

Livewell Southwest

**Allegations made against staff in respect of
children and young people policy**

Version No. 2

Review: May 2019

Notice to staff using a paper copy of this guidance

The policies and procedures page of Intranet holds the most recent version of this guidance. Staff must ensure they are using the most recent guidance.

Author: Integrated Safeguarding Manager for Adults and Children.

Asset Number: 750

Reader Information

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Author	Integrated Safeguarding Lead for Adults and Children
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	Livewell Southwest Dismissal Procedure Livewell Southwest Grievance Policy
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Document review history

Version no.	Type of change	Date	Originator of change	Description of change
V.0.1	New document	March 2009		New document.
V.1	Updated	April 2009	Author	Minor amendment following consultation
V.1.1	updated	August 2009	B. Allis	Change to Children's Safeguarding team's contact numbers
V 1.2	Updated	November 2013 and December 2013	Integrated Safeguarding Lead for Adults and Children/Strategic Lead for Children and Young People.	Updated information from Working Together to Safeguard Children 2013 and Local Safeguarding Children Board. Addition of reporting form. Clarification of the scope of the policy. Including feedback from consultation round in LIVEWELL SOUTHWEST and with Local Authority Designated Officer.
V 1.3	Updated	January 2014	Integrated Safeguarding Lead for Adults and Children/Strategic Lead for Children and Young People.	Including amendments from consultation and following a meeting with Human Resources representatives.
V1.4	update	May 15	Nurse Advisor Child Protection	Minor amendments following update in government guidance
V.2	Update	April 2016	ISGM	

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Allegations made against staff in respect to children and young people policy.

1. Introduction

- 1.1 Working Together to Safeguard Children 2015 places an explicit duty upon organisations to have clear policies in line with those of the Local Safeguarding Children Board for dealing with allegations against people who work with children. The allegations policy is part of a suite of child safeguarding activity in which the interests of the child are paramount.
- 1.2 This policy has been developed to ensure a consistent and effective response to any circumstances giving grounds for concern, or formal complaints, or expressions of anxiety about child abuse relating to an employee. It is Livewell Southwest's aim to respond effectively and sensitively to these concerns.
- 1.3 This procedure aims to draw together the duties and responsibilities of individuals and ensure that there is no conflict with other Livewell Southwest policies and procedures, e.g. Disciplinary, Grievance and Whistle Blowing.
- 1.4 The procedure should be read in conjunction with the South West Child Protection Procedures www.swcpp.org.uk and Working Together to Safeguard Children 2015.

2. Purpose

- 2.1 This policy applies where there are concerns about a Livewell Southwest employee's behavior towards children and young people. It also applies to NHSP and agency staff who are employed as sessional workers for the organisation.

It should be used in respect of all cases in which it is alleged that an employee who works with children has:

1. Behaved in a way that has harmed a child or young person or may have harmed a child or young person.
- Or
2. Committed a criminal offence against or related to a child or young person.
- Or
3. Behaved towards a child, young person in a way that indicates she\he is unsuitable to work with these groups of people.

This also relates to allegations about abuse that took place sometime ago and where the person is still working with or has contact with children.

- There will be occasions when Points 1-3 above are met because there are concerns about a staff members behaviour towards their own child/ren or child/ren unrelated to their employment or voluntary work, and there has been a recommendation from a strategy discussion that consideration should be given to the risk posed to children they work with.

2.2 The policy also relates to staff employed by Livewell Southwest and their responsibility to report any concerns relating to members of the public within the care of Livewell Southwest who disclose present or historical behavior by someone who is, or was at the time of the alleged abuse, working with children and;

1. Behaved in a way that has harmed a child or young person or may have harmed a child or young person.
Or
2. Committed a criminal offence against or related to a child or young person.
Or
3. Behaved towards a child, young person in a way that indicates she\he is unsuitable to work with these groups of people.

A 'child' is a person under 18 years old.

2.3 There may be up to three strands in the consideration of an allegation:-

1. The police investigation of a possible criminal offence.
2. Enquiries and assessment by Children Young People and Family Services, as to whether the child is in need of protection or in need of services.
3. Consideration by an employer of disciplinary investigation in respect of an employee of Livewell Southwest. The Livewell Southwest disciplinary policy will be followed in these cases.

3. Definitions

3.1 **Abuse and neglect:** are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely by a stranger. They may be abused by an adult or adults or another child or children. Forms of abuse are:

- **Physical abuse:** may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to child.
- **Sexual abuse:** involves forcing or enticing a child or young person to take part in sexual activities including

prostitution whether or not the child is aware of what is happening.

- **Neglect:** persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development.
- **Emotional abuse:** persistent emotional maltreatment of a child such as to cause severe and persistent adverse effect on the child's emotional development. This includes a child who witnesses domestic violence, overhears domestic violence or an episode of adult abuse.

3.2 **Strategy discussion / meeting**

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 coordinated by the Local Authority Children Young People and Families Services and chaired by the Local Authority Designated Officer (LADO) and will be attended by the police, and other bodies as appropriate (e.g. Children's Centre or School etc). Those participating should be sufficiently senior and able, to contribute information to the discussion and to make decisions on behalf of their agencies (Working Together to Safeguard Children 2015). When a strategy meeting or discussion is called in respect of an employee of Livewell Southwest, the Senior Manager will attend the meeting accompanied as appropriate by the relevant senior line manager. The latter will be determined on a case-by-case basis. The ISGM will be informed of all cases discussed at strategy meeting and will attend if appropriate to do so.

4. **Duties & Responsibilities**

4.1 **The Chief Executive** is ultimately responsible for the content of all policies and their implementation and holds executive responsibility for Safeguarding Children. For the purpose of this policy, the Director of Professional Practice, Quality and Safety is also the **Named Senior Officer** for allegations made against staff in respect of children.

4.2 **The Integrated Safeguarding Lead for Adults and Children** is responsible for the development of safeguarding policy and ensuring that policies and procedures in relation to safeguarding adults and children are understood, adopted and applied by all staff. For the purpose of this policy, the Integrated Safeguarding Lead for Adults and Children is also the **Senior Manager** for allegations made against staff in respect of children. This is the role that will have contact with the **Local Authority Designated Officer** in the event of an allegation against a member of staff employed by Livewell Southwest. The **Senior Manager** will also provide an overview of each allegation to the **Named Senior Officer** in order that s/he holds executive oversight.

- 4.3 **Locality Managers** are responsible for identifying, producing and for implementing Livewell Southwest policies relevant to their area of work and will be responsible for ensuring that all staff members conform to the standards set out in this policy. The Locality Managers with advice from the Integrated Safeguarding Lead for Adults and Children will overview the policy and monitor constraints to compliance and effectiveness, advising and implementing strategies to support improvement to practice.
- 4.4 **Deputy Locality Managers and Service Managers** are responsible for adherence to policy and supporting staff to work within this policy.
- 4.5 **Named Professionals** are responsible for promoting good professional practice within LIVEWELL SOUTHWEST and provide advice and expertise for fellow professionals. The Named Nurse for Child Protection will deputise for the Integrated Lead for Safeguarding Adults and Children as the **Senior Manager** during periods of absence.
- 4.6 **Clinical Staff** are accountable for their own professional judgement and clinical practice. They are accountable for working within this policy and should they have concerns that a member of staff may be significantly harming a child, for seeking guidance from Locality Management, Named Professionals or the Integrated Safeguarding Lead for Adults and Children.
- 4.7 Each document is to have an **Editor** who will nominate an Author with appropriate knowledge and experience. For the purpose of this document the editor and the author is the Integrated Safeguarding Lead for Adults and Children. The author for future reviews will be the same.

5. Making the Allegation

- 5.1 Anyone employed to work with young people or children, has a responsibility to be aware of possible abuse, and to take appropriate action whenever there is a concern that abuse may have taken place or may be likely to without preventative action. The safety and welfare of children must be paramount at all times. Employees should familiarise themselves and work to the South West Child Protection Procedures @ www.swcpp.org.uk and Plymouth Safeguarding Children Board Procedures @ www.plymouthscb.org.uk
- 5.2 If the allegation (of behavior in the past or present) meets any of the criteria below and in circumstances where the alleged abuser is an employee of Livewell Southwest, the manager receiving the allegation must immediately notify the Integrated Safeguarding Lead for Adults and Children on 01752 434763.

- Behaved in a way that has harmed a child or young person or may have harmed a child or young person.
- Or
- Committed a criminal offence against or related to a child or young person.
- Or
- Behaved towards a child, young person in a way that indicates she\he is unsuitable to work with these groups of people.

This may arise because there are concerns about a staff members behaviour towards their own child/ren or child/ren unrelated to their employment or voluntary work, and there has been a recommendation from a strategy discussion that consideration should be given to the risk posed to children they work with.

- 5.3 The Integrated Safeguarding Lead for Adults and Children should report it to the Local Authority Designated Officer (LADO) within one working day. Initially by telephone with written follow up on the LADO referral form. At the time of writing this policy the LADO is Simon White.
- 5.4 Some employees may feel uneasy about reporting situations that may lead to an investigation. This can be particularly challenging when this involves a work colleague. In such circumstances they should refer to Livewell Southwest Whistle Blowing Policy which gives advice on how the organisation will work with them to avoid any adverse repercussions and look at all options available so that they feel supported. All allegations can be investigated whilst protecting the source of the disclosure and this is to support staff coming forward.
- 5.5 Employees should be supported to understand that they do have a duty and responsibility to report such incidents or occasions of actual or potential abuse, and for professional staff it is also a responsibility under their professional code of practice.
- 5.6 If employees suspect their manager may be part of the abuse they must report their concerns to a more senior manager or consider using Livewell Southwest Whistle Blowing Policy.
- 5.7 Failure to report possible incidents, actual or potential, may indicate collusion. Along with malicious allegations or those made for personal gain these would be viewed extremely seriously.
- 5.8 It is the role of the manager receiving the concern to assess whether such incidents or occasions would constitute abuse or raise concern in relation to an employees' behavior or management of a child. The manager should seek advice in these circumstances from the Integrated Safeguarding Lead for Adults and Children as to the

appropriate course of action.

- 5.9 When such an allegation has been made, a Serious Incident Requiring Investigation (SIRI) will be progressed and an appendix A will be raised after discussion with the ISGM. In all cases an incident form will be raised.

5.10 **Contact details**

Integrated Lead for Safeguarding Adults and Children who for the purposes of this policy is also the **Senior Manager**.

Tel 01752- 434763

Named Senior Officer/Director of Professional Practice, Safety and Quality

Tel 01752 43638

Out of hours, the On Call Director should be contacted via switchboard.

6. Supporting those involved

6.1 Staff Members Against Whom the Allegation Has Been Made

- 6.2 When an allegation of harm against a child has been made, the LIVEWELL SOUTHWEST disciplinary process will be used to ensure that both the staff member and children are protected. An immediate decision will be taken by the appropriate senior manager and human resources and corporate services colleague to determine whether the employee is able to remain at work.

- 6.3 However, an investigation within the disciplinary policy will only take place when external agency investigations are complete.

- 6.4 Where a Strategy Discussion or Meeting is required or it is clear that the police or other agencies may need to be involved, the staff member against whom the allegation has been made should **not** be informed of the detail of the allegation until these agencies have been consulted and agreed what information can be disclosed to the employee.

- 6.5 At the appropriate point and in agreement with the LADO, Livewell Southwest via the appropriate line manager will ensure that the employee who is the subject of the allegation is informed of the detail. They will be kept informed of the progress of the investigation and will also ensure they are provided with a person designated to provide them with appropriate support.

- 6.6 At this point the employee should be provided with the Plymouth Safeguarding Children Board leaflet ['Guidance for Adults Facing an Allegation of Child Abuse at Work'](#). (Appendix B)
- 6.7 If the employee is a member of a trade union or a professional association they should be advised to contact that body at the outset of the investigation for support and guidance.
- 6.8 There are a number of investigatory processes that may occur
- Child protection enquiries by Children Social Care (under Section 47 or Section 17 of the Children Act 1989.)
 - A criminal investigation by the police.
 - A disciplinary investigation by Livewell Southwest.
- 6.9 **Parents**
- If the parents/carers of the child concerned are not already aware of the allegation, the Local Authority Designated Officer will in discussion with multi-agency colleagues, decide how and by whom they should be informed. However, in some circumstances Livewell Southwest may need to advise parents of an incident involving their child straight away – e.g. if the child has been injured while in the care of Livewell Southwest and requires medical treatment.
- 6.10 **Colleagues**
- All employees involved in any of the investigatory processes highlighted above will also be supported by Livewell Southwest.
 - Witnesses who are involved can engage staff side or nominate a work colleague for support. The nominated work colleague must maintain and respect the sensitive and confidential nature of the process and any information which may be shared with them. The requirement of a nominated work colleague will be established and arranged by the Line Manager of the employee concerned, with the assistance of a representative from the human resources and corporate services department.

7. Record Keeping

7.1 Livewell Southwest will

- Keep a clear and comprehensive summary of any allegations made including, details of the date and how the allegation was raised, reported to the LADO, followed up and resolved. (Appendix C)
- This will be kept in a separate confidential file stored by the ISGM.
- This record should be cross referenced to the employee's

confidential human resources file at point 7.3 below

- Minutes of multi-agency meetings will also be stored within this separate record and will be shared only as described within the wording of the minutes.
- Nothing will be stored within the management file.

7.2 The record should be kept at least until the employee reaches retirement or for ten years if that would be longer.

7.3 The Human Resources file will contain a brief note (with no detail) to indicate that other relevant information is held about the staff member. This note will not include the outcome which is likely to be;

- Unsubstantiated
- Substantiated
- Unfounded
- Deliberately Invented
- Malicious
- No case to answer

7.4 In the event of organisational change the following should take place;

- The Integrated Safeguarding Lead for Adults and Children will ensure that records are appropriately passed on to the new organisation/Senior Manager.
- All completed records will be forwarded to the Integrated Safeguarding Lead for Adults and Children who will hold responsibility for secure keeping of records and management of requests for information held in records.
- They will ensure that a cross reference is made to the employee's confidential file. The purpose of the record is to enable accurate information to be given in response to any future request for a reference.

7.5 In such cases where allegations have proven to be malicious or vexatious these records will be kept by the Integrated Safeguarding Lead for Adults and Children for a period of 3 months and then destroyed, unless requested by the individual concerned to be kept for a longer period.

8. Information sharing

8.1 Information should be shared in a timely manner and in accordance with local Information sharing protocols and current child protection procedures. (available on policies and procedures pages of Intranet under a header of child protection policies).

8.2 While the allegation is being considered or investigated every effort should be made to maintain confidentiality, and guard against

publicity. A Duty of candor will mean that the child, parents, carers and staff member up to date on the progress of the case, in accordance with these procedures, information sharing should be restricted to those who have a need to know in order to protect children, facilitate enquiries or manage related disciplinary or suitability procedures.

9. Additional Information.

9.1 Case subject to police investigation

- If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible, consistent with a fair and thorough investigation, and will keep the progress of the case under review. Livewell Southwest as the employer will be informed of any caution, conviction or acquittal. Livewell Southwest will follow usual procedures in this case.
- Referral to the Disclosure and Barring Service (DBS), regulatory or professional body.
- If the allegation is substantiated and on conclusion of the case Livewell Southwest as the employer dismisses the person, issues a sanction or ceases to use the person's services, or the person ceases to provide his/her service, the LADO will be updated.
- Any referral to the Disclosure and Barring Service would be made immediately after the conclusion of the disciplinary process (after hearing). If the member of staff is governed by a regulatory or professional body a referral to the appropriate body will also be made. Information relating to a disclosure to the DBS will be provided to the staff member at the time of their dismissal.
- In the event that an allegation is shown to have been deliberately invented or malicious, the Integrated Safeguarding Lead for Adults and Children/ Strategic Lead for Children and Young People will ask the police to consider whether any further action against the person making the allegation might be appropriate. Livewell Southwest will support the employee against whom the initial allegation was raised with regards to the outcome of that process.

10. Learning Process

- 10.1 At the conclusion of a case the Livewell Southwest will review the circumstances of the case to determine whether there are any improvements to be made to any procedure or practices. All necessary parties which have been involved will be included in the learning process.

11. Training Implications

- 11.1 The Senior Manager and Senior Officer must have attended Level 3 multi-agency safeguarding children training.

12. Monitoring Compliance and Effectiveness

- 12.1 The policy will be reviewed on an annual basis. Learning from each post investigation review will inform the annual policy review and update.

All policies are required to be electronically signed by the Lead Director. Proof of the electronic signature is stored in the policies database.

The Lead Director approves this document and any attached appendices. For operational policies this will be the Locality Manager.

The Executive signature is subject to the understanding that the policy owner has followed the organisation process for policy Ratification.

Signed: Director of Professional Practice, Quality and Safety.

Date: 10th May 2016

Appendix A

Senior Manager Responsibilities will include:

- Ensuring that this procedure is properly applied and implemented within Livewell Southwest.
- Provide advice, information and guidance for employees within Livewell Southwest.
- Be the Senior Manager within Livewell Southwest to whom allegations or concerns are reported.
- Referring allegations to other agencies in accordance with this procedure and the LSCB Managing Allegations against adults who work with children.
- Gathering any additional information which may have a bearing on the allegation, for instance: previous concerns, care and control incidents and so on.
- Ensure that the employee who is subject to the allegation is provided with information and is advised by the Human Resources and Corporate Services Department to seek representation from their union or professional body.
- Attending Strategy Meetings.
- Liaising with the Local Authority Designated Officer (LADO).
- Liaising with Human Resources where disciplinary action is required.
- Ensuring that risk assessments are undertaken where and when required.
- Ensuring that effective reporting and recording systems are in place which allow for the tracking of allegations through to the final outcome.
- Undertaking appropriate checks with data held by their organisation.
- Providing reports and information as required by their Named Senior Officer.
- Ensuring relevant support programmes are in place for employees which can be through staff side representatives, Occupational Health and Wellbeing referral, the line manager and the nominated work colleague. Assistance from Human Resources and Corporate Services will also be available.
- To liaise with the Communications Officer and discuss with him/her any queries from the media concerning the allegations.
- To establish whether there are any lessons to be learned arising from the allegation that have wider implications for safeguarding procedures for all agencies concerned.

Named Senior Officer Responsibilities will include:

- Ensuring the Livewell Southwest complies with the standards and processes outlined in this document and the LSCB Managing Allegations against adults who work with children and young people.

- Ensuring that the workforce is aware of and implements the procedures regarding allegations against adults who work with children and young people.
- Ensuring that Livewell Southwest has systems in place to review cases and identify and implement any changes which would improve both the procedure and practice.
- Resolving any inter-agency issues which impede the implementation of the LSCB procedure.
- Ensuring that Livewell Southwest has effective reporting and recording arrangements in place.
- Establish whether there are any lessons to be learned arising from the allegation that have wider implications for safeguarding procedures for all agencies concerned.

Local Authority Designated Officer (LADO)

The Local Safeguarding Children's Board have appointed Local Authority Designated Officer (LADO)'s whose responsibilities include:

- Management and oversight of individual cases from all partner agencies of the LSCB.
- Providing advice and guidance to Senior Managers.
- Monitoring the progress of cases to ensure they are dealt with within agreed timescales.
- Ensuring a consistent and thorough process for all adults working with children and young people against whom allegations are made.
- Maintaining information databases in relation to all allegations.
- Producing qualitative and quantitative reports for the LSCB and the Department Children Schools and Families (DCSF).
- Coordinating and collating reports to provide information to the LSCB and the DCSF.
- Liaising as necessary with chairs of Strategy Meetings or attending/chairing Strategy Discussions/Meetings.
- Contributing to LSCB training programmes and awareness-raising across the children's workforce.
- Liaising with Police and the Crown Prosecution Service.
- Discussing with Senior Managers the possibility of referral to the [Protection of Children Act List] or to the appropriate Regulatory Body.

Appendix B

Guidance for staff facing allegation

[Please click for Safeguarding Children Board leaflet "Guidance for Adults Facing an Allegation of Child Abuse At Work"](#)

Appendix C

Internal Monitoring Form

Form for use by Integrated Lead for Safeguarding Adults and Children (or nominated deputy) for allegations made against staff in respect of harm to children and young people

Staff member concerned:

Role:

Area of work:

Line Manager:

Child or young person/multiple children:

Name:

Date of birth:

Address:

Parent/Carer:

Multiple children not known

Description of allegation:

Referral to LADO due to allegation that employee has.

Behaved in a way that has harmed a child or young person or may have harmed a child or young person

Committed a criminal offence against or related to a child or young person

Behaved towards a child or young person in a way that indicates she/he is unsuitable to work with these groups of people

Date referred to Livewell Southwestcare Senior Manager (Integrated Lead for Safeguarding Adults and Children/Strategic Lead for Children and Young people :

By whom:

Referrers contact details:

Date LADO contacted:

Outcome of discussion with LADO

- No further action by LADO
- Multi-agency Strategy meeting called

Immediate action with rationale following discussion with Senior Manager and Human Resources and Corporate Services:

Signed: _____

Date: _____

Name: _____

Time: _____

Strategy meeting date/time: _____

Attended by who from Livewell Southwestcare:

Outcome of the strategy meeting:

Livewell Southwestcare plan for employee:

Signed: _____

Date: _____

Name: _____

Time: _____