



## **WOLVERHAMPTON SAFEGUARDING CHILDREN BOARD**

**Information guide for staff facing allegations**

## **Introduction**

The aim of this information guide is to explain the processes involved, and the support and guidance available, if it is alleged that you have:

- Behaved in a way that has harmed a child, or may have harmed a child; or
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.

### **Initial Action**

When an allegation is made, your manager <sup>(1)</sup> or the designated person within your organisation should consult the Designated Officer (previously referred to as LADO) to consider the next action, taking advice from Social Care and Police as needed. Police may advise that you are not told about the allegation immediately.

Your Manager's decision in consultation with the Designated Officer will be one, or a combination of the following:

- a) The child/young person is alleged to have suffered, or is likely to suffer significant harm – which requires immediate referral to Social Care
- b) A criminal offence is alleged – which requires referral to Social Care and Police
- c) The allegation represents poor or inappropriate behaviour – which should be considered under disciplinary and/or capability procedures, including referral if appropriate to NCTL / HCPC or appropriate medical college
- d) The allegation is clearly and demonstrably without foundation and no further action will be taken

If the conclusion of the initial discussions are a) or b) a Strategy Discussion should take place involving Police, Social Care, your Manager, Designated Officer and where possible a HR representative from the organisation. You will not be invited. The discussion will focus on the needs of the child/ren that may be at risk. It will determine what action should be taken regarding further investigation, but it is not part of any disciplinary procedures.

If the initial discussions conclude the situation is as outlined in c), an investigation will be initiated under the organisation's disciplinary and/or capability procedures.

If the conclusion is as outlined in d) you should be told orally (and usually confirmed in writing) that the allegation is without foundation, and that no further action will be taken.

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<sup>1</sup>This process applies equally to volunteers and paid employees and the organisation should ensure that a designated person liaises with the Designated Officer in all cases

## **Types of Possible Investigation**

- Child protection enquiries by Social Care
- Criminal Investigation by Police
- Disciplinary/capability investigation by organisation

A disciplinary investigation is usually held in abeyance until external agency investigations are complete, unless prior agreement is reached. Whilst these investigations should be conducted as speedily as possible, they should also be balanced against the need to be thorough and fair, in line with natural justice. Statements taken in external investigations could be used in subsequent disciplinary proceedings.

## **Suspension**

Your manager will refer the allegation to the Designated Officer, who will liaise with the relevant agencies and advise the manager on the outcome of any initial discussion. The final decision regarding suspension is made by the manager of the organisation.

Suspension is a neutral act, and should not be automatic. Where possible, the decision to suspend should be informed by the Strategy Discussion, and should only occur when the known facts relating to the allegation indicate:

- a child or young person may be at risk
- the allegations are so serious that dismissal for gross misconduct is a possible outcome
- suspension is necessary to allow the conduct of the investigation to proceed unimpeded

Alternatives should always be considered e.g. leave of absence, transfer of duties, additional supervision.

Where suspension is being considered, an interview will normally be arranged. You have the right to be accompanied by a Trade Union representative or a friend. You are advised to seek the assistance of your Union representative. If you are suspended, one of his/her roles will be to promote your interests and raise issues that may be of concern to you

The interview is not an examination of the evidence, but an opportunity for you to make representations concerning the allegations being made and possible suspension.

People, including other staff, should only be told about the allegation on a 'need to know basis'. Notification may be delayed if Police think this could prejudice an investigation.

Those who will be told of the allegation and likely course of action include you, the child or young person concerned, his/her parent/carer, the person making

the allegation, your managers, HR, the Designated Officer and the investigating agencies as above.

If you are suspended, those persons likely to be on a disciplinary panel if convened will be given limited information so any future disciplinary process is not prejudiced.

If the matter becomes common knowledge, it may be necessary to issue a brief statement, agreed by the agencies concerned, to parents, pupils and the public.

## **Support**

You should expect to be:

- advised to contact your Union representative
- given a support contact within the organisation (usually in HR) who should keep you up to date with progress of your case
- given a team contact (if you are suspended) who will update you about normal organisation activities. Social contact with colleagues should not be precluded unless detrimental to the investigation. The type of information and frequency of contact should be agreed, but colleagues should not comment on or discuss the investigation
- offered Staff Counselling Service and/or Occupational Health support if available

This may be a stressful time, so in addition to contacting your Union representative, you are advised to see your GP if you think your health may be affected.

## **Return to work**

If you have been suspended and it is decided you should return to work, your Union rep can assist in negotiating and planning this return.