

MANAGEMENT OF ALLEGATIONS AGAINST PEOPLE WHO WORK WITH CHILDREN & YOUNG PEOPLE WHERE THERE ARE CROSS-BORDER ISSUES

“...organisations should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children, including ... clear policies in line with those from the LSCB for dealing with allegations against people who work with children.”

Working Together to Safeguard Children, 2013

The following guidance has been prepared on behalf of the West Midlands Regional Safeguarding Network. It is supported by a regional group of Local Authority Designated Officers (LADOs).

1.0 PURPOSE

- 1.1 To provide supplement guidance to West Midlands Local Safeguarding Children Boards in respect of allegations against people who work with children, where there are cross-border issues between two or more local authority areas.
- 1.2 To promote good practice in effective communication, information sharing, and decision-making in order to safeguard children & young people who are the subject of concern.
- 1.3 To ensure compliance with ‘Working Together to Safeguard Children’ (2013), ‘Safeguarding Children and Safer Recruitment in Education’ (2007) and ‘Dealing with allegations of abuse against teachers and other staff’ (revised 1 October 2012)

2.0 DEFINITIONS

- 2.1 This guidance applies to when there is an allegation or concern that any person who works with children, in connection with their employment, voluntary or personal activity, has:
 - Behaved in a way that has harmed a child, or may have harmed a child;
 - Possibly committed a criminal offence against, or related to a child; *or*
 - Behaved towards a child or children in a way that indicates they may pose a risk of harm to children
- 2.2 The term ‘employment’ is used to refer to organisations that have a working relationship with the individual against whom an allegation is made – including volunteers as well as paid staff, agencies, contractors and regulatory bodies such as Ofsted in the case of childminders. Employing agencies that provide services to children and young people have a duty to have in place:
 - rigorous recruitment and selection procedures;
 - guidelines for staff which promote safe working practices to ensure the safe care of children
 - clear procedures and support systems for dealing with concerns or allegations against employees or volunteers
 - whistle blowing policy

The above provides a clear rationale for the guidance laid out in section 3.

- 2.3 Where allegations are made, or where there are concerns about suitability to work with children, the investigation is likely to involve the following three strands of activity:
 - The police investigation of a possible criminal offence
 - Enquiries and assessment by Children’s Social Care services as to whether the child is in need of protection or in need of services
 - Consideration by an employer of disciplinary action in respect of the individual.

3.0 INFORMATION SHARING

- 3.1 In deciding what information to share with another local authority or Local Safeguarding Children Board, individuals will need to give careful consideration to duties under the Data Protection Act 1998, the law of confidence, where relevant, the Human Rights Act 1998 and their own local safeguarding children procedures and information-sharing protocols.
- 3.2 This is of particular importance where consideration is being given to disclosing or sharing information in respect of an individual's 'suitability to work with children' where that individual has not been formally charged or convicted of an offence under Schedule 4 of the Sexual Offences Act 2003. It is recommended that legal advice be sought in any case.

4.0 MANAGEMENT OF ALLEGATIONS OR CONCERNS

All Cases

- 4.1 In all cases, professional judgements and negotiations will need to take place between the respective **Local Authority Designated Officers (LADO)** in reaching a decision about who takes the lead in terms of co-ordinating such investigations, in accordance with the roles and responsibilities of individual agencies outlined in **2.3**.
- 4.2 In all cases, there should be no delay in undertaking Section 47 investigations due to delays in facilitating multi-agency Strategy or Co-ordination Meetings or agreeing which local authority should take the lead in this respect. In some cases, it will be appropriate to undertake such investigations due to the need to safeguard the immediate welfare of the child or children, or preserve important evidence as part of a criminal investigation.

Concerns of allegations in respect of Individual employment

- 4.3 Where concerns arise in respect of an individual's behaviour in accordance with **2.1**, the Local Authority Designated Officer (or representative) to whom these such concerns or allegations are referred will share information with:
- The local authority area in which the person is employed (in their substantive role)
 - The local authority area in which the person normally resides
 - The police operational command unit area in which an offence may have been committed.
- 4.4 If the individual to whom the concerns or allegations relate is employed in accordance with **2.2**, then the local authority area in which he/she is employed should take responsibility for the co-ordination of the strands of the investigation outlined in **2.3**. This will normally take the form of an independently chaired (Complex) Strategy Meeting or Position of Trust Co-ordination meeting.
- 4.5 If the subject of concern or allegation is self-employed, the local authority in which the individual normally resides will coordinate.

Concerns in respect of individuals employed by 'supply agencies'

- 4.6 If the subject works for one or more independent supply agencies, the local authority in which he/she is currently employed or in which the concerns in respect of his/her employment have arisen will take the lead in terms of co-ordination.
- 4.7 If the individual works for several 'supply agencies and the concern relates to an individual's suitability, for example, their behaviour outside of their employment, co-ordination being undertaken by the local authority in which he/she normally resides.

Concerns in respect of individual volunteers

- 4.8 There may be some occasions when an individual about whom concerns or allegations have arisen is not employed and works in a voluntary capacity for a number of organisations. In these circumstances where it is not possible to identify the “employer” the local authority in which the individual normally resides should take the lead in co-ordinating the strands of investigation.

Concerns in respect of more than one individual or multiple victims

- 4.9 There may be occasion when concerns or allegations arise in respect of a number of individuals working with children & young people, either in a single location or different locations. Generally, the local authority either where the concerns have arisen or where the establishment is located will take the lead in terms of co-ordination.
- 4.10 If the concerns relate to one specific establishment, such as a child-care provider or residential facility, the local authority in which the establishment is located will take the lead in co-ordination of the strands of the investigation. Consideration should be given to initiating the Ofsted Serious Incident Protocol in respect of regulated providers.
- 4.11 In all cases where there are multiple victims and multiple ‘perpetrators’, consideration should be given to initiating the local authorities ‘organised or complex abuse’ procedures.

Serious Incident Notifications

- 4.12 Local authorities will need to consider the current arrangements for notification of serious incidents to Ofsted or the relevant government department in accordance with LA circulars. This should be considered when:
- *A case gives rise to consideration for a Serious Case Review in accordance with guidance*
 - *When one or more child has sustained life threatening or serious injury as a result of the care afforded them by a person in a ‘position of trust’*
 - *When the case is likely to give rise to national media attention due to the nature of the incident, profile of the alleged perpetrator or complexity of the investigation*

5.0 MONITORING & REVIEW

- 5.1 It is the responsibility of the Local Authority Designated Officer (LADO) to monitor the effectiveness of these arrangements and report to the Local Safeguarding Children Board in accordance with local agreement.
- 5.2 The Regional Safeguarding Network will review these procedures on an annual basis to identify any learning and improvements necessary to ensure the effectiveness of cross-border arrangements.
- 5.3. The Regional Safeguarding Network will review this document in the event of the publication of any new national guidance and procedures concerning the management of allegations against people who work with children & young people.