with vulnerable adults.

**Adults:** References to 'adults' or 'volunteers' refer to any adult who is employed, commissioned or contracted to work with or on behalf of, children and young people, in either a paid or unpaid capacity.

**Manager:** The term 'manager' refers to those adults who have responsibility for managing services including the supervision of employees and/or volunteers at any level.

**Employer:** The term 'employer' refers to the organisation which employs, or contracts to use the services of individuals in pursuit of the goals of that organisation. In the context of this document, the term 'employer' is also taken to include 'employing' the unpaid services of volunteers.

**Safeguarding:** Process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully<sup>9</sup>.

**Duty of Care:** The duty which rests upon an individual or organisation to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity or interaction for which that individual or organisation is responsible. Any person in charge of, or working with children and young people in any capacity is considered, both legally and morally to owe them a duty of care.

[http://www.safetyline.wa.gov.au/institute/level1/course2/lecture2/I02\\_01.asp](http://www.safetyline.wa.gov.au/institute/level1/course2/lecture2/I02_01.asp)

## 2.5. How to Use the Document

This document is relevant to both individuals and organisations working with or on behalf of children and young people. Where an individual works independently and does not work as part of an organisation references made to the 'senior manager' should be taken to refer to parents or those with parenting responsibilities.

Each section provides general guidance about a particular aspect of work undertaken with children and young people with, in the right hand column, specific guidance about which behaviours should be avoided and which are recommended. Some organisations may need to adapt or add to the guidance to meet their specific practices or contexts, The document has however, been written for a generic

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<sup>9</sup> Working Together to Safeguard Children 2006. HM Government (WT 2006)

audience and most, if not all of the content, is applicable to all adults who work with children and young people. The diagram in Appendix 1 illustrates how the guidance could be used as a basis for developing specific agency guidance. Appendix 2 provides a visual framework for understanding how the document fits with safer recruitment and selection and procedures and those which relate to disciplinary proceedings.

It is recommended that organisations and settings who provide services for children and young people use this guidance to develop and promote safer working practice by ensuring that all employees and volunteers are made aware of its contents and have access to it.

Incorporating the use of this document in recruitment and selection processes will help to prevent and deter unsuitable people from working with children and young people. Providing employees and volunteers with clear guidance on appointment and revisiting this through induction, supervision, performance management, training programmes etc, will also help to ensure a safer children's workforce. Employers and managers will be better placed to deal with unsuitable or inappropriate behaviour if their expectations have been made clear and reinforced throughout a person's employment and there is evidence that this has been done.

Individuals should follow this guidance in their day to day practice. It should also be referred to when taking on new work, different duties or additional responsibilities.

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## Section 3: Guidance for Safe Working Practice

### 1. Context

All adults who work with children and young people have a crucial role to play in shaping their lives. They have a unique opportunity to interact with children and young people in ways that are both affirming and inspiring. This guidance has been produced to help adults working in all settings to establish safe and responsive environments which safeguard young people and reduce the risk of adults being unjustly accused of improper or unprofessional conduct.

*This means that these guidelines:*

- *apply to **all** adults working in all settings whatever their position, role, or responsibilities*
- *may provide guidance where an individual's suitability to work with children and young people has been called into question.*

### 2. 'Unsuitability'<sup>10</sup>

The guidance contained in this document is an attempt to identify what behaviours are expected of adults who work with children and young people. Adults whose practice deviates from this guidance and/or their professional or employment-related code of conduct may bring into question their suitability to work with children and young people.

*This means that adults should:*

- *have a clear understanding about the nature and content of this document*
- *discuss any uncertainties or confusion with their line manager*
- *understand what behaviours may call into question their suitability to continue to work with children and young people*

### 3. Duty of Care

All adults who work with, and on behalf of children are accountable for the way in which they exercise authority; manage risk; use resources; and safeguard children and young people.

Whether working in a paid or voluntary capacity, these adults have a duty to keep children and young people safe and to protect them from sexual, physical and emotional harm. Children and young people have a right to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure the safety and well-being of children and young people. Failure to do so may be regarded as neglect<sup>11</sup>.

The duty of care is in part, exercised through the development of respectful and caring relationships between

*This means that adults should:*

- *understand the responsibilities, which are part of their employment or role, and be aware that sanctions will be applied if these provisions are breached*
- *always act, and be seen to act, in the child's best interests*
- *avoid any conduct which would lead any reasonable person to question their motivation and intentions*
- *take responsibility for their own actions and behaviour*

*This means that employers should:*

<sup>10</sup> WT 2006 Chapter 6, page 153. See also AMA document on 'Unsuitability' available Dec 07 from Allegation Management Advisers in Government Offices.

<sup>11</sup> WT 2006 page Chapter 1 page 38

adults and children and young people. It is also exercised through the behaviour of the adult, which at all times should demonstrate integrity, maturity and good judgement.

Everyone expects high standards of behaviour from adults who work with children and young people. When individuals accept such work, they need to understand and acknowledge the responsibilities and trust inherent in that role.

Employers also have a duty of care towards their employees, both paid and unpaid, under the Health and Safety at Work Act 1974<sup>12</sup>. This requires them to provide a safe working environment for adults and provide guidance about safe working practices. Employers also have a duty of care for the well-being of employees and to ensure that employees are treated fairly and reasonably in all circumstances. The Human Rights Act 1998 sets out important principles regarding protection of individuals from abuse by state organisations or people working for those institutions. Adults who are subject to an allegation should therefore be supported and the principles of natural justice applied.

The Health and Safety Act 1974 also imposes a duty on employees<sup>13</sup> to take care of themselves and anyone else who may be affected by their actions or failings. An employer's duty of care and the adult's duty of care towards children should not conflict. This 'duty' can be demonstrated through the use and implementation of these guidelines.

#### 4. Confidentiality

Adults may have access to confidential information about children and young people in order to undertake their responsibilities. In some circumstances they may have access to or be given highly sensitive or private information. These details must be kept confidential at all times and only shared when it is in interests of the child to do so. Such information must not be used to intimidate, humiliate, or embarrass the child or young person concerned.

If an adult who works with children is in any doubt about whether to share information or keep it confidential he or she should seek guidance from a senior member of staff or nominated child protection person. Any actions should be in line with locally agreed information sharing protocols.

The storing and processing of personal information about children and young people is governed by the Data Protection Act 1998. Employers should provide clear advice to adults about their responsibilities under this legislation.

- *ensure that appropriate safeguarding and child protection policies and procedures are adopted, implemented and monitored*
- *ensure that codes of conduct/practices are continually monitored and reviewed*
- *ensure that, where services or activities are provided by another body, the body concerned has appropriate safeguarding policies and procedures*
- *foster a culture of openness and support*
- *ensure that systems are in place for concerns to be raised*
- *ensure that adults are not placed in situations which render them particularly vulnerable*
- *ensure all adults have access to and understand this guidance and related, policies and procedures*
- *ensure that all job descriptions and person specifications clearly identify the competences necessary to fulfil the duty of care*

*This means that adults:*

- *be clear about when information can be shared and in what circumstances it is appropriate to do so*
- *are expected to treat information they receive about children and young people in a discreet and confidential manner*
- *should seek advice from a senior member of staff if they are in any doubt about sharing information they hold or which has been requested of them*
- *need to know to whom any concerns or allegations should be reported*

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<sup>12</sup> Health and Safety at Work Act 1974 Part I, Section. 2 (1) and (2)

<sup>13</sup> Health and Safety at Work Act 1974 Part I, Section.7

Whilst adults need to be aware of the need to listen to and support children and young people, they must also understand the importance of not promising to keep secrets. Neither should they request this of a child young person under any circumstances.

Additionally, concerns and allegations about adults should be treated as confidential and passed to a senior manager without delay.

## 5. Making a Professional Judgement

This guidance cannot provide a complete checklist of what is, or is not inappropriate behaviour for adults in all circumstances. There may be occasions and circumstances in which adults have to make decisions or take action in the best interests of the child or young person which could contravene this guidance or where no guidance exists. Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the children in their charge. Such judgements, in these circumstances, should always be recorded and shared with a senior manager or if the adult does not work for an organisation, with the parent or carer. In undertaking these actions individuals will be seen to be acting reasonably.

Adults should always consider whether their actions are warranted, proportionate and safe and applied equitably.

## 6. Power and Positions of Trust

As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people are in positions of trust in relation to the young people in their care. Broadly speaking, a relationship of trust can be described as one in which one party is in a position of power or influence over the other by virtue of their work or the nature of their activity. It is vital for all those in positions of trust to understand the power this can give them over those they care for and the responsibility they must exercise as a consequence of this relationship.<sup>14</sup>

A relationship between an adult and a child or young person cannot be a relationship between equals. There is potential for exploitation and harm of vulnerable young people. Adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Adults should always maintain appropriate professional

*This means that where no specific guidance exists adults should:*

- *discuss the circumstances that informed their action, or their proposed action, with a senior manager, or with the parent/carer if not working for an organisation*
- *report any actions which could be mis -interpreted to their senior manager*
- *always discuss any misunderstanding, accidents or threats with a senior manager*
- *always record discussions and reasons why actions were taken.*
- *record any areas of disagreement about course of action taken and if necessary referred to a higher authority*

*This means that adults should not:*

- *use their position to gain access to information for their own or others' advantage*
- *use their position to intimidate, bully, humiliate, threaten, coerce or undermine children or young people*
- *use their status and standing to form or promote relationships which are of a sexual nature, or which may become so*

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<sup>14</sup> Caring for Young People and the Vulnerable. Guidance for Preventing Abuse of Trust Home Office

boundaries and avoid behaviour which might be misinterpreted by others. They should report and record any incident with this potential.

Where a person aged 18 or over is in a specified position of trust<sup>15</sup> with a child under 18, it is an offence for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity.

## 7. Propriety and Behaviour

All adults working with children and young people have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of the public in general and all those with whom they work.

There may be times, for example, when an adult's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could be because their behaviour is considered to compromise their position in their workplace or indicate an unsuitability to work with children or young people. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.

Adults in contact with children and young people should therefore understand and be aware, that safe practice also involves using judgement and integrity about behaviours in places other than the work setting.

The behaviour of an adult's partner or other family members may raise similar concerns and require careful consideration by an employer as to whether there may be a potential risk to children and young people in the workplace.

## 8. Dress and Appearance

A person's dress and appearance are matters of personal choice and self-expression. However adults should dress in ways which are appropriate to their role and this may need to be different to how they dress when not at work.

Adults who work with children and young people should ensure they take care to ensure they are dressed

*This means that adults should not:*

- *behave in a manner which would lead any reasonable person to question their suitability to work with children or act as a role model.*
- *make, or encourage others to make, unprofessional personal comments which scapegoat, demean or humiliate, or which might be interpreted as such*

*This means that adults should:*

- *be aware that behaviour in their personal lives may impact upon their work with children and young people*
- *follow any codes of conduct deemed appropriate by their organisation*
- *understand that the behaviour and actions of their partner (or other family members) may raise questions about their suitability to work with children and young people*

*This means that adults should wear clothing which:*

- *is appropriate to their role*
- *is not likely to be viewed as offensive, revealing, or sexually provocative*

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<sup>15</sup> Sexual Offences Act 2003. Sect 16-19 re-enacts and amends offence of abuse of position of trust

appropriately for the tasks and the work they undertake.

Those who dress in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegations.

## 9. Personal Living Space

No child or young person should be in or invited into, the home<sup>16</sup> of an adult who works with them, unless the reason for this has been firmly established and agreed with parents/carers and senior managers or the home has been designated by the organisation or regulatory body as a work place e.g. childminders, foster carers.

It is not appropriate for any other organisations to expect or request that private living space be used for work with children and young people.

Under no circumstances should children or young people assist with chores or tasks in the home of an adult who works with them. Neither should they be asked to do so by friends or family of that adult.

## 10. Gifts, Rewards and Favouritism

The giving of gifts or rewards to children or young people should be part of an agreed policy for supporting positive behaviour or recognising particular achievements. In some situations, the giving of gifts as rewards may be accepted practice for a group of children, whilst in other situations the giving of a gift to an individual child or young person will be part of an agreed plan, recorded and discussed with senior manager and the parent or carer.

It is acknowledged that there are specific occasions when adults may wish to give a child or young person a personal gift. This is only acceptable practice where, in line with the agreed policy, the adult has first discussed the giving of the gift and the reason for it, with the senior manager and/or parent or carer and the action is recorded. Any gifts should be given openly and not be based on favouritism. Adults need to be aware however, that the giving of gifts can be misinterpreted by others as a gesture either to bribe or groom<sup>17</sup> a young person.

Adults should exercise care when selecting children and/or

- *does not distract, cause embarrassment or give rise to misunderstanding*
- *is absent of any political or otherwise contentious slogans*
- *is not considered to be discriminatory and is culturally sensitive*

*This means that adults should:*

- *be vigilant in maintaining their privacy and mindful of the need to avoid placing themselves in vulnerable situations*
- *challenge any request for their accommodation to be used as an additional resource for the organisation*
- *be mindful of the need to maintain professional boundaries*
- *refrain from asking children and young people to undertake personal jobs or errands*

*This means that adults should:*

- *be aware of their organisation's policy on the giving and receiving of gifts*
- *ensure that gifts received or given in situations which may be misconstrued are declared*
- *generally, only give gifts to an individual young person as part of an agreed reward system*
- *where giving gifts other than as above, ensure that these are of insignificant value*
- *ensure that all selection processes which concern children and young people are fair and that wherever practicable these are undertaken and agreed by more than one member of staff*

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<sup>16</sup> This includes any home or domestic settings used or frequented by the adult

<sup>17</sup> grooming' – the act of gaining the trust of a child so that sexual abuse can take place.

young people for specific activities or privileges to avoid perceptions of favouritism or unfairness. Methods and criteria for selection should always be transparent and subject to scrutiny.

Care should also be taken to ensure that adults do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

There are occasions when children, young people or parents wish to pass small tokens of appreciation to adults e.g. on special occasions or as a thank-you and this is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value.

## **11. Infatuations**

Occasionally, a child or young person may develop an infatuation with an adult who works with them. These adults should deal with these situations sensitively and appropriately to maintain the dignity and safety of all concerned. They should remain aware, however, that such infatuations carry a high risk of words or actions being misinterpreted and should therefore make every effort to ensure that their own behaviour is above reproach.

An adult, who becomes aware that a child or young person is developing an infatuation, should discuss this at the earliest opportunity with a senior manager or parent/carer so appropriate action can be taken to avoid any hurt, distress or embarrassment.

## **12. Communication with Children and Young People (including the Use of Technology)**

Communication between children and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones text messaging, e-mails, digital cameras, videos, web-cams, websites and blogs. Adults should not share any personal information with a child or young person. They should not request, or respond to, any personal information from the child/young person, other than that which might be appropriate as part of their professional role. Adults should ensure that all communications are transparent and open to scrutiny.

Adults should also be circumspect in their communications with children so as to avoid any possible misinterpretation of their motives or any behaviour which could be construed as grooming. They should not give their personal contact details to children and young people including e-mail, home or mobile telephone numbers, unless the need to do so is agreed with senior management and parents/carers. E-mail

*This means that adults should:*

- *report and record any incidents or indications (verbal, written or physical) that suggest a child or young person may have developed an infatuation with an adult in the workplace*
- *always acknowledge and maintain professional boundaries*

*This means that the organisation should:*

- *have a communication policy which specifies acceptable and permissible modes of communication*

*This means that adults should:*

- *not give their personal contact details to children or young people, including their mobile telephone number and details of any blogs or personal websites*
- *only use equipment e.g. mobile phones, provided by organisation to communicate with children,*

or text communications between an adult and a child young person outside agreed protocols may lead to disciplinary and/or criminal investigations. This also includes communications through internet based web sites.

Internal e-mail systems should only be used in accordance with the organisation's policy.

- making sure that parents have given permission for this form of communication to be used*
- *only make contact with children for professional reasons and in accordance with any organisation policy*
- *recognise that text messaging is rarely an appropriate response to a child in a crisis situation or at risk of harm. It should only be used as a last resort when other forms of communication are not possible*
- *not use internet or web-based communication channels to send personal messages to a child/young person*
- *ensure that if a social networking site is used, details are not shared with children and young people and privacy settings are set at maximum*

### **13. Social Contact**

Adults who work with children and young people should not seek to have social contact with them or their families, unless the reason for this contact has been firmly established and agreed with senior managers, or where an adult does not work for an organisation, the parent or carers. If a child or parent seeks to establish social contact, or if this occurs coincidentally, the adult should exercise her/his professional judgement in making a response but should always discuss the situation with their manager or with the parent of the child or young person. Adults should be aware that social contact in certain situations can be misconstrued as grooming.

Where social contact is an integral part of work duties, e.g. pastoral work in the community, care should be taken to maintain appropriate personal and professional boundaries. This also applies to social contacts made through interests outside of work or through the adult's own family or personal networks.

It is recognised that some adults may support a parent who may be in particular difficulty. Care needs to be exercised in those situations where the parent comes to depend upon the adult for support outside their professional role. This situation should be discussed with senior management and where necessary referrals made to the appropriate support agency.

*This means that adults should:*

- *have no secret social contact with children and young people or their parents*
- *consider the appropriateness of the social contact according to their role and nature of their work*
- *always approve any planned social contact with children or parents with senior colleagues,*
- *advise senior management of any social contact they have with a child or a parent with whom they work, which may give rise to concern*
- *report and record any situation, which may place a child at risk or which may compromise the organisation or their own professional standing*
- *be aware that the sending of personal communications such as birthday or faith cards should always be recorded and/or discussed with line manager.*
- *understand that some communications may be called into question and need to be justified.*

## 14. Sexual Contact

All adults should clearly understand the need to maintain appropriate boundaries in their contacts with children and young people. Intimate or sexual relationships between children/young people and the adults who work with them will be regarded as a grave breach of trust. Allowing or encouraging a relationship to develop in a way which might lead to a sexual relationship is also unacceptable.

Any sexual activity between an adult and the child or young person with whom they work may be regarded as a criminal offence and will always be a matter for disciplinary action.

Children and young people are protected by specific legal provisions regardless of whether the child or young person consents or not. The sexual activity referred to does not just involve physical contact including penetrative and non-penetrative acts. It may also include non-contact activities, such as causing children to engage in or watch sexual activity or the production of pornographic material. 'Working Together to Safeguard Children'<sup>18</sup>, defines sexual abuse as "forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening".

There are occasions when adults embark on a course of behaviour known as 'grooming' where the sole purpose is to gain the trust of a child, and manipulate that relationship so sexual abuse can take place. Adults should be aware that consistently conferring inappropriate special attention and favour upon a child might be construed as being part of a 'grooming' process and as such will give rise to concerns about their behaviour.

## 15. Physical Contact

Many jobs within the children's workforce require physical contact with children as part of their role. There are also occasions when it is entirely appropriate for other adults to have some physical contact with the child or young person with whom they are working. However, it is crucial that in all circumstances, adults should only touch children in ways

*This means that adults should not:*

- *have sexual relationships with children and young people*
- *have any form of communication with a child or young person which could be interpreted as sexually suggestive or provocative i.e. verbal comments, letters, notes, electronic mail, phone calls, texts, physical contact*
- *make sexual remarks to, or about, a child/young person*
- *discuss their own sexual relationships with or in the presence of children or young people*

*This means that adults should:*

- *ensure that their relationships with children and young people clearly take place within the boundaries of a respectful professional relationship*
- *take care that their language or conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought, particularly when members of staff are dealing with adolescent boys and girls.*

*This means that adults should:*

- *be aware that even well intentioned physical contact may be misconstrued by the child, an observer or by anyone to whom*

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<sup>18</sup> Working Together to Safeguard Children .A guide to interagency working to safeguard and promote the welfare of children HM Government 2006

which are appropriate to their professional or agreed role and responsibilities.

Not all children and young people feel comfortable about physical contact, and adults should not make the assumption that it is acceptable practice to use touch as a means of communication. Permission should be sought from a child or young person before physical contact is made. Where the child is very young, there should be a discussion with the parent or carer about what physical contact is acceptable and/or necessary.

When physical contact is made with a child this should be in response to their needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background. It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one child in one set of circumstances may be inappropriate in another, or with a different child. Adults, nevertheless, should use their professional judgement at all times, observe and take note of the child's reaction or feelings and – so far as is possible - use a level of contact and/or form of communication which is acceptable to the child for the minimum time necessary.

Physical contact which occurs regularly with an individual child or young person is likely to raise questions unless there is explicit agreement on the need for, and nature of, that contact. This would then be part of a formally agreed plan or within the parameters of established, agreed and legal professional protocols on physical contact e.g. sport activities or medical procedures. Any such arrangements should be understood and agreed by all concerned, justified in terms of the child's needs, consistently applied and open to scrutiny.

Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If an adult believes that their action could be misinterpreted, or if an action is observed by another as being inappropriate or possibly abusive, the incident and circumstances should be reported to the senior manager outlined in the procedures for handling allegations and an appropriate record made. Parents/carers should also be informed in such circumstances.

Where a child seeks or initiates inappropriate physical contact with an adult, the situation should be handled sensitively and care taken to ensure that contact is not exploited in any way. Careful consideration must be given to the needs of the child and advice and support given to the adult concerned.

It is recognised that some children who have experienced abuse may seek inappropriate physical contact. Adults should be particularly aware of this when it is known that a

*this action is described*

- *never touch a child in a way which may be considered indecent*
- *always be prepared to report and explain actions and accept that all physical contact be open to scrutiny*
- *not indulge in 'horseplay'*
- *always encourage children, where possible, to undertake self-care tasks independently*
- *work within Health and Safety regulations*
- *be aware of cultural or religious views about touching and always be sensitive to issues of gender*
- *understand that physical contact in some circumstances can be easily misinterpreted*

*This means that organisations should:*

- *ensure they have a system in place for recording incidents and the means by which information about incidents and outcomes can be easily accessed by senior management*
- *make adults aware of relevant professional or organisational guidance in respect of physical contact with children and meeting medical needs of children and young people where appropriate*
- *be explicit about what physical contact is appropriate for adults working in their setting*

child has suffered previous abuse or neglect. In the child's view, physical contact might be associated with such experiences and lead to some actions being misinterpreted. In all circumstances where a child or young person initiates inappropriate physical contact, it is the responsibility of the adult to sensitively deter the child and help them understand the importance of personal boundaries. Such circumstances must always be reported and discussed with a senior manager and the parent/carer.

## **16. Other Activities that require Physical Contact**

Adults who work in certain settings, for example sports drama or outdoor activities will have to initiate some physical contact with children, for example to demonstrate technique in the use of a particular piece of equipment, adjust posture, or perhaps to support a child so they can perform an activity safely or prevent injury. Such activities should be carried out in accordance with existing codes of conduct, regulations and best practice.

Physical contact should take place only when it is necessary in relation to a particular activity. It should take place in a safe and open environment i.e. one easily observed by others and last for the minimum time necessary. The extent of the contact should be made clear to the parent/carer and once agreed, should be undertaken with the permission of the child/young person. Contact should be relevant to their age or understanding and adults should remain sensitive to any discomfort expressed verbally or non-verbally by the child.

Guidance and protocols around safe and appropriate physical contact are provided by national organisations, for example sports governing bodies or major arts organisations, or the employing organisation and should be understood and applied consistently. Any incidents of physical contact that cause concern or fall outside of these protocols and guidance should be reported to the senior manager and parent or carer.

It is good practice if all parties clearly understand at the outset, what physical contact is necessary and appropriate in undertaking specific activities. Keeping parents/carers, children and young people informed of the extent and nature of any physical contact may also prevent allegations of misconduct or abuse arising.

## **17. Behaviour Management**

*This means that adults should:*

- *treat children with dignity and respect and avoid contact with intimate parts of the body*
- *always explain to a child the reason why contact is necessary and what form that contact will take*
- *seek consent of parents where a child or young person is unable to do so because of a disability.*
- *consider alternatives, where it is anticipated that a child might misinterpret any such contact,*
- *be familiar with and follow recommended guidance and protocols*
- *conduct activities where they can be seen by others*
- *be aware of gender, cultural or religious issues that may need to be considered prior to initiating physical contact*

*This means that organisations should:*

- *have up to date guidance and protocols on appropriate physical contact in place that promote safe practice and include clear expectations of behaviour and conduct.*
- *ensure that staff are made aware of this guidance and that safe practice is continually promoted through supervision and training.*

All children and young people have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour.

Adults should not use any form of degrading treatment to punish a child. The use of sarcasm, demeaning or insensitive comments towards children and young people is not acceptable in any situation. Any sanctions or rewards used should be part of a behaviour management policy which is widely publicised and regularly reviewed.

The use of corporal punishment is not acceptable and whilst there may be a legal defence for parents who physically chastise their children, this does not extend, in any circumstances, to those adults who work with or on behalf of children and young people.

Where children display difficult or challenging behaviour, adults must follow the behaviour policy outlined by their place of work, and use strategies appropriate to the circumstance and situation. The use of physical intervention can only be justified in exceptional circumstances and must be used as a last resort when other behaviour management strategies have failed.

Where a child has specific needs in respect of particularly challenging behaviour, a positive handling plan may be drawn up and agreed by all parties. Only in these circumstances should an adult deviate from the behaviour management policy of the organisation.

## **18. Use of Control and Physical Intervention**

There are circumstances in which adults working with children displaying extreme behaviours can legitimately intervene by using either non-restrictive or restrictive physical interventions. This is a complex area and adults and organisations must have regard to government guidance and legislation and the policies and practice of their specific organisation.

The use of physical intervention should, wherever possible, be avoided. It should only be used to manage a child or young person's behaviour if it is necessary to prevent personal injury to the child, other children or an adult, to prevent serious damage to property or in what would reasonably be regarded as exceptional circumstances. When

*This means that adults should:*

- *not use force as a form of punishment*
- *try to defuse situations before they escalate*
- *inform parents of any behaviour management techniques used*
- *adhere to the organisation's behaviour management policy*
- *be mindful of factors which may impact upon a child or young person's behaviour e.g. bullying, abuse and where necessary take appropriate action*

*This means that organisations should:*

- *have in place appropriate behaviour management policies*
- *where appropriate, develop positive handling plans in respect of an individual child or young person.*

*This means that adults should:*

- *adhere to the organisation's physical intervention policy*
- *always seek to defuse situations*
- *always use minimum force for the shortest period necessary*
- *record and report as soon as possible after the event any incident where physical intervention has been used.*

*This means that organisations should:*

physical intervention is used it should be undertaken in such a way that maintains the safety and dignity of all concerned

The scale and nature of any physical intervention must be proportionate to both the behaviour of the individual to be controlled and the nature of the harm they may cause. The minimum necessary force should be used and the techniques deployed in line with recommended policy and practice.

Under no circumstances should physical force or intervention be used as a form of punishment. The duty of care which applies to all adults and organisations working with children and young people requires that reasonable measures are taken to prevent children being harmed. The use of unwarranted physical force is likely to constitute a criminal offence.

In settings where restrictive physical interventions may need to be employed regularly, i.e. where adults are working with children with extreme behaviours associated with learning disability or autistic spectrum disorders, the employer should have a policy on the use of such intervention, as part of a wider behaviour management policy. Individual care plans, drawn up in consultation with parents/carers and where appropriate, the child, should set out the strategies and techniques to be used and those which should be avoided. Risk assessments should be carried out where it is foreseeable that restrictive physical intervention may be required.

In all cases where physical intervention is employed the incident and subsequent actions should be documented and reported. This should include written and signed accounts of all those involved, including the child or young person. The parents/carers should be informed the same day.

## **19.Children and Young People in Distress**

There are some settings, where adults are involved in managing significant or regular occurrences of distress and emotional upset in children, for example in mental health services, residential care provision etc. In these circumstances professional guidance should be followed and adults should be aware of what is and what is not acceptable behaviour when comforting a child or diffusing a situation. This is particularly important when working on a one-to-one basis.

For all other adults working with children there will be occasions when a distressed child needs comfort and

- *have a policy on the use of physical intervention in place that complies with government guidance and legislation and describes the context in which it is appropriate to use*

### *physical intervention*

- *ensure that an effective recording system is in place which allows for incidents to be tracked and monitored*
- *ensure adults are familiar with the above*
- *ensure that staff are appropriately trained*

*This means the adult should:*

- *consider the way in which they offer comfort and reassurance to a distressed child and do it in an age-appropriate way*
- *be circumspect in offering reassurance in one to one situations, but always record such actions in these circumstances*
- *follow professional guidance or code of practice where available*
- *never touch a child in a way which may be considered indecent*

reassurance and this may involve physical contact. Young children, in particular, may need immediate physical comfort, for example after a fall, separation from parent etc. Adults should use their professional judgement to comfort or reassure a child in an age-appropriate way whilst maintaining clear professional boundaries.

Where an adult has a particular concern about the need to provide this type of care and reassurance, or is concerned that an action may be misinterpreted, this should be reported and discussed with a senior manager and parents/carers.

## 20. Intimate Care

Some job responsibilities necessitate intimate physical contact with children on a regular basis, for example assisting young children with toileting, providing intimate care for children with disabilities or in the provision of medical care. The nature, circumstances and context of such contact should comply with professional codes of practice or guidance and/or be part of a formally agreed plan, which is regularly reviewed. The additional vulnerabilities that may arise from a physical or learning disability should be taken into account and be recorded as part of an agreed care plan. The emotional responses of any child to intimate care should be carefully and sensitively observed, and where necessary, any concerns passed to senior managers and/or parents/carers.

All children have a right to safety, privacy and dignity when contact of a physical or intimate nature is required and depending on their abilities, age and maturity should be encouraged to act as independently as possible.

The views of the child should be actively sought, wherever possible, when drawing up and reviewing formal arrangements. As with all individual arrangements for intimate care needs, agreements between the child, parents/carers and the organisation must be negotiated and recorded.

## 21. Personal Care

Young people are entitled to respect and privacy at all times and especially when in a state of undress, changing clothes, bathing or undertaking any form of personal care. There are occasions where there will be a need for an appropriate level of supervision in order to safeguard young people and/or satisfy health and safety considerations. This supervision should be appropriate to the needs and age of the young people concerned and sensitive to the potential for

- *record and report situations which may give rise to concern from either party*
- *not assume that all children seek physical comfort if they are distressed*

*This means that adults should:*

- *adhere to the organisation's intimate care guidelines or code of practice*
- *make other staff aware of the task being undertaken*
- *explain to the child what is happening*
- *consult with senior managers and parents/carers where any variation from agreed procedure/care plan is necessary*
- *record the justification for any variations to the agreed procedure/care plan and share this information with parents*
- *ensure that any changes to the agreed care plan are discussed, agreed and recorded.*

*This means that adults should:*

- *avoid any physical contact when children are in a state of undress*
- *avoid any visually intrusive behaviour*
- *where there are changing rooms announce their intention of entering*

embarrassment.

Adults need to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of the children and young people with whom they work.

## **22. First Aid and Administration of Medication**

It is expected that adults working with children and young people should be aware of basic first aid techniques. It is not however, a contractual requirement and whilst adults may volunteer to undertake such tasks, they should be suitably trained and qualified before administering first aid and/or any agreed medication.

**When administering first aid, wherever possible, adults should ensure that another adult is aware of the action being taken. Parents should always be informed when first aid has been administered.**

In circumstances where children need medication regularly a health care plan should have been established to ensure the safety and protection of children and the adults who are working with them. Depending upon the age and understanding of the child, they should where appropriate, be encouraged to self administer medication or treatment including, for example any ointment, use of inhalers.

*This means that adults should not:*

- *change in the same place as children*
- *shower or bathe with children*
- *assist with any personal care task which a child or young person can undertake by themselves*

*This means that organisations should:*

- *ensure staff understand the extent and limitations of their role in applying basic care and hygiene tasks for minor abrasions and understand where an injury requires more experienced intervention*
- *ensure there are trained and named individuals to undertake first aid responsibilities*
- *ensure training is regularly monitored and updated*
- *always ensure that arrangements are in place to obtain parental consent for the administration of first aid or medication*

*This means that adults should:*

- *adhere to the organisation's policy for administering first aid or medication*
- *comply with the necessary reporting requirements*
- *make other adults aware of the task being undertaken*
- *explain to the child what is happening.*
- *always act and be seen to act in the child's best interests*
- *report and record any administration of first aid or medication*
- *have regard to any health plan which is in place*
- *always ensure that an appropriate health/risk assessment is undertaken prior to undertaking certain activities*

## 23. One to One Situations

All organisations working with or on behalf of children and young people should consider one to one situations when drawing up their policies.

It is not realistic to state that one to one situations should never take place. It is however, appropriate to state that where there is a need, agreed with a senior manager and/or parents/carers, for an adult to be alone with a child or young person, certain procedures and explicit safeguards must be in place. This also applies to those adults who do not work as part of an agency or organisation but owe a duty of care to the child or young person because of the nature of their work.

Adults should be offered training and guidance for the use of any areas of the workplace which may place themselves or children in vulnerable situations. This would include those situations where adults work directly with children and young people in unsupervised settings and/or isolated areas within community settings or in street-based projects for example.

One to one situations have the potential to make child/young person more vulnerable to harm by those who seek to exploit their position of trust. Adults working in one to one settings with children and young people may also be more vulnerable to unjust or unfounded allegations being made against them. Both possibilities should be recognised so that when one to one situations are unavoidable, reasonable and sensible precautions are taken. Every attempt should be made to ensure the safety and security of children and young people and the adults who work with them.

There are occasions where managers will need to undertake a risk assessment in relation to the specific nature and implications of one to one work. These assessments should take into account the individual needs of the child/young person and the individual worker and any arrangements should be reviewed on a regular basis.

Meetings with children and young people outside agreed working arrangements should not take place without the agreement of senior managers and parents or carers.

## 24. Home Visits

There are workers for whom home visits are an integral part of their work. In these circumstances it is essential that appropriate policies and related risk assessments are in place to safeguard children and young people and the adults who work with them.

*This means that adults should:*

- *ensure that when lone working is an integral part of their role, full and appropriate risk assessments have been conducted and agreed.*
- *avoid meetings with a child or young person in remote, secluded areas,*
- *always inform other colleagues and/or parents/carers about the contact(s) beforehand, assessing the need to have them present or close by*
- *avoid use of 'engaged' or equivalent signs wherever possible. Such signs may create an opportunity for secrecy or the interpretation of secrecy*
- *always report any situation where a child becomes distressed or angry to a senior colleague*
- *carefully consider the needs and circumstances of the child/children when in one to one situations*

*These means that adults should:*

- *agree the purpose for any home visit with senior management, unless this is an acknowledged and integral part of their role e.g. social workers*

A risk assessment should include an evaluation of any known factors regarding the child/young person, parents and others living in the household. Risk factors such as hostility, child protection concerns, complaints or grievances can make adults more vulnerable to an allegation. Specific consideration should be given to visits outside of 'office hours' or in remote or secluded locations. Following an assessment, appropriate risk management measures should be in place before visits are agreed. Where little or no information is available, visits should not be made alone. There will be occasions where risk assessments are not possible or not available, e.g. when emergency services are used. In these circumstances, a record must always be made of the circumstances and outcome of the home visit. Such records must always be available for scrutiny.

Under no circumstances should an adult visit a child in their home outside agreed work arrangements or invite a child to their own home or that of a family member, colleague or friend. If in an emergency, such a one-off arrangement is required, the adult must have a prior discussion with a senior manager and the parents or carers and a clear justification for such arrangement is agreed and recorded.

## 25. Transporting Children and Young People

There will be occasions when adults are expected or asked to transport children as part of their duties. Adults, who are expected to use their own vehicles for transporting children should ensure that the vehicle is roadworthy, appropriately insured and that the maximum capacity is not exceeded.

It is a legal requirement that all passengers should wear seat belts and it is the responsibility of the staff member to ensure that this requirement is met. Adults should also be aware of current legislation and adhere to the use of car seats for younger children. Where adults transport children in a vehicle which requires a specialist license/insurance e.g. PCV or LGV<sup>19</sup>- staff should ensure that they have an appropriate licence and insurance to drive such a vehicle.

It is inappropriate for adults to offer lifts to a child or young person outside their normal working duties, unless this has been brought to the attention of the line manager and has been agreed with the parents/carers.

There may be occasions where the child or young person

- *adhere to agreed risk management strategies*
- *always make detailed records including times of arrival and departure and work undertaken*
- *ensure any behaviour or situation which gives rise to concern is discussed with their manager and, where appropriate action is taken*

*This means that employers should:*

- *ensure that they have home visit and lone-working policies of which all adults are made aware. These should include arrangements for risk assessment and management*
- *ensure that all visits are justified and recorded*
- *ensure that adults are not exposed to unacceptable risk*
- *ensure that adults have access to a mobile telephone and an emergency contact person*

*This means that all organisations:*

- *should have appropriate policies for transporting children and young people*

*This means that adults should:*

- *ensure they are fit to drive and free from any drugs, alcohol or medicine which is likely to impair judgement and/ or ability to drive*
- *be aware that the safety and welfare of the child is their responsibility until they are safely passed over to a parent/carer*
- *record details of the journey in accordance with agreed procedures*
- *ensure that their behaviour is appropriate at all times*

<sup>19</sup> For further information see [www.dvla.gov.uk](http://www.dvla.gov.uk)

requires transport in an emergency situation or where not to give a lift may place a child at risk. Such circumstances must always be recorded and reported to a senior manager and parents/carers.

- *ensure that there are proper arrangements in place to ensure vehicle, passenger and driver safety. This includes having proper and appropriate insurance for the type of vehicle being driven*
- *ensure that any impromptu or emergency arrangements of lifts are recorded and can be justified if questioned*

## **26. Trips and Outings**

Adults should take particular care when supervising children and young people on trips and outings, where the setting is less formal than the usual workplace. Adults remain in a position of trust and need to ensure that their behaviour remains professional at all times and stays within clearly defined professional boundaries. .

Where activities include overnight stays, careful consideration needs to be given to sleeping arrangements. Children, young people, adults and parents should be informed of these prior to the start of the trip. In all circumstances, those organising trips and outings must pay careful attention to ensuring safe staff/child ratios and to the gender mix of staff especially on overnight stays.

Health and Safety arrangements require members of staff to keep colleagues/employers aware of their whereabouts, especially when involved in activities outside the usual workplace.

*This means that adults should:*

- *always have another adult present in out of workplace activities, unless otherwise agreed with a senior manager*
- *undertake risk assessments in line with their organisation's policy where applicable*
- *have parental consent to the activity*
- *ensure that their behaviour remains professional at all times(see section 7)*
- *never share beds with a child/children or young people.*
- *not share bedrooms unless it involves a dormitory situation and the arrangements have been previously discussed with senior manager, parents and children and young people.*

## **27. Photography and Videos**

Working with children and young people may involve the taking or recording of images. Any such work should take place with due regard to the law and the need to safeguard the privacy, dignity, safety and well being of children and young people. Informed written consent from parents or carers and agreement, where possible, from the child or young person, should always be sought before an image is taken for any purpose.

Careful consideration should be given as to how activities involving the taking of images are organised and undertaken. Care should be taken to ensure that all parties understand the implications of the image being taken especially if it is to be used for any publicity purposes or published in the media, or on the Internet. There also needs to be an agreement as to whether the images will be destroyed or retained for further use, where these will be stored and who will have

*This means that adults should:*

- *be clear about the purpose of the activity and about what will happen to the images when the activity is concluded*
- *be able to justify images of children in their possession*
- *avoid making images in one to one situations or which show a single child with no surrounding context*
- *ensure the child/young person understands why the images are being taken and has agreed to the activity and that they are appropriately dressed.*

access to them.

Adults need to remain sensitive to any children who appear uncomfortable, for whatever reason, and should recognise the potential for such activities to raise concerns or lead to misunderstandings.

It is not appropriate for adults to take photographs of children for their personal use.

- *only use equipment provided or authorised by the organisation*
- *report any concerns about any inappropriate or intrusive photographs found*
- *always ensure they have parental permission to take and/or display photographs*

*This means that adults should not:*

- *display or distribute images of children unless they have consent to do so from parents/carers*
- *use images which may cause distress*
- *use mobile telephones to take images of children*
- *take images 'in secret', or taking images in situations that may be construed as being secretive.*

## **28. Access to Inappropriate Images and Internet Usage**

There are no circumstances that will justify adults possessing indecent images of children. Adults who access and possess links to such websites will be viewed as a significant and potential threat to children. Accessing, making and storing indecent images of children on the internet is illegal. This will lead to criminal investigation and the individual being barred from working with children and young people, if proven.

Adults should not use equipment belonging to their organisation to access adult pornography; neither should personal equipment containing these images or links to them be brought into the workplace. This will raise serious concerns about the suitability of the adult to continue to work with children.

Adults should ensure that children and young people are not exposed to any inappropriate images or web links. Organisations and adults need to ensure that internet equipment used by children have the appropriate controls with regards to access. e.g. personal passwords should be kept confidential.

Where indecent images of children or other unsuitable material are found, the police and Local Authority Designated Officer (LADO) should be immediately informed. Adults should not attempt to investigate the matter or evaluate the material themselves, as this may lead to evidence being contaminated which in itself can lead to a criminal prosecution.

*This means that organisations should*

- *have clear e-safety policies in place about access to and use of the internet*
- *make guidance available to both adults and children and young people about appropriate usage.*

*This means that adults should:*

- *follow their organisation's guidance on the use of IT equipment*
- *ensure that children are not exposed to unsuitable material on the internet*
- *ensure that any films or material shown to children and young people are age appropriate*

## 29. Whistle blowing

Whistle blowing is the mechanism by which adults can voice their concerns, made in good faith, without fear of repercussion. Each employer should have a clear and accessible whistle blowing policy that meets the terms of the Public Interest Disclosure Act 1998. Adults who use whistleblowing procedure should be made aware that their employment rights are protected.

Adults should acknowledge their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies. This is particularly important where the welfare of children may be at risk.

## 30. Sharing Concerns and Recording Incidents

Individuals should be aware of their organisation's child protection procedures, including procedures for dealing with allegations against adults. All allegations must be taken seriously and properly investigated in accordance with local procedures and statutory guidance. Adults who are the subject of allegations are advised to contact their professional association.

In the event of any allegation being made, to someone other than a manager, information should be clearly and promptly recorded and reported to a senior manager without delay.

Adults should always feel able to discuss with their line manager any difficulties or problems that may affect their relationship with children and young people so that appropriate support can be provided or action can be taken.

It is essential that accurate and comprehensive records are maintained wherever concerns are raised about the conduct or actions of adults working with or on behalf of children and young people.

*This means that organisations should:*

- *ensure they have appropriate whistle-blowing policies in place*
- *ensure that they have clear procedures for dealing with allegations against staff which are in line with their Local Safeguarding Children Board's procedures.*

*This means that adults should:*

- *report any behaviour by colleagues that raises concern regardless of source*

*This means that adults:*

- *should be familiar with their organisation's system for recording concerns*
- *should take responsibility for recording any incident, and passing on that information where they have concerns about any matter pertaining to the welfare of an individual in the workplace*

*This means that organisations:*

- *should have an effective, transparent and accessible system for recording and managing concerns raised by any individual in the workplace*

## APPENDIX 1

This generic document can be used as a base upon which other disciplines/agencies develop specific guidance for adults working in specialised areas.



## APPENDIX 2

This generic document can be used to support safer recruitment and selection practices, induction and on-going training programmes and where necessary, disciplinary and child protection procedures.



## Appendix Two

### List of Designated Officers for Managing Allegations

If you would like the contact details of your Agency's Designated Officer, please contact the LSCB on 01724 298293 or email [IndependentReviewTeam@northlincs.gov.uk](mailto:IndependentReviewTeam@northlincs.gov.uk).

<b>North Lincolnshire</b>	<b>Representative</b>	<b>Status</b>
<b>Local Authority Designated Officer</b>	<b>Nikki Alcock</b>	<b>LADO</b>
<b>Deputy LADO</b>	<b>Katie Newborn</b>	<b>Deputy LADO</b>
<b>Deputy LADO</b>	<b>Michelle Turner</b>	<b>Deputy LADO</b>



## NORTH LINCOLNSHIRE LOCAL SAFEGUARDING CHILDREN BOARD

### **MEDIA PROTOCOL**

#### **1. Introduction**

Child protection issues can generate a great deal of media interest – much of it negative, especially when it relates to investigations into serious cases of child abuse or deaths. Poor media relations in these circumstances can result in the loss of confidence and trust between the public and child protection agencies.

This has the potential to deter people from working with these agencies and can lead to more young people being in danger of harm or neglect. It can also have a negative impact on staff's abilities to carry out their safeguarding functions effectively. There are also many legal restrictions governing what information can be made public during and after investigations.

A robust, planned and co-ordinated approach to child protection issues needs to be taken by the Local Safeguarding Children's Board and individual agencies whether they are working directly with children, providing services for children or with designated safeguarding responsibilities.

#### **2. When Will the Media Protocol Apply?**

This protocol will apply to any proactive or reactive material issued to the media in the following circumstances:

- Child protection case conferences
- Serious Case Reviews
- Criminal prosecutions for child abuse / neglect
- Abandoned children and missing children
- Complaints from the public about the services of more than one local agency on a child protection issue
- S47 investigations
- Allegations against professionals or volunteers
- Behaviour management issues in respect of looked after children
- Management of risky adults (usually sex offenders) living in North Lincolnshire
- Issues of children or young people harming others or committing offences
- Freedom of Information (FOI) requests

- Enquiries regarding Child Death Overview Panel

### **3. Issues to Consider**

Whether issuing a proactive media release, or responding to a media enquiry, the following principles and considerations should be applied:

- The potential for media coverage to further harm the children involved
- Sensitivity to children and families involved
- Factual accuracy
- Respect for each of the agencies involved
- Consistent messages from all agencies
- Legal issues – including any ongoing or potential criminal proceedings and any restrictions regarding data protection or information sharing
- The potential impact on the public – including an increase in reporting incidents or a fall in trust and a drop in reporting
- Impact on employees involved in the case
- Impact on other employees' capacity to function effectively in a hostile or anxious environment
- Repercussions impacting on future case work and service provision

### **4. Proactive Media Releases**

The Local Safeguarding Children Board should consider issuing proactive press releases if:

- There is an issue the LSCB is aware of that is likely to generate considerable local, regional or national interest.
- The public could help with an individual issue that has an impact on safeguarding children.
- A campaign is planned to raise the profile of a subject, service or activity that could help safeguard children – for example who to contact if people are concerned about the safety of a child.
- The Local Safeguarding Children's Board wants to respond to new legislation or guidance.
- A misleading or incorrect story has been run in the media that needs correcting.
- There is an FOI request that impacts on practice for more than one agency

#### **4.1 Process for issuing proactive releases**

- Where possible the LCSB's Communication sub-group should determine the need for a proactive release and sign-off the final copy for distribution.
- A communication professional – Local Authority, Police or Health - should draft any proactive release.

- Draft releases must be circulated between press officers in agencies that any potential story could impact on.
- The release should be issued on Local Safeguarding Children's Board headed paper. It should contain quotes either from the chair of the board or representatives from at least two of the agencies involved.
- Releases will be distributed by a press officer from the Local Authority, Police or Health. This officer will be the named media contact on the release and act for the board for any follow-up questions.
- Coverage from the release will be collated by the named press officer and reported to the next meeting of the LSCB Communication Sub-Group.

## **5. Reactive Media Enquiries**

Each organisation will have their own internal media relations protocols and policies. This protocol is designed to supplement these in circumstances that could have an impact on more than one organisation.

Before responding to media enquiries concerning safeguarding children, officers who are contacted should consider:

- Is my organisation best placed to respond to the issue?
- Am I the best person or designated in my organisation to respond?
- Does the issue have wider impact on other organisations
- Should the LSCB respond rather than individual organisations?
- Should legal advice be sought prior to responding?

### **5.1 Process for Responding to Media Enquiries**

- Complex or potentially controversial issues should be handled by each organisation's press office.
- If it is a child protection issue that applies to only one organisation then this organisation can respond. When in doubt press officers should check with the relevant senior officer in their own organisation if the media request has implications for the wider LSCB or individual workers.
- If deadlines permit, then the request should be discussed at the next available LSCB Communication and Participation action -group or consideration given to convening an extra-ordinary group.
- If deadlines don't allow this then the press officer dealing with the enquiry should contact the chair of the LSCB and/or the chair of the communications action group. These will decide the lead agency to address the issue and the press officer for this agency will formulate a draft response. Requests for responses from other agencies should be referred to this press officer.
- The board chair or the chair of the communications action group will finalise a response. Normally the response will be in the name of one of these people.
- All statements will be circulated to each organisation's press office.

- The designated press officer will collate coverage on the issue and report back to the next LSCB Communications Action-Group.

## **6. Review**

All media coverage that may have (or has had) an impact on safeguarding children in North Lincolnshire will be reviewed at the next available communication action group. A review of media coverage should be a standing item on the group's agenda. Any lessons learned should be shared with each organisation's management and press officers.

## Appendix 4

### Managing Allegations against Foster Carers

#### Legal and Policy Framework

- [Working Together to Safeguard Children 2013](#)
- LSCB Policy and Procedures. Chapter 7: Procedures for Managing Allegations against people who work with children
- LSCB Policy and Procedures. Chapter 1: Assessing Need and Providing Help
- [Children Act 1989](#)
- [Fostering National Minimum Standards 2011](#)

#### Key Principles

These procedures apply to a wider range of allegations than those in which there is reasonable cause to believe a child is suffering, or is likely to suffer, significant harm. The procedures extend to cases of allegations that might indicate that a foster carer is unsuitable to continue to work with children in their present position.

**These procedures should be used in respect of all cases in which it is alleged that a foster carer who works with children 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 they would pose a risk of harm if they work regularly or closely with children

The welfare of the child(ren) will always be the primary concern.

The needs and rights of foster carers will be respected when any complaint or allegation has been made.

**There may be 3 ways in which an allegation is considered:**

- a Police investigation of a possible criminal offence;
- enquiries and assessment by Children's Services about whether a child is in need of protection or in need of services; and
- consideration by the Fostering Service of any further assessment work or review in respect of the Foster Carers.

The named Senior Officer within these procedures will be responsible for:

- referring to the LADO,
- gathering any additional information required,
- taking part in the strategy or joint evaluation discussion(s),
- progressing the case jointly with the LADO and others.

For the purpose of this procedure for which all allegations will be reported will be the Service Manager (Fostering). Their deputy will be the Team Manager (Fostering)

Local Authority Designated Officer (LADO) is involved in the management and oversight of individual cases:

- providing advice and guidance to employers and voluntary organisations,
- 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.

The overall Local Authority Designated Officer (LADO) responsibility is delegated to the Service Manager of the Independent Review Service.

## **Policy**

- North Lincolnshire Council will strive to attain the highest possible standards in practice and safe caring will be integral to its approach when providing foster placements for children and young people.
- North Lincolnshire Council will communicate as fully as possible about the issues of safe caring to all its foster carers and work to a written set of guidelines.
- North Lincolnshire Council aims to develop and improve its foster care practice and is open to representation about its service provision from all foster carers and users of the service.
- In the event of an allegation of abuse the Local Safeguarding Children's Board Policy and Procedures. Chapter 7: Procedures for Managing Allegations against people who work with children should be followed alongside this procedure

## **Standards**

A number of standards should be held to throughout the process. These are:-

1. Foster Carers against whom allegations are made should be kept as fully informed as possible about the allegations against them and the progress of any enquiries or other actions being undertaken. This must be consistent with the need to carry out a thorough enquiry, which may mean that carers cannot be made party to certain information at particular times.
2. Foster Carers should be provided with appropriate support while the case is ongoing, this will include support from the Fostering Social Worker, other professionals as appropriate and provide support independent to the Fostering Service.
3. The child(ren) concerned should receive appropriate support and helped to understand the process.

4. The conduct of enquiries must be a partnership between the child's Case Holding Team, the Fostering Service and the LADO. Partners from other agencies may also be involved and must be regarded as part of the partnership. It is very important that everyone involved with an enquiry is kept aware of progress, to avoid mistakes and confusion for Foster Carers.
5. Speed, consistent with thoroughness, is of the essence, in order to keep anxiety and uncertainty to a minimum for both Foster Carers and children. This work should be given very high priority.
6. Should an allegation be made outside office working hours the Extended Hours Team will be informed of the allegation from the person that receives it. On the next working day this information will be passed onto the Fostering Service and the LADO.

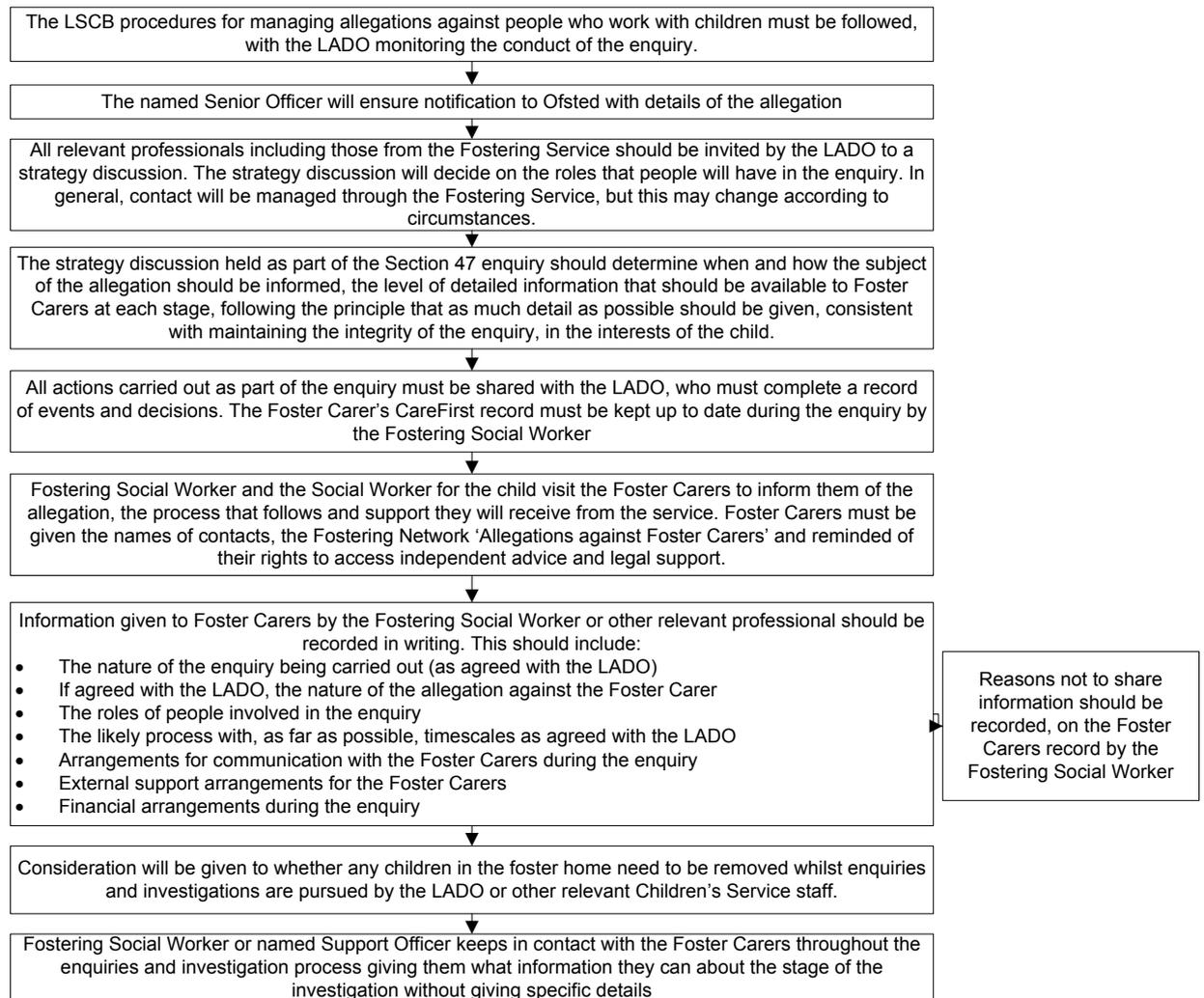
### **Initial Action / Decisions**

**These steps may not be followed chronologically at all times, in some cases, steps may not be taken due to the differing nature of how allegations will be managed given the individual circumstances of that case.**

<b>No</b>	<b>Action</b>	<b>Record</b>	<b>Responsibility</b>	<b>Timescale</b>
1.	Information regarding the allegation provided to Responsible Case Management Team  If the concern is such that it may be significant harm, Senior Social Worker holds strategy discussion with the Police.	Concern on an Open Case	Senior Social Worker (or if out of hours Extended Hours Team)	One Working Day
2.	Responsible Team Service Manager takes responsibility for managing the allegation alongside the Service Manager Fostering (named Senior Officer)	N/A	Service Manager	N/A
3.	Based on the outcomes of the discussion, a number of actions may be taken: <ul style="list-style-type: none"> <li>• <u>An enquiry under Section 17</u> of the Children Act 1989 (child in need enquiry)</li> <li>• <u>An enquiry under Section 47</u> of the Children Act 1989 (child protection enquiry)</li> <li>• No further action</li> </ul> Outside of these processes a Police investigation may be appropriate in some cases (eg violence not	CareFirst Strategy Discussion Form	Responsible Team SSW/Fostering Team Manager	Immediately

	involving a child)			
4.	If an allegation is made against a Foster Carer, the Service Manager Fostering (named Senior Officer) will be informed immediately.	Telephone contact	Fostering Team Manager completes Fostering Concern on an open case form	Immediate
5	Consideration will be given to whether any children in the foster home need to be removed whilst enquiries and investigations are pursued.	Strategy discussion record or CareFirst record	LADO or other relevant Children's Services staff	As necessary
6	The named Senior Officer should report the matter to the LADO within one working day if it meets the criteria under these procedures (see <a href="#">LADO Process Map</a> )  A strategy meeting may be convened – timescales agreed with LADO depending on outcome of initial enquiry.	Telephone contact. Recorded in Managing Allegations Database. CareFirst record on the foster carer	Named Senior Officer or delegated representative LADO	One working day
7	If through discussion with the LADO and the named Senior Officer it is agreed that the allegation meets the criteria within this procedure, the named Senior Officer and LADO agree the communication of relevant information between the teams.  Team Manager Fostering and SSW Responsible Team record relevant information	CareFirst record on the child  CareFirst record on the foster carer  Recorded in Managing Allegations Database.  If relevant the allegation/complaint needs recording on the allegation/complaint log.	Named Senior Officer or their delegated representative  Team Manager Fostering	One working day  Immediately
8	If through discussion with the LADO and the named Senior Officer it is agreed that the allegation does not meet the criteria within this procedure, the named Senior Officer will be responsible for the further necessary action.	CareFirst record on the foster carer  CareFirst record on the child	Named Senior Officer or their delegated representative	One working day

## LADO Process Map



## Police Investigation

In cases where a formal strategy discussion is not considered appropriate because the threshold of 'significant harm' is not reached, but a Police investigation might be needed, the LADO should conduct a similar discussion with the Police, the employer, and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with.

## **Enquiry under Section 17**

Where an allegation is such that an enquiry needs to be carried out, but not under Section 47 the enquiry should be carried out as a partnership with clear information being given to the Foster Carer, at the earliest possible stage. In these cases a strategy discussion will not be held because that discussion is only held if it is thought that a child is likely to or is suffering significant harm.

An enquiry under Section 17 is about whether a child is in need and may take place due to a lesser level of concern about a child's welfare or safety. In these cases the LADO will have an evaluation discussion with the Fostering Service, the child's Social Worker and any other relevant professionals to determine whether any action is needed.

## **Enquiries under Section 17 (Children Act 1989)**

### **Steps to be taken as Guidance**

<b>No</b>	<b>Action</b>	<b>Record</b>	<b>Responsibility</b>	<b>Timescale</b>
1	<p>Service Manager Responsible Team and Service Manager (Fostering) hold discussion regarding information causing concern (consult with the police if appropriate). If the decision is to gather further information (including seeing and listening to the child), progress under S17.</p> <p>[NB If outcome is that enquiries under S47 should be made – see S47 section]</p>	<p>CareFirst Concern on open case form (child)</p> <p>CareFirst Concern on open case form (Fostering)</p>	Senior Social Worker for Child	As soon as possible – within 24 hours
2	<p>Responsible Team allocate workers to gather information – including the child, other agencies, and other relevant people.</p> <p>Fostering Service allocate worker(s) to gather relevant information regarding carer</p> <p>Information fed back to Responsible Team Service Manager who liaises with Service Manager (Fostering)</p>	<p>CareFirst Concern on open case form (child)</p> <p>CareFirst Concern on open case form (Fostering)</p>	Senior Social Worker for Child	As soon as possible (timescales agreed at initial discussion)

3	Consideration will be given to whether any children in the foster home need to be removed whilst enquiries and investigations are pursued.	Strategy discussion record or CareFirst record	LADO or other relevant Children's Services staff	As necessary
4	<p>Responsible Team Service Manager and Service Manager Fostering share the information and make the decision whether to discuss with the Police to determine whether:</p> <ul style="list-style-type: none"> <li>➤ to progress enquiries under S47 (see S47 process) – update LADO,</li> <li>➤ other concerns regarding the care given or the practice of the carers – update LADO and consider Joint Evaluation Meeting</li> <li>➤ concerns not substantiated, no further action / dealt with internally via fostering and/or child's worker as appropriate</li> </ul>	<p>CareFirst Concern on open case form (child)</p> <p>CareFirst Concern on open case form (Fostering)</p> <p>Record on Managing Allegations Database</p>	<p>Senior Social Worker for Child</p> <p>LADO</p>	<p>Immediate</p> <p>As soon as possible</p>

### **Enquiries under Section 47 (Children Act 1989) (Child Protection Enquiry)**

These enquiries may be taken alongside a Police investigation into a possible criminal offence.

#### **Steps to be taken as Guidance**

No	Action	Record	Responsibility	Timescale
1	The LSCB procedures for managing allegations against people who work with children must be followed, with the LADO monitoring the conduct of the enquiry.	LSCB Procedures	All relevant professionals	Within the timescales set out in the procedures
2	The named Senior Officer will ensure notification to Ofsted with details of the allegation.	Ofsted notification	Named Senior Officer	On the first working day of the enquiry

3	All relevant professionals including those from the Fostering Service should be invited to a strategy discussion. The strategy discussion will decide on the roles that people will have in the enquiry. In general, contact with the Foster Carers will be managed by the Fostering Service, but this may change according to circumstances.	Strategy discussion record	LADO	As soon as possible
4	The strategy discussion held as part of the Section 47 enquiry should determine when and how the subject of the allegation should be informed, the level of detailed information that should be available to Foster Carers at each stage, following the principle that as much detail as possible should be given, consistent with maintaining the integrity of the enquiry, in the interests of the child.	Care First strategy discussion record  Foster Carer CareFirst record	Senior Social Worker for the child's case  LADO  Team Manager Fostering	To be agreed at the strategy discussion
5	Consideration will be given to whether any children in the foster home need to be removed whilst enquiries and investigations are pursued.	Strategy discussion record or CareFirst record	LADO or other relevant Children's Services staff	As necessary
6	All actions carried out as part of the enquiry must be shared with the LADO, who must complete a record of events and decisions and is responsible for overseeing and tracking the process. The Foster Carer's CareFirst record must be kept up to date during the enquiry by the Fostering Social Worker	Record of events and decisions.  CareFirst record	LADO  Fostering Social Worker	When actions are taken, both records must be updated
7	Subject to the above (4), Fostering Social Worker and Social Worker for the child visit Foster Carers to inform them of the allegation, the process that follows and support they will receive from the service. Foster Carers must be given names of contacts, the Fostering Network's information leaflet 'Allegations against Foster Carers' and reminded of their rights to access independent advice and legal support.	Record of events and decisions  CareFirst record	Fostering Social Worker  Social Worker for the child	When practicably possible
8	Information given to Foster Carers should be recorded in writing. This should include: <ul style="list-style-type: none"> <li>The nature of the enquiry being</li> </ul>	CareFirst records	Fostering Social Worker or other relevant professional	As necessary

	<p>carried out (as agreed with the LADO).</p> <ul style="list-style-type: none"> <li>• If agreed with the LADO, the nature of the allegation against the Foster Carer.</li> <li>• The roles of people involved in the enquiry.</li> <li>• The likely process with, as far as possible, timescales as agreed with the LADO.</li> <li>• Arrangements for communication with the Foster Carers during the enquiry.</li> <li>• External support arrangements for the Foster Carers.</li> <li>• Financial arrangements during the enquiry.</li> </ul>			
9	Reasons not to share information should be recorded, on the Foster Carers record by the Fostering Social Worker	CareFirst record	Fostering Social Worker	If applicable
10	Consideration will be given to whether any children in the foster home need to be removed whilst enquiries and investigations are pursued.	Strategy discussion record and/or CareFirst record	LADO or other relevant Children's Services staff	As necessary
11	Fostering Social Worker or named support worker keeps in contact with the carers throughout the enquiries and investigation process giving them what information they can about the stage of the investigation without giving specific details	Foster Carers CareFirst records	Fostering Social Worker or named support worker	Throughout process

### **Actions following enquiry stage**

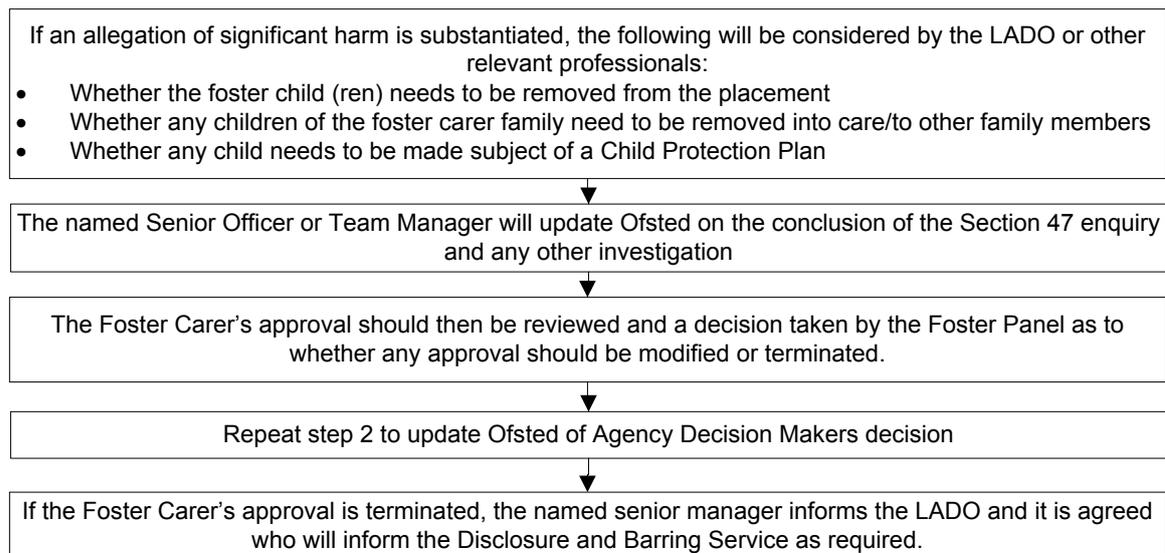
### **Allegation substantiated following a Section 47 enquiry**

### **Steps to be taken as Guidance (see Allegation substantiated Process Map)**

No	Action	Record	Responsibility	Timescale
1	<p>If an allegation of significant harm is substantiated, the following will be considered:</p> <ul style="list-style-type: none"> <li>• whether the foster child (ren) needs to be removed from the placement</li> <li>• whether any children of the foster</li> </ul>	<p>Strategy discussion record</p> <p>CareFirst record</p>	LADO and other relevant professionals	As appropriate

	<p>family need to be removed into care/to other family members</p> <ul style="list-style-type: none"> <li>• whether any child needs to be made the subject of a Child Protection Plan</li> </ul>			
2	The named Senior Officer or Team Manager (Fostering) will update Ofsted on the conclusion of the section 47 enquiry and any other investigation	Letter to Ofsted	Named Senior Officer, Team Manager (Fostering)	Upon conclusion of a section 47 enquiry
3	The Foster Carer's approval should then be reviewed and a decision taken by the Foster Panel as to whether any approval should be modified or terminated.	Foster Panel Record	Fostering Social Worker, Team Manager (Fostering), Independent Reviewing Officer	As soon as possible on conclusion of the enquiry
4	Repeat step 2 to update Ofsted of agency decision makers decision	Letter to Ofsted	Named Senior Officer, Team Manager (Fostering)	Without delay
5	If the Foster Carer's approval is terminated, the named Senior Officer informs the LADO and it is agreed who will inform the Disclosure and Barring Service, as required	DBS Referral	Named Senior Officer/LADO or other relevant professional	Within one month of Agency Decision Makers decision.

### Allegation substantiated Process Map



## **Allegation Not substantiated following s17 / 47 enquiry**

### **Other concerns regarding the care given or the practice of the carers**

Allegations not progressing to S47, but substantiated by less serious concern regarding Foster Carers practice with mitigating factors or allegations where there are concerns but were unsubstantiated due to lack of evidence (see Other concerns Process Map)

No	Action	Record	Responsibility	Timescale
1	Recommendations resulting from the section 47 or section 17 enquiry or any other investigation will inform how the matter is taken forward by the Team Manager (Fostering)	Strategy discussion or evaluation discussion record	LADO	Once enquiry has concluded
2	<p>If further assessment is required, the process of assessment must be proportionate to the circumstances of the case. The following decisions must be recorded:</p> <ul style="list-style-type: none"> <li>• Who will inform the Foster Carers and when</li> <li>• Who will undertake the assessment, including whether this will be an independent Social Worker</li> <li>• Whether the Foster Carers should be suspended from taking further placements while the assessment is ongoing</li> <li>• If appropriate, who will provide independent support for the Foster Carers</li> </ul> <p>The assessment process should start within 2 weeks of the decision</p>	CareFirst record	Team Manager in discussion with Service Manager	Within 2 weeks of the decision
3	<p>The Team Manager should meet with the worker identified to assess, inform and/or support the carers to brief them. The Fostering Social Worker should inform the Foster Carers as soon as possible of the intended assessment/additional work, the process, the information required and the concerns raised (if they haven't already been informed).</p> <p>The Foster Carers should receive the following information:</p> <ul style="list-style-type: none"> <li>• The substance of the allegation/concern</li> <li>• Who will be involved</li> <li>• Timescales</li> </ul>	CareFirst record and assessment record	Team Manager (Fostering) Fostering Social Worker	Within 2 weeks of decision

	<ul style="list-style-type: none"> <li>• Who else will be informed or interviewed, where information will be gathered from</li> <li>• The Foster Carers right to independent support if appropriate</li> <li>• The financial arrangements whilst the assessment is ongoing</li> <li>• Decisions about children in placement and the reason for those decisions</li> <li>• Any temporary variation in the Foster Carer's terms of approval and the reasons for those</li> </ul> <p>The Foster Carers should also be advised on the progress of the assessment/support at regular intervals.</p>			
4	<p>Assessment</p> <p>The Fostering Social Worker will meet the Foster Carers as many times as required interviewing them together and separately. The person providing independent support may attend any meeting or interview with the Foster Carers.</p> <p>The Fostering Social Worker will ensure that full information is gathered. The process should include the information/views of those involved either through direct interview or other sources. For example:</p> <ul style="list-style-type: none"> <li>• Information already received from children in/or previously in placement</li> <li>• Views of Foster Carers</li> <li>• Information from end of placement reports</li> <li>• Information from exit interviews</li> <li>• Information on the Foster Carer's file</li> </ul> <p>Information should be shared with the Foster Carers unless it is confidential in which case the Foster Carers should be informed that the assessment contains confidential information.</p> <p>The assessment should take no longer than 6 weeks to complete from the date of appointment of assessing social worker or Fostering Social Worker and should result in a report that summarises the information, sets out the findings and makes clear recommendations. The matter should then</p>	CareFirst record and assessment record	Fostering Social Worker	Within 6 weeks of appointing Fostering Social Worker

	proceed to a review of approval.			
5	<p>Foster Carer's review brought forward which should:</p> <ul style="list-style-type: none"> <li>• Clarify the nature of the review, ensure the Foster Carers understand the process, the role of the Foster Panel, the Agency Decision Maker and the provision for appeal</li> <li>• Draw together a clear picture of the Foster Carers and their strengths</li> <li>• A summary of Section 47 findings or the findings into allegations or concerns</li> <li>• Enable the Fostering Service and the Foster Carers to explore the future in terms of continuing the Foster Carers approval</li> <li>• Identify what support has been put in place</li> <li>• Identify and clarify requirements on the Foster Carers</li> </ul> <p>Analyse the information in terms of:</p> <ul style="list-style-type: none"> <li>• The Foster Carer's suitability and competence to foster</li> <li>• Any variations in the terms of approval</li> <li>• Any suggested requirements of the Foster Carers including specific training and development</li> </ul> <p>The review should be presented to the Foster Panel including the report from the assessor with a clear recommendation regarding approval and any representations from the Foster Carers. In some cases a review will be held by the Independent Reviewing Officer prior to the case proceeding to the Foster Panel</p>	<p>Assessment record</p> <p>Foster Carer's annual review report</p> <p>Foster Panel minutes</p>	<p>Fostering Social Worker</p> <p>Independent Reviewing Officer</p>	<p>As soon as possible</p>

## Other concerns Process Map

Recommendations resulting from the Section 47 or Section 17 enquiry or any other investigation will inform how the matter is taken forward by the Team Manager

If further assessment is required, the process of assessment must be proportionate to the circumstances of the case. The following decisions must be recorded:

- Who will inform the Foster Carers and when
- Who will undertake the assessment, including whether this will be an independent Social Worker
- Whether the Foster Carers should be suspended from taking further placements while the assessment is ongoing
- Who will provide independent support for the Foster Carers

The process should start within 2 weeks of the decision

The Team Manager should meet with the identified worker to brief them. The Fostering Social Worker should inform the Foster Carers as soon as possible of the intended assessment, the process, the information required and the concerns raised (if they haven't already been informed). The Foster Carers should receive the following information:

- The substance of the allegation/concern
- Who will be involved
- Timescales
- Who else will be informed or interviewed, where information will be gathered from
- The Foster Carers rights to independent support
- The financial arrangements for whilst the inspection is ongoing
- Decisions about children in placement and the reasons for those decisions
- Any temporary variation in the Foster Carer's terms of approval and the reasons for those
- Next steps

The Foster Carers should also be advised on the progress of the assessment at regular intervals. This will be recorded on CareFirst and on the assessment record

### Assessment

The Fostering Social Worker will meet the Foster Carers as many times as required interviewing them together and separately. The person providing independent support may attend any meeting or interview with the Foster Carers.

The Fostering Social Worker will ensure that full information is gathered. The process should include the information/views of those involved either through direct interview or other sources. For example:

- Information already received from children in/or previously in placement
- Views of Foster Carers
- Information from end of placement reports
- Information from exit interviews
- Information on the Foster Carer's file

Information should be shared with the Foster Carers unless it is confidential in which case the Foster Carers should be informed that the assessment contains confidential information.

The assessment should take no longer than 6 weeks to complete from the date of appointment of Fostering Social Worker and should result in a report that summarises the information, sets out the findings and makes a clear recommendation. The matter should then proceed to a review of approval.

### Foster Carers review brought forward should:

- Clarify the nature of the review, ensure the Foster Carers understand the process, the role of the Foster Panel, the Agency Decision Maker and the provision for appeal
- Draw together a clear picture of the Foster Carers and their strengths
- A summary of Section 47 findings or the findings into allegations or concerns
- Enable the Fostering Service and the Foster Carers to explore the future in terms of continuing the Foster Carers approval
- Identify what support has been put in place
- Identify and clarify requirements on the Foster Carers

Analyse the information in terms of:

- The Foster Carer's suitability and competence to foster
- Any variation in the terms of approval
- Any suggested requirements of the Foster Carer including specific training and development

The review should be presented to the Foster Panel including the report from the assessor with a clear recommendation regarding approval and any representations from the foster carers. In some cases a review will be held by the Independent Reviewing Officer prior to the case proceeding to the Foster Panel

### **Allegations are Unsubstantiated, Unfounded or Malicious**

If an allegation is unsubstantiated there may be actions required to further support or enhance the skills through training of Foster Carers. In some cases there may be no further action necessary.

If an allegation is determined to be unfounded or malicious, Children's Services should determine whether the child concerned is in need of services, or may have been harmed by someone else.

In the rare event that an allegation is shown to have been deliberately invented or malicious, the police should be asked to consider whether any action might be appropriate against the person responsible.

#### **In all cases**

- When any of the possible processes described above have reached their conclusion, it is essential that Foster Carers are informed in writing what the outcome is as quickly as possible.
- The child must also be updated regarding the outcome through the appropriate means
- Upon completion of enquiries the named Senior Officer will inform Foster Carers in writing within 7 working days of the outcome and any action to be taken.

#### **Notifications**

The following notifications must be made:

<b>Who to</b>	<b>When</b>	<b>Who By</b>
Ofsted	Any serious complaint about any Foster Carer approved by the fostering agency  Instigation and outcome of any child protection enquiry involving a child placed with Foster Carer  [Subsequently updated regarding the outcome]	Named Senior Officer
Disclosure and Barring Service	When a Foster Carer's approval is terminated due to relevant conduct, risk of harm or receiving a caution or conviction for a relevant offence (or the person has reigned and their approval may have been terminated for these reasons).	Named Senior Officer and/or LADO

## Appendix 5

### Managing Allegations against Prospective Adopters

#### Legal and Policy Framework

- Working Together to Safeguard Children 2013
- LSCB Policy and Procedures. Chapter 7: Procedures for Managing Allegations against people who work with children
- LSCB Policy and Procedures. Chapter 1: Assessing Need and Providing Help
- Children Act 1989
- Adoption National Minimum Standards 2011

#### Scope

This procedure applies to allegations against prospective adopters or any adult member of their household.

In this procedure, and reference to action taken about an allegation against a prospective adopter should be taken to apply to any adult member of the household against whom an allegation is made.

#### Key Principles

The procedures extend to cases of allegations that might indicate that a prospective adopter is unsuitable to continue to work with children in their present position.

**These procedures should be used in respect of all cases in which it is alleged that a prospective adopter who works with children 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 if they work regularly or closely with children

The welfare of the child(ren) will always be the primary concern.

The needs and rights of prospective adopters will be respected when any complaint or allegation has been made.

**There may be 3 ways in which an allegation is considered:**

- a Police investigation of a possible criminal offence;
- enquiries and assessment by Children's Services about whether a child is in need of protection or in need of services; and
- consideration by the adoption service of any further assessment work or review in respect of the prospective adopters.

The Named Senior Officer within these procedures will be responsible for:

- referring to the LADO,
- gathering any additional information required,
- taking part in the strategy or joint evaluation discussion(s),
- progressing the case jointly with the LADO and others.

For the purpose of this procedure for which all allegations will be reported will be the Service Manager (Adoption) or the Principal Social Worker (Regulatory and Support Services).

The Local Authority Designated Officer (LADO) is involved in the management and oversight of individual cases:

- providing advice and guidance to employers and voluntary organisations,
- 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.

The overall Local Authority Designated Officer (LADO) responsibility is delegated to the Service Manager of the Independent Review Service.

## **Policy**

- North Lincolnshire Council will strive to attain the highest possible standards in practice and safe caring will be integral to its approach when providing adoption placements for children and young people.
- North Lincolnshire Council will communicate as fully as possible about the issues of safe caring to all its prospective adopters and work to a written set of guidelines.
- North Lincolnshire Council aims to develop and improve its adoption practice and is open to representation about its service provision from all prospective adopters and users of the service.
- In the event of an allegation of abuse the Local Safeguarding Children's Board Policy and Procedures. Chapter 7: Procedures for Managing Allegations against people who work with children will be followed alongside this procedure.

## **Standards**

A number of standards should be held throughout the process. These are:-

7. Prospective adopters against whom allegations are made should be kept as fully informed as possible about the allegations against them and the progress of any enquiries or other actions being undertaken. This must be consistent with the need to carry out a thorough enquiry, which may mean that prospective adopters cannot be made party to certain information at particular times.

8. Prospective adopters should be provided with appropriate support while the case is ongoing; this will include support from the adoption social worker, other professionals as appropriate and provide support independent to the adoption service.
9. The child(ren) concerned should receive appropriate support and be helped to understand the process.
10. The conduct of enquiries must be a partnership between the child's Case Holding Team, the Adoption Service and the LADO. Partners from other agencies may also be involved and must be regarded as part of the partnership. It is very important that everyone involved with an enquiry is kept aware of progress, to avoid mistakes and confusion for prospective adopters.
11. Speed, consistent with thoroughness, is of the essence, in order to keep anxiety and uncertainty to a minimum for both prospective adopters and children. This work should be given very high priority.
12. Should an allegation be made outside office working hours the extended hours team will be informed of the allegation from the person that receives it. On the next working day this information will be passed onto the Adoption Service and the LADO.

### **Initial Action / Decisions**

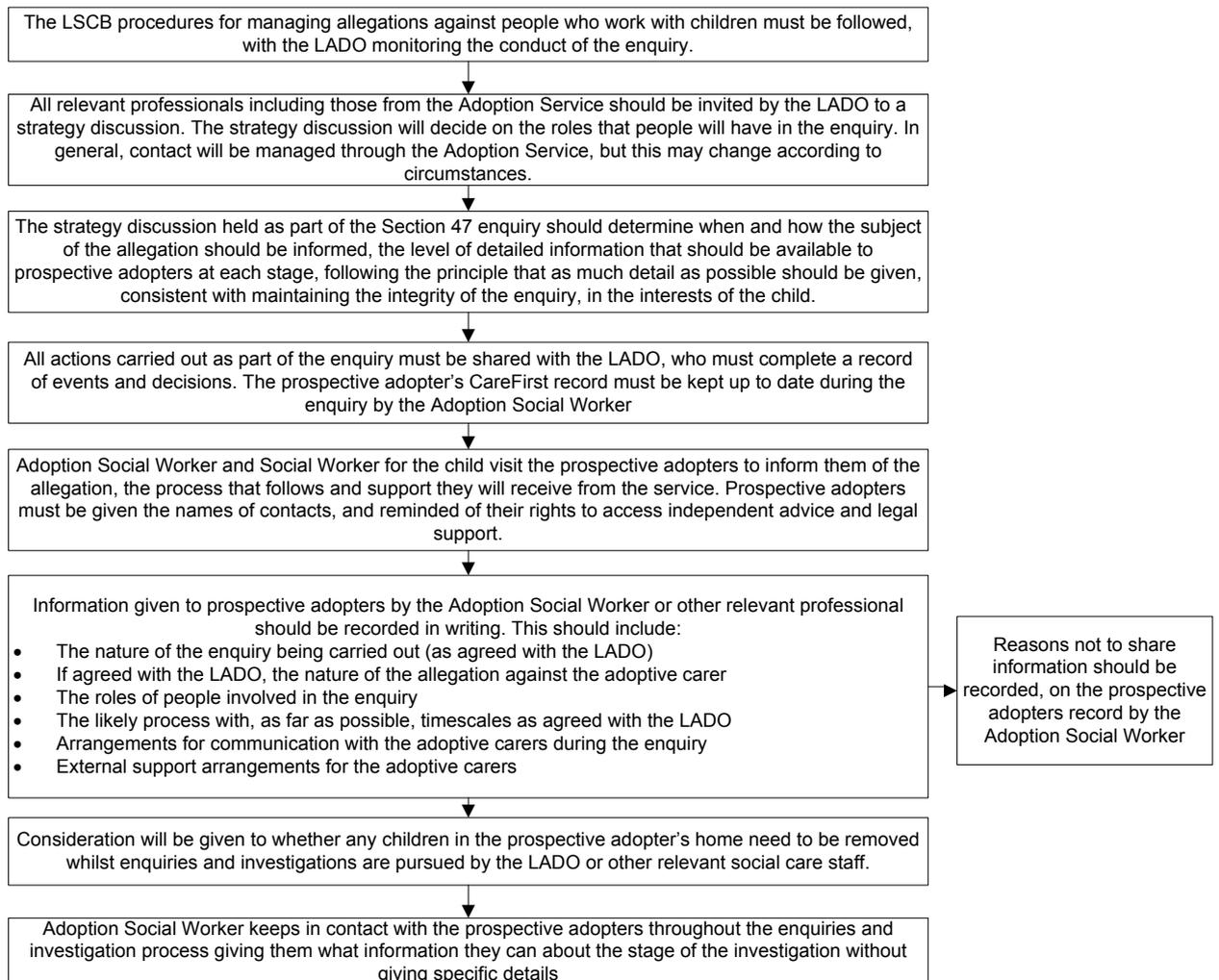
These steps may not be followed chronologically at all times, in some cases, steps may not be taken due to the differing nature of how allegations will be managed given the individual circumstances of that case.

No	Action	Record	Responsibility	Timescale
5.	Information regarding the allegation provided to Responsible Case Management Team  If the concern is such that it may be significant harm, Senior Social Worker holds strategy discussion with the Police.	Concern on an Open Case	Senior Social Worker (or if out of hours Extended Hours Team)	One Working Day
6.	Responsible Team Service Manager takes responsibility for managing the allegation alongside the Service Manager Adoption (named Senior Officer)	N/A	Service manager	N/A
7.	Based on the outcomes of the discussion, a number of actions may be taken: <ul style="list-style-type: none"> <li>• <u>An enquiry under Section 17</u> of the Children Act 1989 (child in need enquiry)</li> <li>• <u>An enquiry under Section 47</u> of the Children Act 1989</li> </ul>			

No	Action	Record	Responsibility	Timescale
	<p>(child protection enquiry)</p> <ul style="list-style-type: none"> <li>No further action</li> </ul> <p>Outside of these processes a Police investigation may be appropriate in some cases (eg violence not involving a child)</p>	CareFirst Strategy Discussion Form	Responsible Team SSW/Service Manager Adoption	Immediately
8.	If an allegation is made against a prospective adopter, the Service Manager (Adoption) (named Senior Officer) will be informed immediately.	Telephone contact/ CareFirst observation	Adoption Service Manager	Immediate
5	Consideration will be given to whether any children in the adoptive home need to be removed whilst enquiries and investigations are pursued.	Strategy discussion record or CareFirst record	LADO or other relevant Children's Services staff	As necessary
6	<p>The named Senior Officer should report the matter to the LADO within one working day if it meets the criteria under these procedures (see <a href="#">LADO Process Map</a>)</p> <p>A strategy meeting may be convened – timescales agreed with LADO depending on outcome of initial enquiry.</p>	<p>Telephone contact. Recorded in Managing Allegations Database. CareFirst record on the prospective adopter</p>	Named Senior Officer or delegated representative LADO	One working day
7	<p>If through discussion with the LADO and the named Senior Officer it is agreed that the allegation meets the criteria within this procedure, the named Senior Officer and LADO agree the communication of relevant information between the teams.</p> <p>Service Manager Adoption and SSW Responsible Team record relevant information</p>	<p>CareFirst record on the child</p> <p>CareFirst record on the prospective adopter</p> <p>Recorded in Managing Allegations Database.</p> <p>If relevant the allegation/complaint needs recording on the allegation/ complaint log.</p>	<p>Named Senior Officers or their delegated representative</p> <p>Service Manager Adoption</p>	<p>One working day</p> <p>Immediately</p>
8	If through discussion with the LADO and the Named Senior Officer it is agreed that the allegation does not meet the criteria within this	CareFirst record on the prospective adopter	Named Senior Officer or their delegated representative	One working day

No	Action	Record	Responsibility	Timescale
	procedure, the named Senior Officer will be responsible for the further necessary action.	CareFirst record on the child		

## LADO Process Map



## Police Investigation

In cases where a formal strategy discussion is not considered appropriate because the threshold of 'significant harm' is not reached, but a Police investigation might be needed, the LADO should conduct a similar discussion with the Police, the Adoption Service, and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with.

## **Enquiry under Section 17**

Where an allegation is such that an enquiry needs to be carried out, but not under Section 47 the enquiry should be carried out as a partnership with clear information being given to the prospective adopter, at the earliest possible stage. In these cases a strategy discussion will not be held because that discussion is only held if it is thought that a child is likely to or is suffering significant harm.

An enquiry under Section 17 is about whether a child is in need and may take place due to a lesser level of concern about a child's welfare or safety. In these cases the LADO will have an evaluation discussion with the Adoption Service, the child's Social Worker and any other relevant professionals to determine whether any action is needed.

## **Enquiries under Section 17 (Children Act 1989)**

### **Steps to be taken as Guidance**

<b>No</b>	<b>Action</b>	<b>Record</b>	<b>Responsibility</b>	<b>Timescale</b>
1	<p>Service Manager Responsible Team and Service Manager (Adoption) hold discussion regarding information causing concern (consult with the Police if appropriate). If the decision is to gather further information (including seeing and listening to the child), progress under S17.</p> <p>[NB If outcome is that enquiries under S47 should be made – see S47 section]</p>	CareFirst Concern on open case form (child)	Senior Social Worker for the Child's Case	As soon as possible – within 24 hours
2	<p>Responsible Team allocate workers to gather information – including the child, other agencies, and other relevant people.</p> <p>Adoption team allocate worker(s) to gather relevant information regarding carer</p> <p>Information fed back to Responsible Team Service Manager who liaises with Service Manager (Adoption)</p>	CareFirst Concern on open case form (child)	Senior Social Worker for the Child's Case	As soon as possible (timescales agreed at initial discussion)

No	Action	Record	Responsibility	Timescale
3	<p>Responsible Team Service Manager and Service Manager Adoption share the information and make the decision whether to discuss with the Police to determine whether:</p> <ul style="list-style-type: none"> <li>to progress enquiries under S47 (see S47 process) – update LADO,</li> <li>other concerns exist regarding the care given or the practice of the prospective adopters – update LADO and consider Joint Evaluation Meeting</li> <li>concerns are not substantiated, no further action / dealt with internally via adoption and/or child's Social Worker as appropriate</li> </ul>	<p>CareFirst Concern on open case form (child)</p> <p>Record on Managing Allegations Database</p>	<p>Senior Social Worker for the Child's Case</p> <p>LADO</p>	<p>Immediate</p> <p>As soon as possible</p>

### **Enquiries under Section 47 (Children Act 1989) (Child Protection Enquiry)**

These enquiries may be taken alongside a Police investigation into a possible criminal offence.

#### **Steps to be taken as Guidance**

No	Action	Record	Responsibility	Timescale
1	The LSCB procedures for managing allegations against people who work with children must be followed, with the LADO monitoring the conduct of the enquiry.	LSCB Procedures	All relevant professionals	Within the timescales set out in the procedures
2	All relevant professionals including those from the Adoption Service should be invited to a strategy discussion. The strategy discussion will decide on the roles that people will have in the enquiry. In general, contact with the prospective adopters will be managed by the Adoption Service, but this may change according to circumstances.	Strategy discussion record	LADO	As soon as possible
3	The strategy discussion held as part of the Section 47 enquiry should determine when and how the subject of the allegation should be informed, the level of detailed	Care First strategy discussion record	Senior Social Worker for the child's case	To be agreed at the strategy discussion

No	Action	Record	Responsibility	Timescale
	information that should be available to prospective adopters at each stage, following the principle that as much detail as possible should be given, consistent with maintaining the integrity of the enquiry, in the interests of the child.	Prospective adopter CareFirst record	LADO  Service Manager Adoption	
4	Consideration will be given to whether any children in the adoptive home need to be removed whilst enquiries and investigations are pursued.	Strategy discussion record or CareFirst record	LADO or other relevant Children's Services staff	As necessary
5	All actions carried out as part of the enquiry must be shared with the LADO, who must complete a record of events and decisions and is responsible for overseeing and tracking the process. The prospective adopter's CareFirst record must be kept up to date during the enquiry by the Adoption Social Worker.	Record of events and decisions.  CareFirst record	LADO  Adoption Social Worker	When actions are taken, both records must be updated
6	Subject to the above (4), Adoption social worker and Social Worker for the child visit prospective adopters to inform them of the allegation, the process that follows and support they will receive from the service. Prospective adopters must be given names of contacts, the 'Safeguarding in Adoption' information leaflet and reminded of their rights to access independent advice and legal support.	Record of events and decisions  CareFirst record	Adoption Social Worker  Social Worker for the child	When practicably possible
7	Information given to prospective adopters should be recorded in writing. This should include: <ul style="list-style-type: none"> <li>• The nature of the enquiry being carried out (as agreed with the LADO).</li> <li>• If agreed with the LADO, the nature of the allegation against the prospective adopter.</li> <li>• The roles of people involved in the enquiry.</li> <li>• The likely process with, as far as possible, timescales as agreed with the LADO.</li> <li>• Arrangements for communication with the prospective adopters during</li> </ul>	CareFirst records	Adoption Social Worker or other relevant professional	As necessary

No	Action	Record	Responsibility	Timescale
	<p>the enquiry.</p> <ul style="list-style-type: none"> <li>External support arrangements for the prospective adopters.</li> <li>Financial arrangements during the enquiry.</li> </ul>			
8	Reasons not to share information should be recorded on the prospective adopters record by the Adoption Social Worker	CareFirst record	Adoption Social Worker	If applicable
9	Consideration will be given to whether any children in the adoptive home need to be removed whilst enquiries and investigations are pursued.	Strategy discussion record and/or CareFirst record	LADO or other relevant Children's Services staff	As necessary
10	Adoption social worker keeps in contact with the prospective adopters throughout the enquiry and investigation process, giving them what information they can about the stage of the investigation without giving specific details that may endanger the integrity of the enquiry.	Prospective adopters CareFirst records	Adoption social worker	Throughout process

### **Actions Following Enquiry Stage**

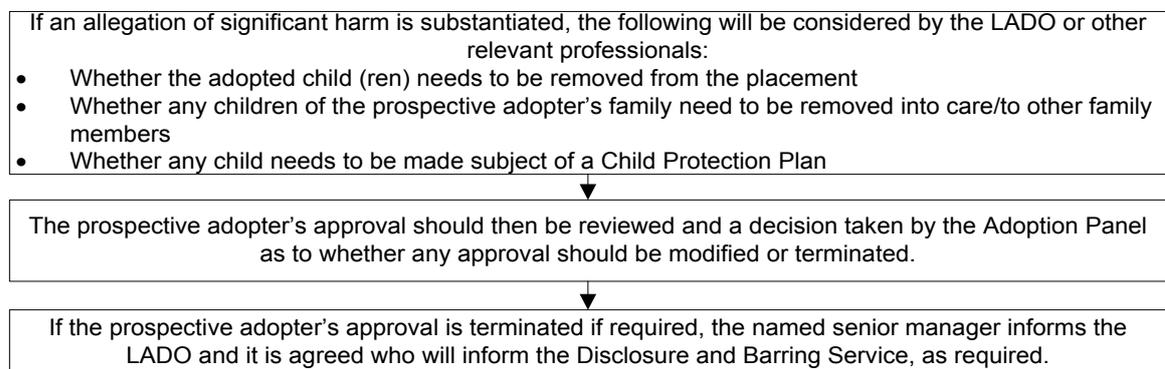
#### **Allegation substantiated following a Section 47 enquiry**

##### **Steps to be taken as Guidance**

No	Action	Record	Responsibility	Timescale
1	<p>If an allegation of significant harm is substantiated, the following will be considered:</p> <ul style="list-style-type: none"> <li>whether the adoptive child(ren) needs to be removed from the placement</li> <li>whether any children of the prospective adopters need to be removed into care/to other family members</li> <li>whether any child needs to be made the subject of a Child Protection Plan</li> </ul>	<p>Strategy discussion record</p> <p>CareFirst record</p>	LADO and other relevant professionals	As appropriate
2	The prospective adopter's approval should then be reviewed and a decision taken by the Adoption panel as to whether any approval should be modified or terminated.	Adoption panel Record	Adoption Social Worker, Service Manager, Independent	As soon as possible on conclusion of the enquiry

No	Action	Record	Responsibility	Timescale
			Reviewing Officer	
3	If the prospective adopter's approval is terminated, the named Senior Officer informs the LADO and it is agreed who will inform the Disclosure and Barring Service, if required	DBS Referral, if required	Named Senior Officer/LADO or other relevant professional	Within one month of Agency Decision Makers decision.

### Allegation substantiated Process Map



### Allegation Not substantiated following s17 / 47 enquiry

#### Other concerns regarding the care given by the prospective adopters

Allegations not progressing to S47, but substantiated by less serious concern regarding prospective adopters' care with mitigating factors or allegations where there are concerns but were unsubstantiated due to lack of evidence

No	Action	Record	Responsibility	Timescale
1	Recommendations resulting from the section 47 or section 17 enquiry or any other investigation will inform how the matter is taken forward by the Service Manager	Strategy discussion or evaluation discussion record	LADO	Once enquiry has concluded

No	Action	Record	Responsibility	Timescale
2	<p>If further assessment or direct support work is required, the process must be proportionate to the circumstances of the case. The following decisions must be recorded:</p> <ul style="list-style-type: none"> <li>• Who will inform the prospective adopters and when</li> <li>• Who will undertake the assessment/support work, including whether this will be an independent service provider</li> <li>• If appropriate, who will provide independent support for the prospective adopters</li> </ul> <p>The process should start within 2 weeks of the decision</p>	CareFirst record	Service Manager (Adoption)	Within 2 weeks of the decision
3	<p>The Service Manager should meet with the worker identified to assess, inform and/or support the prospective adopters to brief them.</p> <p>The Adoption Social Worker should inform the prospective adopters as soon as possible of the intended assessment/ additional work, the process, the information required and the concerns raised (if they haven't already been informed).</p> <p>The prospective adopters should receive the following information:</p> <ul style="list-style-type: none"> <li>• The substance of the allegation/concern</li> <li>• Who will be involved</li> <li>• Timescales</li> <li>• Who else will be informed or interviewed, where information will be gathered from</li> <li>• The prospective adopters right to independent support if appropriate</li> <li>• Implications for any financial support arrangements whilst the assessment is ongoing</li> <li>• Decisions about children in placement and the reason for those decisions</li> </ul> <p>The prospective adopters should also be advised on the progress of the</p>	CareFirst record and assessment record	Service manager (Adoption)  Adoption Social Worker	Within 2 weeks of decision

No	Action	Record	Responsibility	Timescale
	assessment/support at regular intervals.			
4	<p>The Adoption Social Worker will meet the prospective adopters as many times as required interviewing them together and separately. The person providing independent support may attend any meeting or interview with the prospective adopters.</p> <p>The Adoption Social Worker will ensure that full information is gathered. The process should include the information/views of those involved either through direct interview or other sources. For example:</p> <ul style="list-style-type: none"> <li>• Information received from children</li> <li>• Views of prospective adopters</li> <li>• Information on the prospective adopter's file</li> </ul> <p>Information should be shared with the prospective adopters unless it is confidential in which case the prospective adopters should be informed that the assessment contains confidential information.</p> <p>The work should take no longer than 6 weeks to complete from the date of appointment of the Adoption Social Worker and should result in a report that summarises the information, sets out the findings and makes clear recommendations. The matter may then proceed to a review of approval.</p>	CareFirst record and assessment record	Adoption Social Worker	Within 6 weeks of appointing assessing social worker or adoption social worker
5	<p>In cases where an allegation has been made against a prospective adopter who has not had a child placed with them, the prospective adopter's review should be brought forward. It should:</p> <ul style="list-style-type: none"> <li>• Clarify the nature of the review, ensure the prospective adopters understand the process, the role of the Adoption panel, the Agency Decision Maker and the provision for appeal</li> <li>• Draw together a clear picture of the prospective adopters and their strengths</li> <li>• A summary of Section 47 findings or the findings into allegations or</li> </ul>	<p>Assessment record</p> <p>Prospective adopter's annual review report</p> <p>Adoption panel minutes</p>	<p>Adoption Social Worker</p> <p>Independent Reviewing Officer</p>	As soon as possible

No	Action	Record	Responsibility	Timescale
	<p>concerns</p> <ul style="list-style-type: none"> <li>• Enable the Adoption Service and the prospective adopters to explore the future in terms of continuing the prospective adopters approval</li> <li>• Identify what support has been put in place</li> <li>• Identify and clarify requirements on the prospective adopters</li> <li>• Analyse the information in terms of: <ul style="list-style-type: none"> <li>• The prospective adopter's suitability and competence to adopt</li> <li>• Any suggested requirements of the prospective adopters including specific training and development</li> </ul> </li> </ul> <p>The review should be presented to the Adoption panel, including the report from the assessor, with a clear recommendation regarding approval and any representations from the prospective adopters.</p>			

## Other concerns Process Map

Recommendations resulting from the Section 47 or Section 17 enquiry or any other investigation will inform how the matter is taken forward by the Service Manager

If further assessment or direct support work is required, the process of assessment must be proportionate to the circumstances of the case. The following decisions must be recorded:

- Who will inform the prospective adopters and when
- Who will undertake the assessment/support work, including whether this will be an independent service provider
- If appropriate, who will provide independent support for the prospective adopter

The process should start within 2 weeks of the decision

The Service Manager should meet with the worker identified to assess, inform and/or support the prospective adopters to brief them. The Adoption Social Worker should inform the prospective adopters as soon as possible of the intended assessment/additional work, the process, the information required and the concerns raised (if they haven't already been informed).

The prospective adopters should receive the following information:

- The substance of the allegation/concern
- Who will be involved
- Timescales
- Who else will be informed or interviewed, where information will be gathered from
- The prospective adopters rights to independent support if appropriate
- Implications for any financial support arrangements whilst the assessment is ongoing
- Decisions about children in placement and the reason for those decisions

The prospective adopters should also be advised on the progress of the assessment/support at regular intervals. This will be recorded on CareFirst and on the assessment record

The Adoption Social Worker will meet the prospective adopters as many times as required interviewing them together and separately. The person providing independent support may attend any meeting or interview with the prospective adopters.

The Adoption Social Worker will ensure that full information is gathered. The process should include the information/views of those involved either through direct interview or other sources. For example:

- Information already received from children
- Views of prospective adopters
- Information on the prospective adopter's file

Information should be shared with the prospective adopters unless it is confidential in which case the prospective adopters should be informed that the assessment contains confidential information. The work should take no longer than 6 weeks to complete from the date of appointment of Adoption Social Worker and should result in a report that summarises the information, sets out the findings and makes clear recommendations. The matter may then proceed to a review of approval.

In cases where an allegation has been made against a prospective adopter who has not had a child placed with them, the prospective adopter's review should be brought forward. It should:

- Clarify the nature of the review, ensure the prospective adopters understand the process, the role of the adoption panel, the Agency Decision Maker and the provision for appeal
- Draw together a clear picture of the prospective adopters and their strengths
- A summary of Section 47 findings or the findings into allegations or concerns.
- Enable the adoption service and the prospective adopters to explore the future in terms of continuing the prospective adopters approval
- Identify what support has been put in place
- Identify and clarify requirements on the prospective adopters
- Analyse the information in terms of:
  - a. The prospective adopter's suitability and competence to adopt
  - b. Any suggested requirements of the prospective adopters including specific training and development

The review should be presented to the Adoption panel, including the report from the assessor, with a clear recommendation regarding approval and any representations from the prospective adopters.

### **Allegations are unsubstantiated, unfounded or malicious**

If an allegation is unsubstantiated there may be actions required to further support or enhance the skills through training of prospective adopters. In some cases there may be no further action necessary.

If an allegation is determined to be unfounded or malicious, the child's Social Worker should determine whether the child concerned is in need of services, or may have been harmed by someone else.

In the rare event that an allegation is shown to have been deliberately invented or malicious, the Police should be asked to consider whether any action might be appropriate against the person responsible.

#### **In all cases**

- When any of the possible processes described above have reached their conclusion, it is essential that prospective adopters are informed in writing what the outcome is as quickly as possible.
- The child must also be updated regarding the outcome through the appropriate means
- Upon completion of enquiries the named Senior Officer will inform prospective adopters in writing within 7 working days of the outcome and any action to be taken.

#### **Notifications**

The following notifications must be made:

<b>Who to</b>	<b>When</b>	<b>Who By</b>
Ofsted	Death or serious injury of a child in the course of receiving adoption support services from the agency	Named Senior Officer
Clinical Commissioning Group	Death or serious injury of a child in the course of receiving adoption support services from the agency	Named Senior Officer
Local Health and Wellbeing Board	Death or serious injury of a child in the course of receiving adoption support services from the agency	Named Senior Officer
Relevant authority	Death or serious injury of a child in the course of receiving adoption support services from the agency	Named Senior Officer
Secretary of State	Death of a child in the course of receiving adoption support services from the agency	Named Senior Officer

Disclosure and Baring Service	When a prospective adopter's approval is terminated due to relevant conduct, risk of harm or receiving a caution or conviction for a relevant offence (or the person has resigned and their approval may have been terminated for these reasons).	Named Senior Officer and/or LADO
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### Retention of Records

Information relating to an allegation should be retained for 100 years from the date of the adoption order, or if the prospective adopter has not had a child placed or adopted, for ten years.

### Metadata

Purpose of Document	To outline the procedure on managing allegations against prospective adopters for all staff	
Reference/Version	all_ad	
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Date	Amendments Made	By Whom
14/11/2011	First copy	Mike Biggs
25/11/2011	Second copy	Mike Biggs, Nikki Alcock, Gareth Lambert
15/02/2013	Third Copy	Nikki Alcock, Claire Naylor
01/12/2013	Fourth Copy	Claire Naylor

## Appendix 6

### Process Map for the Managing Allegations Procedure

