

Policies, Procedures, Guidelines and Protocols

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2	July 2019	Additional policies and Working Together to Safeguard Children updated. Reference to grooming added
3	September 2024	References updated and policy reviewed
4	November 2024	Key professionals roles updated
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# Managing Allegations Against Staff who Work with Children and Young People

***Additionally refer to:***

SCHT– Safeguarding Children (March 2024)

Dudley Safeguarding People Partnership, Child Protection Procedures, current procedures available from available from Regional Child Protection procedures for West Midlands <http://westmidlands.procedures.org.uk/>

Shropshire Safeguarding Community Partnership and Telford & Wrekin Safeguarding Partnership, Child Protection Procedures, available from Regional Child Protection procedures for West Midlands <http://westmidlands.procedures.org.uk/>

SCHT Disciplinary Policy & Procedure

SCHT– Freedom to Speak up policy for the NHS (October 2023)

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## 1. INTRODUCTION

1.1 Shropshire Community Health NHS Trust (the Trust) recognises that all children and young people have a right to be protected and that all adults have a responsibility to protect them from harm. The Trust is committed to meeting its statutory duties, as described in the Children Act 1989 and the Children Act 2004, in ensuring that systems and services are in place which aim to promote children's wellbeing and prevent them from suffering harm, safeguard children who have been harmed and, working collaboratively with other agencies, to facilitate their recovery.

1.2 The Children Act 2004 defines **safeguarding children** as;

- All agencies working with children, young people and their families take all reasonable measures to ensure that the risks of harm to children's welfare are minimised; and
- Where there are concerns about children and young people's welfare, all agencies take appropriate actions to address those concerns, working to agreed local policies and procedures in full partnership with other local agencies.

1.3 Working Together to Safeguard Children, 2023 places an explicit duty upon Local Safeguarding Children Boards (LSCB) to ensure that there are effective inter-agency procedures in place for dealing with allegations against people who work with children and young people.

## 2. SCOPE OF PROCEDURE

2.1 The Children Acts 1989 and 2004 states that a child is anyone who has not yet reached their 18<sup>th</sup> birthday. Therefore 'children' means 'children and young people'.

2.2 The Dudley Safeguarding People Partnership, Shropshire Safeguarding Community Partnership (SSCP) and Telford & Wrekin Safeguarding Partnership have developed child protection procedures including procedures for managing allegations against adults who work with children and young people, in line with Working Together to Safeguard Children, 2023. This Trust policy must be used in conjunction with the relevant Local Safeguarding Partnership Procedures for managing allegations against adults who work with children and young people.

2.3 This procedure sets out the process to be followed when responding to allegations against staff employed by the Trust who work with children and young people, including the thresholds for implementation of the procedure and guidance regarding appropriate timescales for investigation.

2.4 This procedure will also address how these allegations are recorded and the reporting mechanism to ensure that the Dudley Safeguarding People Partnership, SSCP and Telford & Wrekin Safeguarding Partnership can monitor and review the effectiveness of this process.

### 3. THRESHOLD FOR IMPLEMENTATION OF THIS PROCEDURE

3.1 This procedure should be used in all cases where it is alleged that a person (this may or may not be a member of staff) who works with children or young people 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 are **unsuitable** to work with children
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

3.2 This procedure applies to both paid and voluntary work.

### 4. KEY PROFESSIONAL ROLES

#### 4.1 Local Authority Designated Officer (LADO).

Dudley, Shropshire and Telford & Wrekin each have a Local Authority Designated Officer (LADO) whose responsibilities include:

- Management and oversight of individual cases from all partner agencies, including Shropshire Community Health NHS Trust (SCHT), if the allegation meets the thresholds laid out below.
- Provide advice and guidance to SCHT.
- Monitoring the progress of cases to ensure they are dealt with within agreed timescales.
- Ensure a consistent and thorough process for all adults working with children and young people against whom allegations are made.

4.2 The LADO should be informed of all allegations that come to the attention of SCHT through the safeguarding process. In cases where the nature of the allegation has not required immediate referral to Social Care or the Police, SCHT and the LADO will make a decision jointly as to whether such a referral is necessary and who will make it.

#### 4.3 Director of Nursing & Clinical Delivery (SCHT)

- Oversight of cases, ensuring managed and dealt with in the agreed timescales.
- Provide additional advice and guidance.
- Communicate any outcomes to the SCHT Executive Team.

#### 4.4 Head of Human Resources Services (SCHT)

- Work with the LADO ensuring all processes are followed.
- Provide support and advice to SCHT Managers in relation to allegations.

### 5. UNDERLYING PRINCIPLES

5.1 The following principles outline the process which will be followed when an allegation is made against a member of staff.

#### 5.2 Supporting those involved

- Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know about it. The LADO will discuss with the Senior Manager how and by whom they should be informed; if police or social care need to be informed of the allegation then

they will also be consulted about how best to proceed. It is accepted that some circumstances will arise in which the Trust must inform the parents of an incident straight away, for instance if the child has been injured and requires medical treatment. Parents or carers should be kept informed of the progress of the investigation and be told of the outcome where there is no criminal prosecution.

- Children thought to have suffered significant harm or to be victims of a criminal offence should have their need for support considered by children's social care or the police.
- The person who is the subject of the allegation should be kept informed of the progress of the investigation by their Line Manager who should also provide appropriate support to that person during the investigative process. If the person is suspended/excluded the Trust will make arrangements to keep the individual informed of developments in the workplace. If the person is a member of a trade union or a professional association they will be advised to contact that body at the outset of the investigation.

### **5.3 Confidentiality**

- Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated.
- The police will not normally provide any information to the Press or Media that might identify an individual subject to investigation unless and until that person is charged with a criminal offence.
- In exceptional cases the police might depart from this rule but partner agencies should be consulted beforehand with the reasons then documented.

### **5.4 Resignations**

- The fact that a person tenders their resignation or ceases to provide a service must not prevent an allegation being followed through in accordance with these procedures.
- Whether or not an individual cooperates with an investigation, or remains in employment at its conclusion, it is important that the investigation continues, considering all available evidence in an attempt to reach a judgement about the allegation.

### **5.5 Record keeping**

- It is important that employers keep a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved. This record should be placed on the person's confidential personnel file with a copy given to the individual.
- The record should be kept in line with the NHS Records Management code of practice for Health and Social Care 2016.
- The purpose of the record is to enable accurate information to be given in response to any future request for a reference.

### **5.6 Timescales**

- Every effort should be made to resolve cases as quickly as possible consistent with a fair and thorough investigation. Investigations should be concluded within four weeks where possible and follow the appropriate process as set out in the Trust's Disciplinary Policy: [Disciplinary Policy & Procedure Policy](#)

## 5.7 Patterns

- It is important that those undertaking investigations be alert to any sign or pattern that suggests the abuse is more widespread or organised than it at first appears.
- These signs will not necessarily be directly related to abuse but might include blurred professional boundaries, inappropriate behaviour, fraud, deception or the use of sexually explicit material.

## 6. PROCESS OF THE INVESTIGATION

### 6.1 Initial Considerations

- The LADO must be informed of all allegations that come to the Trust's attention and appear to meet the threshold criteria for this procedure. This will enable the LADO to consult police and social care colleagues as appropriate.
- This should be done within 1 working day of the Trust becoming aware of the allegation.
- The LADO should also be informed of any allegations that are made directly to the police or to children's social care.
- The LADO will first establish with the Trust that the allegation falls within the scope of these procedures and may have some foundation; this discussion will also consider how best to inform the parents or carers of the child concerned, consulting with police and children's social care if this is appropriate.
- The Trust 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 the police or children's social care may need to be involved, this should not be done until agencies have been consulted and agreed what information can be disclosed to the person. If the person is a member of a trade union or a professional association they should be advised to seek support from that organisation.
- If there is cause to believe the child has suffered or is likely to suffer significant harm then a strategy meeting should be convened in accordance with relevant local safeguarding children board's Child Protection guidance. The Trust, or a representative of the employer, should be invited to the strategy meeting unless there is good reason not to do so.
- If a formal child protection strategy meeting is not required but a police investigation might still be needed, the LADO should have a similar discussion with the police, the Trust and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with. The police must be consulted about any case in which a criminal offence may have been committed. This discussion, like a strategy meeting, need not be a face to face meeting but should share available information about the allegation, the child and the person accused, consider whether a police investigation is needed and, if so, agree the timing and conduct of that. The discussion should also consider whether any disciplinary process should await the outcome of the police investigation or proceed in parallel with it.
- In cases where it is clear that it is not necessary for the police or children's social care to undertake investigations, or this is decided following initial consultations, the LADO should discuss the next steps with the employer.
- In some cases further investigation will be required to enable a decision to be made about how to proceed. If so, the LADO will discuss with the Trust how and by whom the investigation will be undertaken. This should normally be by the Trust however in some circumstances the nature and complexity of the

allegation might point to the employer commissioning an independent investigation.

- The LADO should continue to liaise with the Trust to monitor progress of the investigation and provide advice and support when required or requested.

## **6.2 Suspension/Exclusion**

- The Trust will have to consider the suspension/exclusion (in-line with the Trust's Disciplinary Procedures) of the accused person in any case where there is cause to suspect that a child is at risk of significant harm or the allegation warrants investigation by the police or it is sufficiently serious that it might be grounds for dismissal.
- People should not be suspended and excluded automatically or without careful thought.
- Careful consideration on whether the circumstances of the case warrant suspension/exclusion will be considered until the allegation is resolved.
- The power to suspend/exclude is vested in the Trust alone and such decisions considered in-line with the Trust's disciplinary procedures however, in circumstances where the police or children's social care are to be involved the LADO will canvass their views in order to inform the employer's decision-making.

## **6.3 Monitoring progress**

- The LADO should regularly monitor the progress of cases via review strategy discussions or through liaison with professional colleagues as appropriate. Reviews should take place at fortnightly or monthly intervals depending on the complexity of the case.
- If a police investigation is required, the police should set a target date for reviewing the progress of their investigation and consulting the Crown Prosecution Service to consider whether to charge the individual, continue the investigation or close it down. Wherever possible this review discussion should take place no later than 4 weeks after the initial meeting to consider the allegation. Dates for subsequent reviews, at fortnightly or monthly intervals, should be set at the first review if the investigation is to continue.

## **6.4 Information sharing**

- At the beginning of the process all agencies involved in the investigation of the allegation, including the Trust, should share all relevant information they have about the person who is subject of the allegation and their victim.
- Wherever possible the police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the Trust, and/or regulatory body, for disciplinary purposes. This should be done as the investigation proceeds rather than after it is concluded. This will enable the police and the Crown Prosecution Service to share relevant information without delay at the conclusion of their investigation or any court case.
- Children's social care should follow a similar procedure when making enquiries to determine whether the child or children named in the allegation require protection or services.

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

- The police or the Crown Prosecution Service should inform the Trust and the LADO when a criminal investigation or trial is complete, or if it is decided to close an investigation without charge or not to prosecute after the person has been charged.
- In these circumstances the LADO will discuss with the Trust whether any further action is required and, if so, how to proceed. The information provided



- by the police and/or children's social care should inform that decision.
- Action by the Trust, including dismissal, is not ruled out in any of these circumstances: the range of options will depend upon the circumstances of the case and different standards of proof required in disciplinary and criminal proceedings. Consideration for referral to a professional body (NMC, RCGP) if applicable, may also be needed and should be kept under review.

## **6.6 Action on conclusion of a case**

- If the allegation is substantiated and the person after due process has been followed is dismissed, or the Trust ceases to use the person's services, or the person resigns or otherwise ceases to provide their services, the LADO should discuss with the Trust a referral to the Disclosure and Barring Service is required or advisable along with the form and content of any such referral (see appendix A).
- If it is decided that a person who has been suspended/excluded can return to work the Trust should consider how best to facilitate that. A phased return and/or the provision of a mentor may be appropriate. The person should also consider how the person's contact with the child or children who made the allegation can be best managed if they are still in the workplace.
- If an allegation is determined to be unfounded, the Trust should refer the matter to children's social care 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 further action against the person responsible might be appropriate.

## **6.7 Learning lessons**

- At the conclusion of a case in which the allegation is substantiated the Trust 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.

## 7 References:

### **Shropshire:**

[Managing Allegations — Shropshire Safeguarding Community Partnership](#)

All allegations that meet the criteria must be reported to the **LADO** by contacting the First Point of **Contact** (FPOC) on 03456 789021.

### **Telford & Wrekin:**

[Procedures for managing safeguarding concerns and allegations.pdf](#)

LADO referrals via Family Connect: Tel 01952 385385 email:  
[familyconnect@telford.gov.uk](mailto:familyconnect@telford.gov.uk)

### **Dudley:**

[Management of Allegations – \(dudleysafeguarding.org.uk\)](http://dudleysafeguarding.org.uk)

All referrals should be sent to [allegations@dudley.gov.uk](mailto:allegations@dudley.gov.uk).

General line: 01384 813061

### SCHT Flow chart

#### Managing allegations against staff who work with children and young people.

**An employee becomes aware of an allegation against a member of staff who works with children and/or young people (up to the age of 18 years)**

Allegations may include:

- 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 are unsuitable to work with children.
- Behaviors which are suggestive of grooming.



They immediately **inform** their line manager (or deputy in their absence) or if out of hours the SCHT Senior Manager on call.



The line manager and/or SCHT Senior Manager on call documents the allegation and **immediately informs** the **Director of Nursing and Clinical Delivery** or if out of hours the Executive on call.

*(For monitoring purposes please inform the Trust's Head of Safeguarding)*

- Consider welfare of child/children
- Consider welfare of staff member
- Consider suspension/exclusion



The Local Authority Designated Officer (LADO) of the appropriate Local Authority must be notified within 1 working day. The Designated Officer is employed by Children's Social Care and referrals should be made through the initial single point of contact in the area where the member of staff is employed.