

## Allegations against Staff and Volunteers (ASV) – Guidelines for Meetings

### Threshold

These procedures should be applied when there is an allegation or concern that any person who works with children, in connection with their employment or voluntary 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;
- 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.

These behaviours should be considered within the context of the four categories of abuse (i.e. physical, sexual and emotional abuse and neglect). These include concerns relating to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see Sections 16-19 Sexual Offence Act 2003);
- ‘Grooming’, i.e. meeting a child under 16 with intent to commit a relevant offence (See Section 15 Sexual Offences Act 2003);
- Other ‘grooming’ behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text/email messages or images, gifts, socializing etc.);
- Possession of indecent photographs/pseudo-photographs of children

### ASV Meeting

#### The ASV Meeting should:

- Decide whether there should be a Section 47 Children Act 1989 enquiry (referral to MASH), and/or police investigation and consider the implications;
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information;
- Consider the current allegation in the context of any previous allegations or concerns;
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children (e.g. Section 93, Education and Inspections Act 2006 in respect of teachers and authorised staff);
- Does the person work or volunteer in any other areas other than Bracknell;
- Plan enquiries if needed, allocate tasks and set timescales;
- Decide what information can be shared, with whom and when

# Allegations against Staff and Volunteers (ASV) Guidance Notes

## Format to follow at the ASV meeting:

- Remind everyone about confidentiality
- Who is in attendance? Is anyone crucial missing?
- Do you have all appropriate reports/statements/evidence?
- Will there be single or joint agency interviews?
- Has Ofsted been informed (where appropriate)?
- Has the professional body been notified?
- Who is supporting the professional?
- Who is supporting the alleged victim?
- Any media issues?

## Threshold for consideration in the ASV meeting

The ASV meeting should consider the following definitions when determining the outcome of allegation investigations:

1. **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
2. **False:** there is sufficient evidence to disprove the allegation;
3. **Malicious** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false. The police should be asked to consider what action may be appropriate in these circumstances;
4. **Unfounded:** 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.

## Substantiated Allegations

Should an allegation be substantiated, the LADO should discuss with the employer whether a referral should be made to the Disclosure and Barring Service (DBS). Additionally, consideration should also be given to referring to a professional regulatory body such as Social Work England, Ofsted, General Medical Council etc.

At the conclusion of a case in which an allegation is substantiated the ASV meeting will advise the employer to 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. This should include issues arising from any decision to suspend a member of staff, the duration of the suspension and whether or not suspension was justified