

What happens if an allegation is made against you?

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Keeping children safe is everyone's responsibility

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1 What happens if an allegation is made against you?

The majority of people who work with children act professionally and aim to provide a safe and supportive environment for them.

However, sometimes the behaviour of an adult can fall short of these expectations. It is never acceptable for an adult in a position of trust to harm a child and so, allegations or concerns about behaviour of employees, foster carers or volunteers in relation to children are taken seriously.

However, it is acknowledged that when you are the person who has been accused, this can be a very difficult situation to manage.

2 Investigating allegations and LADO meeting

If an allegation has been made about you or concerns have been expressed about your behaviour towards a child or children, your employer has a duty to report this to the Local Authority Designated Officer (LADO) in the area where your employer is based.

This guidance explains the process of investigating allegations where there is reason to suspect that a person has:

- behaved in a way that has harmed, or may have harmed, a child
- possibly committed a criminal offence against children, or related to a child
- behaved towards a child or children in a way that indicated 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.

In such cases, a managing allegations strategy meeting will be held as soon as possible after the details of the allegation have been confirmed. The strategy meeting will discuss:

- details of the allegation or concern
- you and your role with children, and whether there have been any previous allegations made against you
- the child/young person making the allegation.

The meeting will be chaired by the LADO. It is the LADO's responsibility to manage the allegations process. You will not be involved in the meeting and neither will the child/ren or family. The meeting will be attended by:

- a representative of your employer or agency and, in some cases, a member of Human Resources
- a representative from the police if it appears a criminal offence may have been committed
- a representative of health, legal, children's social care, and Ofsted depending on the situation or the type of organisation you work for.

The members of the meeting will decide:

- what is required to safeguard the child/ren involved and any other children with whom you have had contact
- whether a police and/or social care investigation is required or whether disciplinary procedures (including referral to professional bodies and/or DBS) should be followed
- what support should be provided to you and others who may be affected and by whom.

In some cases, further LADO strategy meetings will be required to monitor the progress of investigations and finally to decide about the allegation/s made.

3 Will you be suspended?

Suspension is a neutral act, not a sanction, and it should not be automatic. It should, however, be considered in cases where:

- there is reason to believe a child has suffered or will suffer significant harm
- the allegation warrants investigation by the police
- the allegation is so serious that it might be grounds for dismissal.

You might also be suspended if it is thought that your presence in the workplace could impede the conduct of the investigation.

Where the allegation leads to the involvement of children's social care and/or the police, the LADO will canvass their views on suspension and let your employer know.

However, only your employer has the power to suspend you and they cannot be required to do so by a local authority or police.

4 The outcome

There may be one meeting or more than one depending on the complexity of the issues. At the final meeting, members of the strategy meeting will decide whether the allegation is:

1. **Substantiated:** where there is sufficient identifiable evidence to prove the allegation.
2. **False:** where there is sufficient evidence to disprove the allegation.
3. **Malicious:** where there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
4. **Unfounded:** where there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.
5. **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation; the term, therefore, does not imply guilt or innocence.

Further recommendations may be made in respect of disciplinary measures or support measure, such as training and supervision in the workplace.

You should be informed of the outcome by your employer. You should also receive a letter confirming the outcome from the LADO. This may not be appropriate, however, if a police or disciplinary investigation is being undertaken.

5 Substantiated allegations

If the allegation is substantiated, your employer has a legal duty to refer the matter to Disclosure and Barring Service (DBS) or other professional regulatory bodies.

The DBS has the power to decide whether you should be barred from, or have conditions imposed in respect of working with, children.

The relevant legislation is set out in the Protection of Freedoms Act 2012. The duty to refer to the DBS remains even if you resign from your post or position as a volunteer.

6 The length of time to resolve the matter

It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided.

Some cases will take longer because of their specific nature or complexity. However, the LADO will endeavour to ensure that investigations of allegations are resolved as quickly as possible, particularly as you may be suspended.

You should be kept informed and updated throughout the process unless to do so would compromise a disciplinary or criminal investigation or place a child at likely risk of harm.

7 Confidentiality

Confidentiality will be maintained and information is restricted to those who have a need to know.

If you are returning to work following a suspension, your manager/ employer should discuss with you how to make your return as easy as possible.

Consideration should also be given to the arrangements that are to be put in place if it is likely that you will come into contact with the child who made the allegation.

8 What will be written about you?

Your employer has personnel records which will detail how the allegation was investigated, the decisions reached, and the actions that were taken.

You should clarify arrangements for the retention of this information with your employer, who should also tell you what will be disclosed in future references.

DBS checks may reveal the outcome of strategy meetings if the police have been in attendance. The local authority also makes an electronic record of every referral to the LADO.