

Allegations against Staff and Volunteers (ASV) Guidance Notes

When you are the subject of an allegation

Introduction

Any adult working or volunteering with children at some point in their career may be the subject of an allegation that they have harmed a child. This could occur within a professional setting or in a professional's personal life. We know that this is a distressing situation for everyone involved. This leaflet sets out what happens in these circumstances.

What happens when an allegation is made?

Every organisation that works with children should have a manager responsible for progressing allegations that a child may have been harmed.

When they are informed of the allegation, they must contact the Local Authority Designated Officer (LADO) within 24 hours to report the concern. The criteria for making a report to the LADO are that an individual may have:

- 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 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 will agree with the manager how and when you will be informed of the concern and this is dependent on the nature of the allegation. If it becomes apparent at any stage that the allegation is demonstrably false, then you will be informed of this and no further action will be taken.

What happens next?

If there is cause to suspect a child is suffering or likely to suffer significant harm, or a criminal offence might have been committed, an Allegations against Staff and Volunteers (ASV) meeting will be held, involving police, the LADO, your employer, Bracknell Children Services and other agencies as appropriate. The aim of the ASV meeting will be to share information and determine whether an investigation needs to be conducted by:

- Bracknell Children Services under child protection procedures;

- Police regarding any possible criminal offences;
- Your employer under disciplinary/suitability procedures.

Suspension

You may be suspended from work or moved to other duties during the process of the investigation. These decisions rest with the employer and they will be guided by the ASV meeting. Suspension or a move to other duties are neutral acts, not sanctions. It will always be considered when:

- There is a cause to suspect a child is at risk of significant harm;
- The allegation warrants a police investigation;
- It is serious enough to be grounds for dismissal.

If suspension is being considered, an interview should be arranged by your line manager. You have a right to be accompanied by a trade union representative or a friend. The meeting is not an examination of the evidence but an opportunity for you to make representations concerning suspension. If you are to return to work after suspension, your employer should consider how best to manage this, e.g. Mentoring.

Alleged criminal offence

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 the police with their investigation. In this instance you must seek legal representation, and this can be made available through your trade union, at the police station, or through a solicitor of your choosing.

Internal investigations

Your employer may need to conduct an internal investigation in order to decide how to proceed. It may be conducted by a senior member of staff or by an independent person, depending on the availability of the resources and the nature/complexity of the case.

When there are criminal proceedings it may not be possible for the employer to complete their investigations until after the criminal proceedings are concluded.

Volunteers and supply workers

If you are a supply worker or volunteer, the placing agency should be involved and co-operate in any investigation. If disciplinary procedures do not apply, an investigation may still be necessary to assess your suitability to work with children. These procedures also apply to foster carers, childminders and private tutors.

Resignations and settlement agreements

Your employer should try to reach a conclusion regardless of whether you resign or otherwise cease to provide your services, or if you refuse to co-operate. They must not use a 'settlement agreement', i.e. allow you to resign without any disciplinary action and with an agreed reference.

Timescales

Cases should be dealt with as quickly as possible, consistent with a fair and thorough investigation. Government guidance set out target timescales, but these will depend on factors such as the nature, seriousness and complexity of the allegation. Your case will be monitored in order to avoid unnecessary delay.

Support

Everyone who is the subject of an allegation will find it stressful and must be offered support.

Your employer should:

- Advise you to seek support from your trade union;
- Provide a named support person who will keep you up to date with any investigations;
- Provide a named support person who will keep you up to date with any work matters if you are suspended.

It is important that you take up support and you can seek support via your GP if you are severely distressed and your health and general functioning are affected.

Notifications

Confidentiality should be respected, and people only told on a 'need to know' basis. If the matter becomes subject to speculation, your employer, after appropriate consultation, may need to issue a statement for parents, children or the public.

Record keeping

A comprehensive summary of the case should be kept on your confidential personnel file and retained until normal retirement age or 10 years after the allegation, if longer. This includes allegations found to be without substance. You should be provided with a copy of the summary. Other agencies, if involved, will keep their own records.

Disclosure and Barring Service (DBS)

The Disclosure and Barring Service (DBS) performs an important role in safer recruitment of people doing certain specified work or volunteering with children. The DBS will support employers in their critical role in ensuring safe recruitment practices.

Your employer, and placing agency if appropriate, has a statutory duty under the Safeguarding Vulnerable Groups Act 2006, to report you to this organisation for consideration of barring you from, or placing restrictions on you, working with children or young people, if:

- You are dismissed for misconduct or because you are otherwise considered unsuitable to work with children, or
- You resign before a disciplinary process is completed, and your employer considers that you may have been dismissed.

If you are referred, you will be sent a letter explaining the process, including your right to make representation.

The DBS is committed to ensuring barring decisions that are made are fair, consistent and thorough, and a proportionate response to the harm occurred or posed. The DBS is aware of the impact barring or not barring a person can have, both to the person referred and to those with whom they have or could have come into contact with.

The DBS provides helpful factsheets, and these can be obtained by visiting their website.

Disclosure and Barring Service - <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

Useful contacts

Local Authority Designated Officer (LADO) 01344 351572

Bracknell Forest Safeguarding Board - <https://bracknellforestsafeguarding.org.uk/>

Safeguarding Children Online Procedures - <https://proceduresonline.com/berks/>

Disclosure and Barring Service - <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

Complaints

The Complaints Manager
Children's Social Care
Time Square
Market Street
Bracknell Forest
RG12 1JD

Telephone: 01344 351737

Email: childrens.complaints@bracknell-forest.gov.uk

Web: <https://www.bracknell-forest.gov.uk/council-and-democracy/get-touch/complaints/childrens-social-care-complaints>