



Managing allegations against people who work or volunteer with children

Information for employees or volunteers subject of an allegation

Introduction

As a person working or volunteering with children you may be subject to an allegation at some point in your career. Allegations may happen during your employment or volunteering activity. They can also relate to your personal life, including the care of your own children.

You may also operate a self-employed business that works with or offers services to children where there is no other management structure. In those instances, it may be that other agencies such as the police and Children Services, or organisations where you operate your business from, may need to utilise safeguarding procedures available to them. This is to ensure that safeguards are in place for you, your business and children that you come into contact with.

This leaflet aims to explain what happens when allegations are made as it can be a difficult and stressful time for you with different investigations that can seem complex and overwhelming.

What happens when an allegation has been made?

Every organisation that works with children should have a named individual who holds responsibility for progressing allegations. When they are informed of an allegation, they must contact the Local Authority Designated Officer (LADO) within one working day to report it. The criteria for the allegation to be reported is when a person 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
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children
- behaved or may have behaved in a way that indicates they may not be suitable to work with children

The LADO is responsible for overseeing all allegations about individuals who work children. This work can be paid, unpaid or voluntary. The LADO's role is to provide scrutiny and oversight and not to investigate. It is important that the LADO remains impartial to the investigations being undertaken.

What happens next?

If an allegation has been made about you, further information is needed to understand what has happened. The LADO will agree with the responsible person within your employment organisation when you will be informed of the allegation. This is dependent on the nature of the allegation and if the police or Children's Services need to be informed and consulted.

Allegation management meetings will be held to decide how the allegation should be dealt with. The meetings are confidential and limited to who needs to know. The meeting is an information sharing process, which may involve the police, your employer, Children's Services or another agency, dependent on who is investigating the allegation. You will not be invited to these meetings, but you will have your right to reply about the allegation within any investigations that take place.

The aim of the meeting is to share relevant information, co-ordinate the investigation actions, and ensure each agency are fulfilling their safeguarding duties. The meeting will also consider how to keep you, your organisation, and any children safe, until there is an outcome to the process.

Who can investigate?

- Children's Services under safeguarding and child protection procedures
- The police regarding any possible criminal offences. In some instances, the police may decide to proceed with a criminal investigation. You may be arrested and interviewed under caution or invited to assist with their investigation. In this instance you should seek legal representation
- Your employer under disciplinary procedures, or your voluntary organisation's procedure

Following all investigations, a decision will be made to conclude the allegation outcome as either substantiated, unsubstantiated, false, malicious or unfounded. You will be notified of the outcome by one of the investigating agencies, usually your employer, in line with their recommendations about your continued employment.

What may happen with your job?

Your employer may need to conduct an internal or disciplinary investigation. When there are criminal proceedings it may not be possible for the employer to complete their investigation until the police investigation has concluded. If you resign from your position before the employer has concluded their investigation, the managing allegation process will continue to a conclusion. Your employer will also be advised to continue their process to its outcome, with or without your co-operation. This is so that appropriate evaluation about your continued suitability to work with children can be considered, based upon the evidence gathered from all of the investigations. This is in line with your employer's safeguarding duties.

There are several ways your employer may manage your employment while their investigation is ongoing. You may be subject to a precautionary suspension risk assessment. This should be completed to evidence how your employer is keeping you safe in or out of work, whilst the investigation is completed. This should be reviewed regularly.

Support for you

Everyone who is the subject of an allegation will find it stressful and must be offered support in line with their employer's duty of care.

Your employer should:

- advise you to seek support from your trade union, if you are a member of one
- provide you with welfare support, in line with your employer's own policies and procedures
- provide a named contact person who will keep you up to date with any investigations
- provide a named contact person who will keep you up to date with any work matters if you are suspended

It is important that you seek support via your GP if you are feeling distressed and your health and welfare is affected.

Timescales

Allegations should be dealt with as quickly as possible, consistent with a fair and thorough process. The allegation management process will be monitored by the LADO to avoid unnecessary delays. All allegation processes are different in length.

Record keeping

Your employer must keep a record on your confidential personnel file detailing how the allegation was investigated to a conclusion.

A referral will be made to the Disclosure and Barring Service (DBS) if your employer believes you have caused harm or poses a future risk of harm to vulnerable groups, including children. If the allegation is substantiated your employer may have a legal duty to refer the matter to the DBS who have the power to decide whether you should be barred from, or have conditions imposed, in relation to working with children. It may also be necessary to contact your professional regulatory organisation.

The LADO has a duty under Section 40 of the Safeguarding Vulnerable Groups Act, 2006 to provide information to the DBS upon request.

Employers must disclose information in references when an allegation is substantiated.

In addition, the LADO will also keep a record of the allegation, and this information will be retained in a confidential file. The retention periods vary depending on the category and outcome of the managing allegations process.

Further Information

For further information, see the North East Lincolnshire Safeguarding Children Partnership Policy and Procedures for Managing allegations against people who work with children.

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These procedures implement the statutory guidance for people in positions of trust and the management of allegations which can be found in Working Together 2023.

Information on the Disclosure and Barring Service Guidance can be found at:

www.gov.uk/guidance/making-barring-referrals-to-the-dbs