

**Author:** Hawthorn Tree School Adopted LCC Policy

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3.1. This guidance is about managing cases of allegations of abuse against a person who works with children in any setting. All allegations of abuse of children by a professional, staff member, foster carer, adopter or volunteer (from a LSCB member or associate member agency) should be taken seriously and treated in accordance with the procedures set out in Section C.

3.2 For the purpose of this procedure, the scope applied is 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. It 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 s/he is unsuitable to work with children.

3.3 The guidance is separated into 3 parts:

**Procedure to be followed in managing allegation of abuse against staff / volunteer working with children in any setting**

**Procedure to be followed in managing allegation of abuse against foster carers/ carers of a child placed for adoption**

**Standards and principles to be followed by all agencies and individuals caring for children in relation to managing allegations of abuse**

**3.4 Procedure to be followed in managing allegation of abuse against staff / volunteer working with children in any setting**

**3.5 First Steps Initial Screening**

3.6 The first priority must be to ensure the immediate safety of the child and any other children affected or in contact with the individual (including their own children). In a residential setting, it will be appropriate to consider what supervision arrangements are required to safeguard the child.

3.7 Procedures need to be applied with common sense and judgement. Some allegations will be so serious as to require immediate referral to Children's Services and the Police for investigation. Others may be much less serious and at first sight might not seem to warrant consideration of a Police investigation, or enquiries by Children's Services. However, it is important to ensure that even apparently less serious allegations are examined objectively by someone independent of the case. The Local Authority Designated Officer (LADO) for allegations will provide this independence (the details and remit of this post is discussed later in this procedure). Any decision to deviate from the

advice of the LADO must be discussed and authorised by a senior manager within the employing organisation.

### **The Local Authority Designated Officer is Nicola Brangam and Samantha Clayton**

3.8 Consequently, the LADO should be informed of all allegations that come to the employer's attention and appear to meet the criteria / scope of this policy as described above. It is expected that employers will make arrangements to ensure that all allegations with regard to individuals who work with children will be notified to the allegations safeguarding named person within the organisation. This person will liaise with the LADO and establish the following:

- That the allegation is within the scope of these procedures, see paragraph 3.8
- That the allegation is not demonstrably false or unfounded
- The nature of the concern, how and why they have arisen, and any previous information about the child/ accused person and their relationship (refer to part 3 - relevant previous information about the accused person / alleged victim can normally be shared as background information)
- Any background information relevant to the allegation
- Any arrangements to secure the immediate safety of the child/ren including ensuring the individual's own children are safeguarded
- Necessity for a strategy meeting and if the police and children's services should be contacted.

The LADO should also be informed of any allegations that are made directly to the police (which should be communicated via the Police Force' Designated Officer) or to Children's Services. The LADO will ensure that allegations which meet the criteria are logged within CSC.

3.9 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. Prospective adopters will have some delegated parental responsibility established by the introduction of the Adoption and Children Act 2002. Thus consideration on how to consult formally with them about the investigation needs to be agreed, deciding on how this should be done, balancing this with the overriding need to ensure the child's safety.

3.10 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. However it is anticipated that even if Police /Children's Services involvement is required, the person will be notified of the allegation's existence within 3 working days.

3.11 There are 4 possible outcomes to the first steps of the investigation:

1- **There is cause to suspect a child is suffering or is likely to suffer significant harm-** In this event a referral to children's services must be made. They will undertake an initial assessment (in line with Sec C of LSCB Code of Practice) and if there remains concerns that the child is at risk of suffering significant harm, Step 2 strategy meeting should be arranged.

2- **The threshold of significant harm is not considered to be reached, but there is cause to suspect that a criminal offence has been committed and a police investigation is necessary.** In cases where the threshold of significant harm is not reached, but further investigation such as police investigation is required the LADO should have further discussions with the police, the employer , and any other agency involved to evaluate the allegation and decide how it should be dealt with. This can be face to face or discussion. It should share available information about the allegation 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 initial 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. It will be normal for these cases to be led by the Public Protection Unit. If the initial evaluation identifies concerns about the welfare of a child a referral should be made to Children's Services with parental consent (Refer to LSCB Procedures Section C). Children's Services will conduct an initial assessment.

3- **The threshold of significant harm is not considered to be reached and a police investigation is not necessary, but the employer may wish to take disciplinary action in respect of the individual.** This is a matter for the employer and employee with advice from the LADO (refer to flowchart for timescales).

4- No further action is required.

### **3.12 Second Steps - Initial Assessment / Strategy Meeting**

3.13 Consequently, if there is cause to suspect a child is suffering or is likely to suffer significant harm, a referral must be made to Customer Service Centre (CSC) within Children's Services. CSC must obtain the following information as a minimum in addition to the current required dataset:

- Adults name who the allegation is made against
- Adult's address
- Adults date of birth
- Employer
- Employers address
- Date of incident and date allegation made
- Nature of allegation
- If the adult who the allegation is made against has children residing with them

CSC will take the above information and forward to:

- Allegations Tracker
- The LADO
- Planned Assessment Team ( who will undertake initial assessment)
- **OR if** the case is an open case to the relevant Social Worker (who will undertake initial assessment)

3.14 Any investigation may well have three related, but independent strands:

- Child protection enquiries, relating to the safety and welfare of any children who are or who may have been involved including the alleged person's own children or children within his/ her care

- A police investigation into a possible offence.
- Disciplinary procedures, where it appears that the allegations may amount to misconduct or gross misconduct on the part of staff. A similar, process will need to be in place for responding to concerns about volunteers. In the case of day care providers, issues of continuing approval will need to be addressed.

3.15 It is essential that the common facts of the alleged abuse are applied independently to each of the three strands of possible enquiries/investigation. The fact that a prosecution is not possible does not mean that action in relation to safeguarding children, or employee discipline, is not necessary or feasible. The important thing is that each aspect is thoroughly assessed, and a definite conclusion reached.

3.16 The LADO will be responsible for providing monitoring information to LSCB and for tracking outcomes of cases. To enable effective tracking, CSC will forward all referrals / running records to the Allegations Tracker who will maintain the database on behalf of LSCB. In addition a copy of the Record of outcomes of strategy meeting must be copied to the Allegations Tracker. This is for ALL strategy meetings/ discussions.

3.17 On receipt of a referral of an allegation, the FAST Team / Child's Social worker (where relevant) will liaise with the Police and make enquiries using the initial assessment / core assessment. If the assessment identifies the child is at risk of significant harm / has suffered harm a strategy meeting will be arranged to plan the Section 47 enquiries.

3.18 Experience has shown that the strategy meeting is crucial to the effective planning, co-ordination and carrying out of enquiries, and that a meeting, rather than a telephone discussion, is essential in these cases. In some cases it may be necessary to initiate enquiries following a telephone discussion, for example in order to interview a child quickly or to preserve forensic evidence, but a strategy meeting should still follow.

3.19 The Chair will be responsible for ensuring the meeting is properly recorded and details of decisions made sent to all invites. There is a need to ensure that the Chair is not familiar with any individual involved in the allegation so that they can be independent.

3.20 The following should be invited to the meeting except where it may be prejudicial to the investigation:

- The statutory agencies responsible for carrying out the investigation, i.e. Police / Children's Services ( this will be the relevant FAST Team but if the child is an open case, these enquires will be undertaken in conjunction with the child's social worker including where required the Supervising Social Worker within the Fostering and Adoption Teams).
- Manager of the establishment or service concerned, taking care to avoid any conflict of interest; e.g. where the allegation is against a Head teacher, the attendance of the Chair of Governors may be appropriate.
- Advisory staff e.g. the employing organisation's Human Resources Advisor / Legal Services Advisor / representative from the Local Authority Legal Services.
- In the case of alleged abuse in a registered or regulated setting, there should be liaison with the relevant regulatory body e.g. OFSTED, and they should be invited to strategy meetings. The employing organization will hold copies of protocols and take responsibility for liaison with the relevant regulatory body.

- Consideration should also be given to inviting the Regulation 33 Officer / Independent Reviewing Officer if the allegation is made by a child in public care
- Consideration should also be given to inviting the SIS from CfBT

### 3.21 Particular attention needs to be given to the following issues in the Strategy meeting:

- Whether the criteria are met for a criminal and/or child protection investigation as opposed to or as well as a disciplinary or complaints investigation. If the criteria are not met, the meeting will refer the matter back to the responsible agency to consider any remaining personnel issues. If the criteria are met, the remaining issues should be considered.
- How information can be shared between the three strands. Within agreed bounds of confidentiality, information should be shared as freely as possible in the interests of both fairness and a thorough assessment of all the facts. Many organisations allow statements and staff interviews given as part of an investigation to be used in internal disciplinary processes and this must be made clear in agency specific procedures. It is good practice to advise those interviewed that information and evidence may be shared between the three strands.
- Who will be responsible for carrying out social work enquiries and how can the required independent element be ensured. There are a range of options which can be considered, (where the case is open to social care, the child's social worker will have a key role) : an independent agency could be commissioned to undertake the investigation, staff from another Local Authority can be invited to undertake the investigation or staff from another area who do not know the staff / volunteer involved could be asked.
- Who will provide support to the staff member, volunteer (refer to Part 3 of this procedure and to the available staff / volunteer support leaflet). This includes the need to keep the accused person informed of the process and decisions relating to the allegation. It is good practice for the accused person to be provided with the substance of the allegation within 3 days. Review meetings relating to the investigation should be conducted at least 4 weekly with the person being updated on the outcome. This will normally be the responsibility of the employer.
- Any immediate issues of safeguarding children, if not already addressed.
- What will the timescale for enquiries be? It is in everyone's interests to ensure that enquiries are completed as quickly as possible, consistent with a thorough assessment.
- The police and other relevant agencies should agree jointly when to inform the accused person of allegations which are the subject of criminal proceedings. The general principle is that the person must be kept informed in a timely manner.
- What information will be shared with the child's parents/carers (or the parents/carers of other children affected) and when.
- Whether the strategy meeting should reconvene to review progress, and make further plans. If so, a time and venue should be set. This must be no later than 4 weeks from the initial meeting.
- If the child has been placed for adoption but no application for an adoption order has been filed with the court, the strategy meeting is legally able to decide where necessary to remove the child from the care of the prospective adopters.
- If an application has been made for an adoption order, then legal advice must be sought since it will usually be necessary to make application to the court before the child can be removed.

### **The strategy meeting must consider any risks to the alleged individuals own children.**

- If the person is subject to registration or regulation by a professional body, the strategy meeting should discuss if informing the professional body is appropriate at this stage of the

investigation. This includes the necessity of contacting related advisory bodies/ agencies who hold a contact with the organisation concerned as appropriate.

- If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take account of the fact that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour, under s550A of the Education Act 1996. DfES guidance about that can be found at: [http://www.dfes.gov.uk/publications/guidanceonthelaw/10\\_98/summary.htm](http://www.dfes.gov.uk/publications/guidanceonthelaw/10_98/summary.htm)

## **Refer to template for agenda for strategy meetings where allegation is made against individual working with children**

### **3.22 Investigating Allegations**

3.23 Those undertaking investigations should be alert to any sign or pattern which suggests that the abuse is more widespread or 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.

3.24 The risk of harm to children posed by the person under investigation should be effectively evaluated and managed - in respect of the child(ren) involved in the allegations, and any other children in the individual's home, work or community life.

3.25 A record should be kept of the main discussion points, decisions agreed and reasons for those decisions. The Record of Outcome of Strategy Meeting must be completed.

### **3.26 Outcomes of strategy meeting**

3.27 The threshold of significant harm is considered to be reached and a police investigation is necessary, and the employer may wish to take disciplinary action in respect of the individual.

3.28 If there is cause to suspect a child is suffering or is likely to suffer significant harm, an enquiry in accordance the procedures set out in Section C of the LSCB procedures should be completed. The core assessment is the means by which a s47 enquiry is carried out.

3.29 If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible in a manner which is consistent, fair and thorough and which will keep the progress of the case under review. They should at the outset set a target date for reviewing progress of the investigation and consulting the CPS about whether to proceed with the investigation, charge the individual with an offence, or close the case. Wherever possible that review should take place no later than 4 weeks after the initial evaluation/ strategy meeting and if the decision is to continue to investigate the allegation, dates for subsequent reviews should be set at that point.

3.30 If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should pass all information they have which may be relevant to a disciplinary case to the employer without delay. In those circumstances the employer should proceed as described below.

### **3.31 Action following a criminal investigation or a prosecution**

3.32 The police or the CPS should inform the employer and LADO straightaway when a criminal investigation and any subsequent trial are complete, or if it is decided to close an investigation without charge, or not to prosecute after the person has been charged. In those circumstances the employer should decide 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. Disciplinary or human resource management action by the employer, including dismissal, is not ruled out in any of those 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.

### **3.33 The threshold of significant harm is not considered to be reached and a police investigation is not necessary, but the employer may wish to take disciplinary action in respect of the individual**

3.34 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 meeting / discussion or initial evaluation decides that is the case, the employer may want to undertake disciplinary or Human Resource management action. 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.

3.35 In some cases further investigation will be needed to enable a decision about how to proceed. If so, the employer must consider 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. Any commissioned investigation must make it clear that all information obtained as part of the investigation will be shared with the investigation team if any related subsequent allegations are made within a relevant timescale and the employer considers them to be related. This will be as background information.

### **3.36 Action in respect of false or unfounded allegations**

3.37 If an allegation is determined to be unfounded, the employer should consider referral 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.

### **3.38 Action on conclusion of the case**

3.39 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 employer should consider whether a referral to the Protection of Children Act List / DfES List 99 (or the Independent Barring Board once it is operational) 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 Designated Officer should advise on whether a referral to that body is appropriate. If the professional body has already been notified, they must be informed of the outcome of the investigation.

3.40 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.

3.41 At conclusion of a case it is essential that agreement is reached on the following:

- What information will be given to the child/ parents and persons affected by the investigation and how and by whom this will be done
- What information will be placed on files relating to children and staff.

The Child Protection Support Officer MUST be notified of the outcomes of all cases including the outcome of any disciplinary action. In addition, she will ensure that the employer is informed about the outcomes of any criminal or child protection enquiry.

### **3.43 Procedure to be followed in managing allegation of abuse against foster carers/ carers of a child placed for adoption**

3.44 For the purpose of this procedure, the scope applied is 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. It 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 s/he is unsuitable to work with children.

### **3.45 First Steps Initial Screening**

3.46 The first priority must be to ensure the immediate safety of the child. If emergency action is required consideration must be given to securing both the child's safety and placement stability. For example, it may be possible to make arrangements for the foster carer, prospective adopter or a member of their family to live elsewhere while an enquiry is underway or for a safe care plan to be put in place.

3.47 Procedures need to be applied with common sense and judgement. Some allegations will be so serious as to require immediate action and investigation either by the Police or through a Section 47 enquiry. Others may be much less serious and at first sight might not seem to warrant consideration of a police investigation, or enquiries under s 47. However, it is important to ensure that even apparently less serious allegations are taken seriously and that they are examined objectively by someone independent to the case. In the first instance the Child's Social Worker must discuss the allegation with the Supervising Social Worker and their respective managers to gain background information and to discuss any immediate actions.

3.48 Consequently, if the allegation meets the criteria / scope for this policy (as described above) the Child's Social worker / SSW's manager must notify the LADO.

### **3.49 The Local Authority Designated Officer (LADO) is Nicola Brangam and Samantha Clayton**

3.50 It is expected that the fostering / adoption service will identify a senior person with responsibility for managing allegations. The named person with responsibility for managing allegations within the Fostering / Adoption Service is Janice Spencer: Head of Regulated Services.

3.51 The LADO will liaise with the relevant staff from the fostering / adoption service (Manager of Child's Social Worker/ SSW/ named officer) and establish the following:

- That the allegation is within the scope of these procedures,
- That the allegation is not demonstrably false or unfounded
- The nature of the concern, how and why they have arisen, and any previous information about the child/ foster carer/ prospective adopter can normally be shared as background information
- The legal status of the child
- The local authority responsible for the child
- The length of time in placement with foster carers / prospective adopters
- Information about other children in the foster / prospective adoptive placement
- Any action already taken
- Any arrangements to secure the immediate safety of the child/ ren including ensuring the individual's own children are safeguarded
- Necessity for an initial assessment
- Necessity for a strategy meeting and if the police should be contacted.

If the allegation is serious, the LADO will contact the Head of Service Regulated Services to agree a course of action.

Note: Children should not be removed from placement due to allegation without authorisation of Head of Regulated Services (or other Head of Service Social Care )

Any decision to deviate from the advice of the LADO must be discussed and authorised by Head of Regulated Services.

3.52 The LADO should also be informed of any allegations that are made directly to the police (which should be communicated via the Police Force' Designated Officer) or to Children's Services. The LADO will ensure that allegations which meet the criteria are logged within CSC.

3.53 If the parents (those with parental responsibility) for 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 section 47 enquiries may be needed, the LADO should consult those colleagues about how best to inform parents. If the child is subject to a legal order, legal services must be notified.

3.54 The LADO will also discuss with the fostering or adoption service representative about who should inform the carer / prospective adopter about the allegation. The FPO (Supervising Social Worker will take responsibility for all communications with the carer and provide a link between the Fostering / Adoption service even when an independent Support Worker has been appointed. However, where a strategy discussion is needed, or it is clear that police or enquires under s 47 may be needed, that should not be done until those agencies have been consulted, and have agreed what information can be disclosed to the person. It is anticipated that even if police

involvement is required and or Section 47 enquires are necessary, the person will be notified of the allegations existence within 3 working days.

3.55 There are 4 possible outcomes to the first steps of the investigation:

- **There is cause to suspect a child is suffering or is likely to suffer significant harm-** In this event an initial assessment ( in line with LSCB Sec C Code of Practice ) should be completed, although the initial assessment period may be very brief it if is clear that the threshold of significant harm is met. In this event step 2 strategy meeting should be arranged.

If the allegation needs to progress to an initial assessment and / or a strategy meeting is required, the Supervising Social Worker will also notify the following of all allegations ( If not already aware ) :

- Head of Service: Regulated Services
- Local Authority Legal Services ( this will be relevant for any case where the child is subject to proceedings)
- If appropriate, the LADO will notify Ofsted using notification schedule if not already aware (Schedule 8 of the Fostering Service Regulations 2002 )

The Supervising Social Worker will also liaise with appropriate managers to agree whether no further placements are made until the matter is resolved and that the Team Managers of any other children in placement are advised so placements can be reviewed. The Supervising Social Worker will also need to consider the welfare of other children placed with the foster carer/ prospective adopter and if there is cause to suspend the foster carer (refer to part 3). The safety and welfare of the individual's own children must also be considered.

- **The threshold of significant harm is not considered to be reached, but there is cause to suspect that a criminal offence has been committed and a police investigation is necessary.** 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 an Initial Evaluation through discussions with the police, the child's Social worker and the Supervising Social Worker and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with. (N.B. The police must be consulted about any case in which a criminal offence may have been committed.) An initial assessment of the allegation may be helpful to inform this discussion. Like a strategy discussion the initial evaluation may not need to be a face to face meeting. It should share available information about the allegation 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 initial evaluation should also consider whether there are matters which can be taken forward with regard to the individuals continued suitability to foster / care for children placed for adoption in parallel with the criminal process, or whether any action will need to wait for completion of the police enquiries and/or prosecution. It will be normal for these cases to be led by the Public Protection Unit. If the initial evaluation identifies concerns about the welfare of a child, further assessment of the child's needs should be completed by the child's Social Worker. A core assessment may be appropriate.
- The threshold of significant harm is not considered to be reached and a police investigation is not necessary, but the fostering / adoption service may wish to take action in respect of the individual's continued approval to foster/ adopt. In the case of a carer pending adoption, any

concern regarding suitability to adopt must be referred for an early review and where a child removed the Disruption Procedures

- No further action is required.

Where the first 3 outcomes are all applicable, the three strands must be co-ordinated.

Normally any criminal and / or child protection enquiries will precede a review into a carer's suitability to continue to foster/ adopt, and as far as possible, children should only be interviewed once.

### **3.56 Second Steps - Initial Assessment / Strategy Meeting**

3.57 Consequently, if there is cause to suspect a child is suffering or is likely to suffer significant harm, the Child's Social Worker must be notified if not already aware. The Child's Social Worker will ensure that the LADO has all relevant details and that their manager and the Team Manager Fostering / Adoption of the case is aware.

3.58 Any investigation may well have three related, but independent strands:

- Child protection enquiries, relating to the safety and welfare of any children who are or who may have been involved including the alleged person's own children or children within his/ her care
- A police investigation into a possible offence.
- Consideration of the carer's suitability to adopt/ foster in relation to the nature of the care they are able to offer or the quality of their practice as governed by the Fostering Service Regulations and Local Authority Adoption Service (England) Regulations 2003, Adoption and Children Act 2002.

3.59 It is essential that the common facts of the alleged abuse are applied independently to each of the three strands of possible enquiries/investigation. The fact that a prosecution is not possible does not mean that action in relation to safeguarding children, or suitability to foster or adopt, is not necessary or feasible. The important thing is that each aspect is thoroughly assessed, and a definite conclusion reached.

3.60 The LADO will be responsible for providing monitoring information to LSCB and for tracking outcomes of cases. To enable effective tracking, CSC will forward all referrals / running records to the Allegations Tracker who will maintain the database on behalf of LSCB. In addition a copy of the Record of outcomes of strategy meeting must be copied to the Allegations Tracker. This is for ALL strategy meetings/ discussions.

3.61 The Supervising Social Worker will take responsibility for all communications with the carer to keep them informed. In addition he/ she must ensure that the carer is provided with immediate information, and advice from an independent source. In addition to foster carers and prospective adopters being offered a Support Worker, Fosterline is open between 9am- 5pm Monday - Friday 08000407675 and carers should be signposted to this as a source of advice. In the case of prospective adopters support can be obtained via Adoption UK.

3.62 On receipt of the running record the Child's Social worker (where relevant) will liaise with the Police and make enquiries through completion of an initial assessment. The initial assessment period may be very brief if it identifies the child is at risk of significant harm / has suffered harm where a

strategy meeting will be arranged to plan the Section 47 enquiries. The Child's Social Worker will jointly agree with the LADO who will chair the strategy meeting and take responsibility for sending invitations and contacting the convening team who will be arranging a venue, minute taker.

3.63 Experience has shown that the strategy meeting is crucial to the effective planning, co-ordination and carrying out of enquiries, and that a meeting, rather than a telephone discussion, is essential in these cases. In some cases it may be necessary to initiate enquiries following a telephone discussion, for example in order to interview a child quickly or to preserve forensic evidence, but a strategy meeting should still follow.

3.64 The Chair will be responsible for ensuring the meeting is properly recorded and details of decisions made sent to all invites. There is a need to ensure that the Chair is not familiar with any individual involved in the allegation so that they can be independent. The Team Manager must write to the foster carer / prospective adopter to formally notify them of the outcome of the strategy meeting.

3.65 The following should be invited to the meeting except where it may be prejudicial to the investigation:

- The statutory agencies responsible for carrying out the investigation, i.e. Police / Social Care, (Note: the Child's Social Worker will normally take responsibility for undertaking the Sec 47 enquiry.
- Fostering/Adoption Team Manager/ Supervising Social Worker ,
- Child's Social Worker and their line manager
- The Social Worker and Line Manager of any children currently in placement with the foster carer/ prospective adopter
- The Independent Reviewing Officer will normally be invited to a meeting where the allegation is made by a child in public care
- Advisory staff e.g. the LA's Human Resources Advisers, representative from the Local Authority Legal Services. Consideration should be given to inviting the Professional Advisor to the Fostering / Adoption Panel in an advisory capacity
- As fostering and adoption is a regulated service, Ofsted must be invited to strategy meetings. The LADO will be responsible for notifying Ofsted of the allegation.
- By exception, it may be appropriate to invite the Social Worker of children previously placed with the foster carers, or where carers have previously adopted however this should not be routine and the decision to invite will be based on relevant information

3.66 Particular attention needs to be given to the following issues in the Strategy meeting:

- Whether the criteria are met for a criminal and/or child protection investigation as opposed to a review into suitability to continue to foster or adopt complaints investigation. If the criteria are not met, the meeting will refer the matter back to the fostering/adoption service who will consider conducting an early review to explore remaining personnel issues/ training or suitability to foster or adopt and referral to Panel. If the criteria are met, the remaining issues should be considered.
- How information can be shared between the three strands. Within agreed bounds of confidentiality, information should be shared as freely as possible in the interests of both fairness and a thorough assessment of all the facts. In relation to fostering / adoption, statements and interviews given as part of an investigation will be used in any internal review

processes. It is good practice to advise those interviewed that information and evidence may be shared between the three strands.

- Who will be responsible for carrying out social work enquiries and how the independent element will be ensured. There are a range of options which can be considered: an independent agency could be commissioned to undertake the investigation, staff from another Local Authority can be invited to undertake the investigation or staff from another area who do not know the foster carers or prospective adopters.
- A plan on informing carers and those with parental responsibility about the outcome of the strategy meeting both verbally and in writing. The presumption is that ALL information will be shared so the meeting will need to agree what information CANNOT be shared and the reasons for not sharing any information. The Team Manager will formally write to foster carer / prospective adopter to notify them of the outcome in addition to the Supervising Social Worker providing verbal feedback within 3 working days.
- Who will provide support to the carer: The Supervising Social Worker will provide the link between the carer and the fostering / adoption service and will have continuing responsibility to keeping the carer updated about the investigation and ensuring their views are taken into account during the management of the investigation. He / She will verbally feedback on the outcome of all strategy meetings.
- The foster carer / prospective adopter will be offered an Independent Support Worker, which will be coordinated by the Supervising Social Worker.
- Any immediate issues of safeguarding children, if not already addressed.
- If the child has been placed for adoption but no application for an adoption order has been filed with the court, the strategy meeting is legally able to decide where necessary to remove the child from the care of the prospective adopters.
- If an application has been made for an adoption order, then legal advice must be sought since it will usually be necessary to make application to the court before the child can be removed.
- What will the timescale for enquiries be? It is in everyone's interests to ensure that enquiries are completed as quickly as possible, consistent with a thorough assessment. Review meetings relating to the investigation should be conducted at least 4 weekly with the person being updated on the outcome.
- The police and other relevant agencies should agree jointly when to inform the accused person of allegations which are the subject of criminal proceedings.
- What information will be shared with the child's parents (or the parents of other children affected) and when. There may be a requirement to delay informing the person's with parental responsibility for the child due to a range of issues. The strategy meeting will need to agree who will take this responsibility.
- Whether the strategy meeting should reconvene to review progress, and make further plans. If so, a time and venue should be set. This must be no later than 4 weeks from the initial meeting.
- The strategy meeting must consider any risks to the alleged individual's own children and other children in their care together with children who may have previously been placed with the foster carer / prospective adopter.
- If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take account of the fact that carers must conform to National Minimum Standards and TCI training.

**Refer to template for agenda for strategy meetings where allegation is made against individual working with children**

### **3.67 Investigating Allegations**

3.68 For investigations into allegations relating to carers who are approved by the Authority's Fostering / Adoption Service there is a need to ensure independence. Options for ensuring the investigation will be carried out by an independent person to avoid any conflict of interest include: an independent agency could be commissioned to undertake the investigation, staff from another Local Authority can be invited to undertake the investigation or staff from another area who do not know the foster carers or prospective adopters involved.

3.69 Those undertaking investigations should be alert to any sign or pattern which suggests that the abuse is more widespread or 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.

3.70 The risk of harm to children posed by the person under investigation should be effectively evaluated and managed - in respect of the child(ren) involved in the allegations, and any other children in the individual's home, work or community life.

3.71 A record should be kept of the main discussion points, decisions agreed and reasons for those decisions. The Record of Outcome of Strategy Meeting must be completed.

### **3.72 Outcomes of strategy meeting**

**3.73 The threshold of significant harm is considered to be reached and a police investigation is necessary, and the fostering / adoption service wishes to consider suitability to continue to foster / adopt.**

3.74 If there is cause to suspect a child is suffering or is likely to suffer significant harm, an enquiry in accordance the procedures set out in Section C of the LSCB procedures should be completed. The core assessment is the means by which a s47 enquiry is carried out.

3.75 If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible in a manner which is consistent, fair and thorough and which will keep the progress of the case under review. They should at the outset set a target date for reviewing progress of the investigation and consulting the CPS about whether to proceed with the investigation, charge the individual with an offence, or close the case. Wherever possible that review should take place no later than 4 weeks after the initial evaluation/ strategy meeting and if the decision is to continue to investigate the allegation, dates for subsequent reviews should be set at that point.

3.76 If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the police should pass all information they have which may be relevant to review into continued suitability to foster / adopt.

### **3.77 Action following a criminal investigation or a prosecution**

3.78 The police or the CPS should inform the LADO who will inform the named person for allegations management within the fostering / adoption service straightaway when a criminal investigation and any subsequent trial are complete, or if it is decided to close an investigation without charge, or not to prosecute after the person has been charged. In those circumstances the LADO should agree with the named person for allegations management within the fostering / adoption service whether any further action is appropriate and, if so, how to proceed. The information provided by the police

and/or any section 47 enquiries should inform that decision. Action in relation to continuing approval as foster carer/ prospective adopters and referral under the Fostering Service Regulations to Panel is not ruled out in any of those circumstances. For adopters, an early review and refer to disruption procedures will be implemented. The range of options open will depend on the circumstances of the case and the consideration will need to take account of the result of the police investigation or trial, as well as the different standard of proof required for criminal proceedings.

**3.78 The threshold of significant harm is not considered to be reached and a police investigation is not necessary, but the fostering / adoption service may wish to consider a review of the carer's approval.**

3.79 If the complaint or allegation is such that it is clear that investigations by police and/or enquiries under section 47 are not necessary, or the strategy meeting / discussion or initial evaluation decides that is the case, the fostering / adoption service may want to review approval. When a decision is taken that a review of a carer's approval to foster / adopt is required it should be conducted by a suitability qualified independent person (who does not know anyone involved in the investigation) who will prepare a report for the panel with recommendations on:

- The carers suitability and competence to foster / adopt
- Any variations in the terms of approval
- Any needs they may have for further training and development or other assistance

The review should be completed within 4 weeks commencing from the date when the investigation officer was appointed. The Professional Advisor to the Panel will be able to offer advise on this process.

**3.80 Action in respect of false or unfounded allegations**

If an allegation is determined to be unfounded, the fostering / adoption service should consider 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

**3.81 Action on conclusion of the case**

3.82 If the allegation is substantiated and the person is no longer approved to foster, the Fostering Service Head of Regulated Services should consider if referring the foster carer to the Protection of Children Act List / DfES List 99 is required. The Manager should then prepare a report for fostering panel including where necessary a recommendation for referral for inclusion on the POCA LIST. The LADO will inform Ofsted of the outcome of the allegation including the outcome of the review of the foster carer's approval.

3.83 If it is decided on the conclusion of the case that the foster carer can return to fostering and further placements accepted, the Team Manager should consider how best to facilitate that. Most people will benefit from some help and support after a very stressful experience.

3.84 The Child Protection Support Officer MUST ensure that he/she is informed of the outcome of all cases involving a foster carer / adopter. In the case where adopters are not considered suitable to continue the matter will be referred back to Panel via the disruption procedures and consideration be given to terminating their approval and notifying the Adoption Register and the Consortium.

3.85 At conclusion of a case it is essential that agreement is reached on the following:

- What information will be given to the child/ parents and persons affected by the investigation and how and by whom this will be done
- What information will be placed on files relating to children and foster carers / prospective adopters
- What further action in relation to the child including whether or not a child who has been removed should return to the foster carer / prospective adopter when the enquiry has concluded.

### **3.87 General Standards for all Agencies including the Fostering Service and Residential Settings**

3.88 All organisations, which provide services for children, or provide staff or volunteers to work with or care for children should operate a procedure for handling allegations of abuse which is consistent with the guidance within this policy and which ensures allegations are treated in accordance with the child protection procedures set out in Section C of the LSCB Policies.

3.89 All 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 this guidance
- resolving any inter-agency issues;
- liaison with and notification to the LSCB on the subject.

**The Named Officer for all member organisations can be found on individual agency's Child Protection policy.**

3.90 The Local Authority (Lincolnshire County Council) has identified a Designated Officer 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 Designated Officer for Lincolnshire County Councils Nicola Brangam and Samantha Clayton**

3.91 Lincolnshire Police have also identified a Senior Officer who has strategic oversight of the arrangements, responsibility for liaison with the LSCB and who will ensure compliance with procedures. This Officer has responsibility for: liaising with the Designated LA Officer(s), taking part in the strategy meeting / 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 Designated Officer for Lincolnshire Police is: Glen Harris**

3.92 All organisations should have a policy in place on the management of allegations against staff. This policy must make clear:

- The name and contact details of the Named Officer

- An identified alternative person to whom reports should be made in the absence of the named Officer or in cases where that person is the subject of the allegation or concern
- That the Named Person must be informed of all allegations or concerns, where a member of staff / foster carer / prospective adopter or volunteer may have abused a child
- The contact details of the Designated Lincolnshire County Council Officer.
- The level of manager / officer who is able to suspend

The procedures must be available for scrutiny by service users and must be supported by the training and supervision of staff.

3.93 LSCB must be notified of all allegations of abuse that are brought to the employer's attention. Staff must be notified that LSCB maintain a database of all allegations of abuse to children made against staff / volunteers/ foster carers on behalf of all member agencies. The database will hold personal information including contact details, the nature of the allegation and the outcome.

3.94 There have been a number of widely reported cases of historical abuse, usually of an organised or multiple nature. Such cases have generally come to light after adults have reported abuse that they had experienced when children, while living away from home in settings provided by local authorities, the voluntary sector or independent providers. When such allegations are made, they should be responded to in the same way as contemporary concerns.

### **3.95 Principles to be applied during the investigation**

#### **3.96 Supporting those involved**

3.97 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. They should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution.

3.98 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care, or the police as appropriate, should consider what support the child or children involved may need.

3.99 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 (That may be provided via occupational health or employee welfare arrangements where those exist or an independent support worker will be offered for carers). If the person is suspended / unable to offer placements, the employer/ fostering / adoption service should also make arrangements to keep the individual informed about developments.

3.100 The employer should inform the accused person verbally and in writing 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; this should not be done until those agencies have been consulted, and have agreed what information can be disclosed to the person. There may be a requirement to delay informing the accused person in order to preserve evidence. It is envisaged that the accused person will be informed that the allegation has been made as soon as possible and that the details of the allegation will be shared ( at the latest) within 3 days of the allegation. It is expected that 4 weekly reviews will be undertaken and the accused person should be informed of the decisions made at review meetings unless the meeting recommends otherwise.

3.101 It is good practice for the accused person to have access to the following:

- Copy of the LSCB Procedure on Allegations of Abuse made against a Person who works with children
- Information on how to access legal/ union advice and representation
- Relevant leaflets on the process. These do not replace the need for a face to face discussion, but provide a framework for discussion
- Information on the process of the enquiry and the planned timescales
- Information on interviews which may be conducted
- Information on independent support which may be available
- In the case of foster carers, the financial arrangements if fostered children are removed or the carer is temporarily suspended from taking further placements. If fostered children are removed from placement and the carer is suspended from taking new placements, the fostering service will continue to pay the allowance normally paid. This will be continued until the outcome of any review into continuing approval is reached.

### **3. 102 Confidentiality**

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated/considered.

### **3.103 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 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 future 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 Protection of Children Act list or DfES List 99 where circumstances require that.

If the foster carer / prospective adopter resigns before the investigation is concluded, the Team Manager must collate all information known in order to place it on the carers file, and prepare a report for submission to panel.

### **3.104 Record keeping**

It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is

kept on a person's confidential personnel file, and a copy provided to the person concerned. The record should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

Notes of each strategy / initial evaluation meeting will be sent to:

- Social worker
- Chair of strategy meeting
- Police if present
- Child Protection Support Officer for tracking purposes
- Allegations Manager for the employer
- Invitees

A copy will normally be sent to the employer's line manager but this must not be disclosed to the individual without permission from LSCB.

### **3.105 Timescales**

It is in everyone's interest to resolve cases as quickly as possible whilst ensuring the investigation is conducted in a consistent, fair and thorough manner. Every effort should be made to manage cases to avoid any unnecessary delay recognising that the time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness, and complexity of the allegation.

### **3.106 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 in the individual's home, work or community life. In some cases that will require the employer to consider suspending the person. 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 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. N.B. Neither the LA, the police, nor children's Services can require an employer to suspend a member of staff or a volunteer. 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 views of police/children's services about whether the accused member of staff needs to be suspended from contact with children should be canvassed, to inform the employer's consideration of suspension.

If there remains disagreement about suspension, the Chair or individuals members of the strategy meeting should consider writing to a Senior Officer representing the employer for further consideration of the issue.

The above paragraphs also relate to decisions regarding suspending foster placements and reviewing prospective adoptive placements.

### **3.107 Monitoring progress**

LSCB, through the Child Protection Support Officer will regularly monitor the progress of cases. The first review should take place no later than 4 weeks after the initial action / strategy meeting and subsequent reviews should be conducted at fortnightly or monthly intervals depending on the complexity of the case. In addition, the employer (Team Manager) should regularly monitor the progress of cases either by review strategy meetings or through liaising with the Police / Children's Services as appropriate.

The LA DO must notify the LSCB of the outcome of the case and the outcomes and timescales of all reviews.

### **3.108 Information Sharing**

In the initial consideration at a strategy discussion or initial evaluation the agencies concerned, including the employer, should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim. This should include any previous disciplinary investigation of a relevant nature and any soft information from the line manager / colleagues which may be relevant to the enquiry and that has occurred in relevant and appropriate timescales.

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 disciplinary purposes. That should be done as the investigation proceeds rather than after it is concluded. That will enable the police and 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 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.

### **3.109 Learning lessons**

At the conclusion of a case in which an allegation is substantiated the employer 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.

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 failed to prevent the abuse occurring. In some circumstances, a serious case review may be appropriate.

*For convenience the term employer is used to refer to organisations that have a working relationship with the individual against whom the allegation is made. That 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 childminders, 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.*