

Gweithio'n Gytân Ar Gyfer Plant



Working Together For Children

# South East Wales Safeguarding Children Board

## RESPONDING TO CONCERNS OR ALLEGATIONS OF ABUSE MADE AGAINST ADULTS WHO WORK WITH CHILDREN AND YOUNG PEOPLE PROTOCOL

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<b>Contents</b>	<b>Page</b>
<b>Section One – Overview</b>	
1. Introduction	4
2. Statutory Framework	4
3. The Scope of this Protocol	5
4. Allegations relating to specific settings	6
5. Threshold for Implementation of this Protocol	6
6. All agencies Responsibilities	7
<b>Section Two – General Considerations</b>	
7. Target Timescales	10
8. Exercising Professional Judgement	10
9. Objectivity	10
10. False Allegations	10
11. Access to Advocacy	11
12. Persons to be notified	11
13. Confidentiality and Information Sharing	11
14. Media	12
15. Informing the Individual	12
16. Informing parents / carers and children	13
17. Sharing Police Information for Internal Disciplinary Investigations	13
18. Resignations and ‘settlement agreements’	14
19. Whistle-blowing	14
20. Support for parents/carers, children and young people	15
21. Suspension	15
22. Monitoring and Learning Lessons	15
23. Record Keeping	16
24. Complex Abuse	17
25. Cross Border Working	17
<b>Section Three – Process</b>	
26. Allegations / Concerns process flowchart	19
27. Initial action by person receiving an allegation or concern	20
28. Initial action by the designated person	20
29. Making a referral	20
30. Following Referral	21
31. Initial Strategy Discussion	21
32. Role of the Designated Children Services Manager (DCSM)	22
33. Communicating Decisions to Other Agencies	22
34. Section 47 Child Protection Enquiries	23
35. Professional Strategy Meeting (PSM)	23
36. The Organisation of the Strategy Meeting	24
37. Attendance at Professional Strategy Meetings	24
38. Reports to the Professional Strategy Meeting	24
39. Investigation Outcome Strategy Meeting	24
40. Criminal and Disciplinary Proceedings	26
41. Communication of Outcomes	26
42. Disclosure and Barring Service (DBS)	27

<b>Contents</b>	<b>Page</b>
<b>Appendix 1:</b> Professional Strategy Meeting Aide Memoire for Agenda	29
<b>Appendix 2:</b> Professional Strategy Meeting Minute Template	31
<b>Appendix 3:</b> Professional Strategy Meeting Response Letter	34
<b>Appendix 4:</b> Suspension Template	35
<b>Appendix 5:</b> A guide for adults who work or volunteer with children who are subject to an allegation or concern	37
<b>Appendix 6:</b> A guide for a child or young person who has raised a concern or made an allegation of abuse against an adult who works with them	42
<b>Appendix 7:</b> A guide for parents / carers of a child or young person who has made an allegation of abuse against an adult or volunteer who works with the children and young people	45

## Section one – Overview

### **1. Introduction**

Experience shows that children can be victims of abuse and exploitation by those who work with them in any context. They may be vulnerable in all organisational settings including social care, education, health, the leisure industry and in faith communities.

*Safeguarding Children: Working Together Under the Children Act 2004* (hereafter referred to as '*Working Together*') requires that "Safeguarding Children Board member agencies and other organisations that provide services for children, or provide staff or volunteers to work with or care for children, should operate a procedure for handling such allegations that is consistent with this guidance (Safeguarding Children: Working Together Under the Children Act 2004 (WAG, 2006)2.2)

The need for safeguarding and safer recruitment arose from the findings of the Bichard report (2004) in response to the Soham case. The report states that '*for those agencies whose job it is to protect children and vulnerable people, the harsh reality is that if a sufficiently devious person is determined to seek out opportunities to work their evil no one can guarantee that they can be stopped. Our task is to make it as difficult as possible for them to succeed .....*' *Bichard Inquiry Report (2004) p12 para79*

Dealing with an allegation that a professional, staff member, foster carer or volunteer has abused a child or young person is difficult, but must be taken seriously and dealt with carefully and fairly.

This document sets out the South East Wales Safeguarding Children Board (SEWSCB) guidance for the management of allegations of abuse made against adults working with children. This procedure does not replace either *Working Together* or the *All Wales Child Protection Procedures (2008)* but by complementing and strengthening them it provides the detailed local procedure for the management of investigations. It does not replace or take priority over any aspect of employment law.

### **2. Statutory Framework**

*Working Together* provides guidance about how to manage allegations against adults working with children and young people. It provides a framework for managing a wider range of allegations than those in which there is a reasonable cause to believe a child is suffering, or is likely to suffer, significant harm. It also covers allegations that might indicate that a person is unsuitable to continue to work with children in his or her present position, or in any capacity.

*Working Together* states that:

- Safeguarding Children Boards (SCBs) have responsibility for ensuring there are effective inter-agency procedures in place for dealing with allegations against people who work with children and in monitoring and evaluating the effectiveness of those procedures.

*The All Wales Child Protection Procedures* provide common standards to guide child protection practice for every Safeguarding Children Board in Wales. They provide a framework within which individual child protection referrals, actions, decisions and plans are made and carried out. The procedures clarify how individuals and agencies should communicate and work together effectively in partnership in order to identify vulnerable children, keep them safe from abuse and neglect, and, improve outcomes for them.

### **3. The Scope of this Protocol**

The purpose of this protocol and practice guidance is to support agencies to deal appropriately with any concerns or allegations of abuse and to ensure that all allegations of abuse made against staff or volunteers working with children and young people are dealt with in a fair, consistent and timely manner.

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

This protocol will also address how these allegations are recorded and the reporting mechanism to ensure that the SEWSCB can monitor and review the effectiveness of this process.

Reference to *children* within this document is intended to include any one who has not yet reached their 18th birthday.

For the purposes of this protocol, the definition of '*work*' is significantly widened and intended to include the following:

- Those in paid employment, including temporary, casual, and agency staff
- Individuals undertaking unpaid voluntary work
- Individuals who are self-employed and work directly, or are contracted to work, in the provision of services to children

A useful test for deciding upon the applicability of this protocol is to consider whether the individual subject to the allegation or concern, occupies a position of trust.

A 'position of trust' is one in which a member of staff / volunteer is in a position of power or influence over a child, by virtue of the work or nature of activity being undertaken. The **Crown Prosecution Service** sets out detailed definitions and a range of criminal offences associated with abuse of such a position.

This protocol and guidance is principally underpinned by the following key documents:

- **All Wales Child Protection Procedures 2008**
- **Safeguarding Children: Working Together Under the Children Act 2004** (Welsh Assembly Government, 2007)
- **All Wales Safeguarding Children in Education; Handling Allegations of Abuse against Teachers and Other Staff** (Welsh Government 2014)

This protocol is binding upon all agencies that are members of the South East Wales Safeguarding Children Board. SEWSCB member agencies will be expected to comply with the process outlined in this document

#### **4. Allegations relating to specific settings**

The All Wales Child Protection Procedures (2008) provides guidance in respect of the following situations:

1. Allegations of child abuse by staff in residential homes;
2. Allegations of abuse against a foster carer;
3. Allegations of abuse against private foster carer;
4. Additional guidelines on childminders;
5. Allegations of abuse of children in custody;
6. Allegations of abuse about or against a professional, staff member or volunteer in contact with children and vulnerable adults (or who manage/supervise/influence services)

#### **5. Threshold for Implementation of this Protocol**

Specifically, the question should be asked as to whether the allegation or concern possibly meets any one of the following thresholds:

Has a person:

- Behaved in a way that has harmed a child, may have harmed a child or placed a child at risk of possible harm
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child or children in a way that indicates they are unsuitable to work with children

These behaviours should be considered within the context of the four categories of abuse:

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Neglect

Additionally this protocol may be used:

- If there are concerns about the person's behaviour towards their own children, or
- If there are concerns about the person's behaviour towards children unrelated to their employment or voluntary work, and there has been a recommendation from a strategy discussion that consideration should be given to the risk posed to children they work with, or
- When an allegation is made about abuse that took place some time ago and the accused person may still be working with, or having contact with children
- When the alleged behaviour or circumstances of an individual calls into question their suitability to work with children
- There are concerns relating to the conduct whether directly or indirectly related to their work or personal life, professional conduct, whether directly or indirectly related to their work or personal life e.g. where they have committed or been involved in a criminal act, misuse of drugs or alcohol, Domestic Abuse, inappropriate use of the internet, mental health concerns

If concerns arise about a person's behaviour with regard to their own children, Police and/or Children's Services will need to consider informing the person's employer in order to assess whether there may be implications for children with whom the person has contact at work.

If an allegation of abuse or neglect of a child, outside of the work environment, is made against a person known to be working with children in a paid or voluntary capacity, and gives cause for concern about the children with whom they have contact during the course of their work, the Children's Services Social Work team and the Designated Children Services Manager DCSM should be advised and this procedural guidance will apply.

If through section 47 enquiries it emerges that a parent or carer of the child/ren involved in the case, works with vulnerable adults, even though there may not be a direct allegation of abuse emerging from the parent or carers employment, a strategy meeting should be convened under this protocol, to which relevant professionals involved with the vulnerable adult or adults should be invited.

This procedure will also apply where an allegation of abuse or neglect is made against a family member or close associate of a person known to work with children, and there are concerns that the accused person has or may have contact with the children for whom that member of staff or volunteer has some responsibility.

If the member of staff/volunteer lives in a different authority to which he/she works - liaison should take place between the relevant agencies in both areas to agree a joint strategy.

There may be occasions where there is a difference of opinion between agencies as to whether the threshold for a professional strategy meeting has been met. In these instances, agencies should refer to the South East Wales Safeguarding Children Board Multi-Agency Practice Guidance Resolving Professional Differences.

## **6. All Agencies' Responsibilities**

Safeguarding children is everybody's responsibility. All employers have a responsibility to set personal and professional boundaries for their staff and to be explicit about what behaviour is unacceptable and will impact on their employment.

All organisations, establishments and professional groupings that work or have contact with children and families should have their own process for responding to concerns and allegations against staff and professionals, and for whistle blowing.

The process should be compliant with the *All Wales Child Protection Procedures* and should reflect the following underlying principles:

- The welfare of the child is paramount
- Adults about whom there are concerns should be treated fairly and honestly and should be provided with support
- It is the responsibility of all adults to safeguard and promote the welfare of children and young people. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children and young people.

It is important that all individuals who work with children and young people are aware of this process within their organisation or setting and know where to access them

should the need arise. The process should be clearly understood by all those who are 'employed' and it should feature prominently in staff induction, training, and commissioning arrangements.

**A failure to report an allegation or concern in accordance with the following procedures is a potential disciplinary matter.**

### **All Senior Leaders within Partner Organisations**

Senior leaders within SEWSCB partner organisations should maintain strategic oversight regarding implementation of this protocol within their organisation/agency, ensuring compliance and raising concerns arising within their agency with SEWSCB.

### **Designated Person**

A key element of this protocol should be the identification of a designated person (DP) within all organisations to whom all allegations or concerns should be reported. A deputy designated person should also be identified, in case of the unavailability of, or an allegation being made against, the designated person.

Responsibilities of the designated person will include:

- Ensuring that this protocol is appropriately applied and implemented within their organisation
- Being the senior person within the organisation to whom allegations or concerns are reported
- Providing advice, information and guidance for staff within the organisation
- Referring allegations in accordance with this procedure and their organisation's internal process
- Gathering any additional information which may have a bearing on the allegation.
- Undertaking appropriate checks with data held by their organisation. The role of the DP is to gather, record and clarify details to add to the referral – **not to investigate**
- To keep in touch with the subject of the allegation and to relay information to the individual when required
- To consider any support needs of the subject of the allegation including contact with their union or professional body
- Providing the subject of the allegation with information and advising them to inform their union or professional body; (Seeking guidance and support from Police and or Children's Services. This may be required to take place after the Initial strategy discussion has taken place)
- Attending Strategy Meetings where required
- Liaising with the Designated Children's Services Manager (DCSM)
- Liaising with Human Resources if appropriate
- Ensuring that risk assessments are undertaken where and when required
- Ensuring that effective reporting and recording systems are in place which allow for the tracking of allegations through to the final outcome
- Undertaking appropriate checks with data held by their organisation
- Raising the awareness of agency whistle-blowing and complaints procedures
- Should the allegation be unfounded, give consideration to a referral either to Children Services or the Police if the allegation is deemed to be deliberately malicious or invented
- Ensuring that confidentiality is maintained at all times and information is shared on a strictly need to know basis.



## **Police**

The Police should designate a Detective Sergeant/s to:

- Liaise with the Designated Children's Services Manager (DCSM)
- Take part in strategy meetings / discussions
- Review the progress of cases in which there is a Police investigation
- Share information as appropriate, on completion of an investigation or related prosecution

## **Designated Children's Services Manager (DCSM)**

### **Needs to reference the fact that the DCSM and the Designated Person above may be one and the same person**

Local authorities should designate a Manager (referred to as DCSM throughout this document) who is expected to take a critical role in terms of having oversight and input into the management of individual cases.

Responsibilities of the DCSM include:

- Chairing professional strategy meetings
- Being involved in the management and oversight of individual cases
- Providing advice and guidance to employers and voluntary organisations
- Liaising with the Police and other agencies
- Monitoring the progress of cases to ensure they are dealt with within agreed timescales
- Ensuring a consistent and thorough process for all adults working with children and young people against whom allegations are made
- Maintaining information databases in relation to all allegations
- Producing qualitative and quantitative reports for the SEWSCB
- Liaising as necessary with chairs of Strategy Meetings or attending/chairing Strategy Discussions/Meetings
- Contributing to SEWSCB training programmes and awareness-raising across the children's workforce
- Discussing with Senior Managers the possibility of referral to the Disclosure and Barring Service (DBS) for inclusion of the person on the Children's Barred List or to the appropriate Regulatory Authority.

## **Section Two - General Considerations**

### **7. Target Timescales**

Any allegation of abuse must be dealt with fairly, quickly and consistently. It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided. The target timescales (which are not performance indicators) provided in the All Wales Child Protection Procedures (2008) suggests that following the initial strategy discussion where a decision is made to convene a Professional Strategy meeting this should be convened as soon as possible and that best practice would be to hold it within 2 working days. However, this will depend on the nature, seriousness, and complexity of the allegation and there may be some cases that will take longer.

### **8. Exercising Professional Judgement**

Throughout the process for managing allegations or concerns, senior managers will need to exercise their professional judgement. Making such judgements about someone's behaviour is a difficult and complex process. Therefore it is important that manager's:

- consult appropriately
- acknowledge any lack of expertise or information
- keep an open mind until a conclusion is reached
- know and act in accordance with the law
- know and apply appropriate procedures
- consider appropriate guidance
- take account of all relevant factors
- give each factor appropriate weight
- apply the duty of care
- consider other options or alternatives (i.e. when threshold has not been met, consideration could be given to instigating internal investigations or procedures such as training)

### **9. Objectivity**

All staff must declare any association in an enquiry about suspicion or allegation of abuse with respect to a:

- Relative
- Friend
- Colleague, supervisor / supervisee or someone who has worked with her/him previously in any of these capacities

### **10. False Allegations**

False allegations are rare and may be a strong indicator of abuse taking place elsewhere in a child/young person's life, which require further exploration. If an allegation is demonstrably false, the employer, in consultation with the DCSM/Chair of the Strategy meeting, should consider referring the matter to Children's Services to determine whether the child is in need of services or may have been abused by someone else.

If it is established that an allegation has been deliberately invented, the Police should be asked to consider what action may be appropriate.

## **11. Access to Advocacy**

Children and young people should be advised of their right to be supported by an independent advocate to enable their voice to be heard throughout the process. Details of independent advocacy services and how to access them should be provided to children and young people by their Social Worker at the earliest appropriate point after referral.

## **12. Persons to be notified**

It must be noted that some allegations are so serious as to require immediate referral to the Police and/or Children's Services.

This protocol is not in any way intended to impede the requirement for urgent or immediate responses to circumstances that are clearly serious, although it is expected that the DCSM is informed of such events at the very earliest opportunity and in all circumstances within no more than 24 hours after the allegation has arisen (next working day - if out of hours).

If the allegation has not come from within the employee's organisation and referred accordingly, then the Police and or Children's Services must inform the Designated Person within the employing organisation that an allegation against a member of staff has been made and formal investigations are required.

Any person who has a concern should:

- Make a referral to the Police or Children's Services
- Seek advice and support from their line manager or supervisor
- Make a record of the concerns and any actions taken and by whom in line with their agency policy. This should include the rationale for decision making
- See section 5 internal processes – all agencies

The employer should seek advice from the Police and / or Children's Services about how much information should be disclosed to the accused person(s).

Care and Social Services Inspectorate Wales (CSSIW) should be informed of any allegation or concern made against a member of staff in any day care establishment for children under 8 years or against a registered childminder. They should also be invited to take part in any subsequent strategy meeting / discussion.

Children's Services should inform CSSIW of all allegations made against a foster carer, prospective adopter, or member of staff in a residential child care facility.

## **13. Confidentiality and Information Sharing**

Information sharing is vital to safeguarding and promoting the welfare of children and young people.

Information about an allegation must be restricted to those who have a need to know in order to:

- Protect children
- Facilitate enquiries
- Avoid victimisation

- Safeguard the rights of the person about whom the allegation has been made and others who might be affected

The Data Protection Act 1998 and the Human Rights Act 1988 are the two main legislative frameworks governing how, what and in what circumstances information may be shared.

Disclosure of information to safeguard children is supported by the Children Act 1989 and *Working Together*, and by application of the welfare principle. Additionally, there are clauses within both the Data Protection and Human Rights legislation which allow for information to be shared:

- for the protection of health and morals
- for the protection of the rights and freedoms of others
- for the prevention and detection of crime

Disclosure of any confidential information should always be appropriate for the purpose and only to the extent necessary to achieve that purpose. (Refer to confidentiality statement appendix 1 Multi Agency Professional Strategy Aide Memoire for Agenda).

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; or except in exceptional circumstances (e.g. an appeal to trace a suspect). In such cases, partner agencies and any relevant legislation should be consulted beforehand with the reasons then documented.

In respect of teaching staff, consideration should be given to Section 13 and Schedule 4 of the Education Act 2011, with regards to anonymity.

#### **14. Media**

The strategy meeting should consider a media and communication strategy. There may be occasions when parents may choose to go directly to the press.

#### **15. Informing the Individual**

- The person who is the subject of the allegation should be treated fairly and honestly and helped to understand the concerns expressed and processes involved
- The person who is the subject of the allegation should generally be informed that they are subject of an allegation at the earliest opportunity. The employer will not inform the employee of the details of the allegation until the timings for doing so have been agreed with Children's Services /Police. This will be considered during the interim safeguarding arrangements discussed and agreed by the DCSSM and the Designated Police DS
- Information about the child or family should not be shared with the individual against whom the allegation was made or anyone representing them
- In determining when to inform the individual, consideration should be given to any potential risks to the child involved in the allegations, or to any other children connected to the individual's home, work or community life

- Consideration should also be given to the potential for the individual to impede any investigation, remove or interfere with evidence or to intimidate or coerce potential witnesses
- If suspended, be kept up to date about events in the workplace by a named contact
- As soon as possible after an allegation has been received, the accused member of staff should be advised to contact their union or professional association. Human Resources should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's occupational health, employee welfare arrangements, or individual agencies own safeguarding arrangements
- The person who is the subject of the allegation will be kept informed of the progress and outcome of any investigation as appropriate to any considerations outlined above and the implications for any disciplinary or related process

## **16. Informing parents /carers and children**

The general principle is that the employer should tell the parents or carers of a child or children involved about the allegation as soon as possible but in consultation with Children's Services/Police. There may be some exceptional circumstances where this is not appropriate.

Parents/carers of a child/ren involved should, when necessary, be helped to understand the outcomes reached.

Examples where it may not be appropriate to inform parents or carers immediately could include where the allegation made is against a family member, or if the Police investigation could be hampered by informing the parent/carer and child. In these cases the timings for the parents or carers being told must be confirmed with the relevant Children's Services / Police.

The employer, together with Children's Services and / or Police, where they are involved, should consider the impact on the child concerned and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are addressed and, where necessary, interim safeguards are put in place pending the professional strategy meeting.

## **17. Sharing Police information for Internal Disciplinary Investigations**

At the outcome strategy meeting each case must be considered for recommendation for internal disciplinary investigation (as per AWCP 2008 part 4 paragraph 4.3.1)

Where the case involves Police investigation, the Police should seek consent at the outset from each individual concerned to share the statements and evidence they obtain with the employer for disciplinary purposes. Police will then be able, at the conclusion of any formal or judicial process, to provide the employer with relevant information to assist them with their internal disciplinary investigations. Children's Services will adopt a similar procedure so that any information obtained in the course of their enquiries relevant to a disciplinary case can be passed to the employer without delay.

In all cases, the matter will at some point be referred back to the employer for consideration and / or investigation. Information gathered from discussions, evaluations and meetings will be shared with the employer to aid their investigations. In some cases this will be because the initial considerations have concluded that there is no criminal element to pursue. In other cases it will be because the Police or Crown Prosecution Service determines that a prosecution may not be appropriate for the best interests of the child. It should be referred back if the evidence is deemed insufficient to support a conviction or at the conclusion of legal proceedings.

It is the responsibility of the employing organisation to notify the manager responsible for chairing professional strategy meetings of the outcome of any investigation or disciplinary hearing.

Further advice and guidance on the employment practice code can be found at the Information Commissioner's office website at: [www.ico.gov.uk](http://www.ico.gov.uk)

Employers must also have regard to the ACAS Code of Practice for Discipline and Grievance – [www.acas.gov.uk](http://www.acas.gov.uk)

## **18. Resignations and 'settlement agreements'**

Every effort should be made to reach a conclusion in all cases of allegations relating to the safety or welfare of children, including where: the individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations.

The process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even when it may not be possible to apply any disciplinary sanctions because a person's period of notice expires before the process is complete or they have resigned or withdrawn their service. It is important to reach and record a conclusion wherever possible.

So called 'settlement' or 'compromise' agreements by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in these cases. In the case of an employee wishing to resign, they must be informed that the process will continue until it reaches its natural conclusion.

## **19. Whistle-blowing**

All staff should be made aware of the organisation's whistle-blowing policy and feel confident to voice concerns about the attitude or actions of colleagues.

Staff should be aware that children and young people may feel unable to express concerns. All staff should therefore be aware that they have a legal duty to take action if the concern is about the safety of children and to voice concerns about the attitude or actions of their colleagues in accordance with the relevant Whistle blowing/Confidential Reporting Policy. This policy should be given to all new employees and be available to all staff.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately, she/he should report the matter to a senior manager within their

agency, to their Designated Person or to the Designated Children's Services Manager (DCSM).

## **20. Support for parents/carers, children and young people**

The organisation, together with Children's Services and / or Police, where they are involved, should consider the impact on the child concerned and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are addressed.

Parents / carers of a child/ren involved should be:

- Informed of the allegation as soon as possible provided the provision of information and advice at that stage does not impede the enquiry, disciplinary or investigative processes and may need to be told immediately if, e.g. a child requires medical treatment
- Told that there has been an enquiry or disciplinary process (but no detail is to be provided in relation to any internal HR processes)
- When necessary, helped to understand the outcomes reached (but see above proviso in relation to the provision of advice)

There may be occasions when parents may choose to go directly to the Press. In these circumstances it is essential to seek guidance from the media / communications team / press office and the DCSM.

## **21. Suspension**

*Working Together* states that suspension should be considered in every case where:

- there is cause to suspect a child is at risk of significant harm
- the allegation warrants investigation by the Police, or
- the allegation is so serious that it might be grounds for dismissal

The guidance also goes on to say that people must not be suspended automatically or without careful thought and that employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children until the allegation or concern is resolved.

In all cases the employer must undertake a risk assessment in order to establish whether suspension is appropriate. The employer should maintain a record of the decisions reached regarding suspension, who was involved in making those decisions, the rationale behind them, and details of any action taken.

If suspended, the member of staff, or his/her representative, should be given the name of a contact person who should then keep him/her up to date regarding the progress of the case. The situation should be regularly monitored and if circumstances change that allow the suspension to be lifted, this should be actively considered.

Please see suspension template Appendix 4.

## **Alternatives to Suspension**

While weighing the factors as to whether suspension is necessary, alternatives to suspension should be considered if available and deemed suitable. This may be achieved by:

- the individual undertaking duties which do not involve direct contact with the child concerned or other children e.g. office work
- providing an assistant/colleague to be present when the worker has contact with children

It may be appropriate to use an alternative to suspension when an allegation is first made. This would allow time for an informed decision regarding suspension to be made and possibly reduce the initial impact of the allegation. This will however depend upon the nature of the allegation.

Any member of staff subject to an allegation, regardless of any decision to suspend or otherwise, should be supported throughout the process via occupational health or employee welfare arrangements where these are available. She/he should also be encouraged to seek advice and support at the earliest opportunity from their professional association or trade union if she/he is a member.

If a suspended person is to return to work, the employer should consider what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor), and also how best to manage the member of staff's contact with the child concerned, if still in the workplace.

## **22. Monitoring and Learning Lessons**

The Chair of the Strategy Meeting/DCSM will monitor and record the progress of each case depending on its complexity. This could be by way of formally reviewing the strategy meeting or by direct liaison with the Police, Children's Services or the accused person's employer as appropriate.

Where the target timescales cannot be met, the Chair of the Strategy Meeting/DCSM must record the reasons and ensure that this is detailed within the records of the strategy meeting.

The DCSM/ Chair of strategy meeting will maintain comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. Recording of the case outcome will be the responsibility of the DCSM / Chair of the strategy meeting.

The DCSM/Chair of strategy meeting will ensure that progress reports and statistics are available to the SEWSCB, which will determine whether there are any improvements to be recommended within specific organisations or across multi agency procedure or practice.

The employers Designated Person should also review the circumstances of the case to determine whether there are any improvements to be made to the organisational procedures or practice to help prevent similar events in the future.

## **23. Record Keeping**

Record-keeping is a vital part of all safeguarding processes. Complete and accurate records will need to be kept by all agencies. Information needs to be maintained regarding:

- Events leading to the allegation or concern about an adult's behaviour
- The circumstances and context of the allegation



- Professional opinions
- Decisions made and the reasons for them
- Action that is taken
- An aide memoire agenda for a strategy meeting is attached at Appendix 1 page 29

Safeguarding Children: Working Together Under the Children Act 2004 provides further guidance in respect of record keeping and this should be read in conjunction with organisations policies, procedures and guidance.

Further legislation should be considered when recording professional strategy meetings and sharing information such as;

- Data Protection Act 1988
- Human Rights Act 1998
- Freedom of Information Act 2002

All agencies should have a clear process in place for recording concerns/allegations against professionals or volunteers.

## **24. Complex Abuse**

Where concerns arise that an individual may be acting with others to abuse children, by using an institutional framework or position of authority to recruit children for abuse, the DCSM must hold a discussion with a senior officer within the Local Authority.

In the event of organised / complex abuse coming to the attention of Children's Services and Police during their enquiries the *Complex Child Abuse Investigations: Inter-Agency Issues (Welsh Assembly Government) 2004* procedure should be followed (see *All Wales Child Protection Procedures 2008 Part 4*).

Reference should also be made to Safeguarding Children: Working Together Under the Children Act 2004 (Chapter 9).

Please visit the following web link for reference to the Complex Abuse protocol:

<http://www.sewsc.org.uk/professionals/protocols-guidance-and-useful-documents/>

## **25. Cross Border Working**

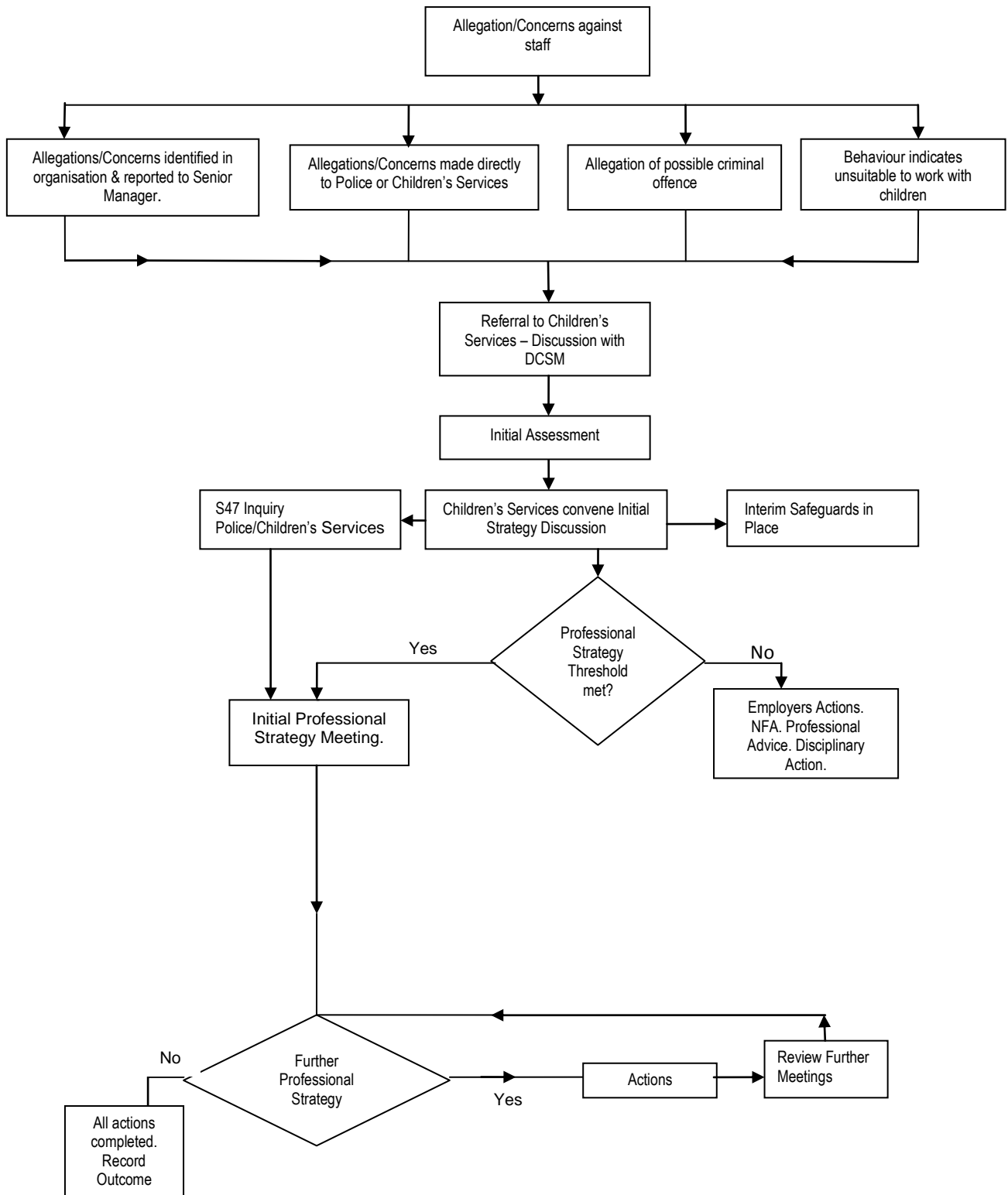
The Local Authority and Police for the location where the alleged abuse took place have responsibility for convening the professional strategy meeting. They will have the responsibility to invite all relevant persons from other areas.

If, for whatever reason personal representation from other areas has not been possible, it will be the responsibility of the local DCSM to determine whether the Strategy Meeting should go ahead or be rearranged. If the meeting does go ahead it will be the responsibility of the local DCSM to feedback to the relevant people from other areas.

Where child protection enquiries have been made in one area but the alleged perpetrator works within other areas, there will be a need for this information to be shared. This is the responsibility of the local DCSM who will be required to liaise with the DCSM in the area where the alleged perpetrator works.

## Section three – Process

### 26. Allegations / Concerns process flowchart



## **27. Initial action by person receiving or identifying an allegation or concern**

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

They should not:

- Investigate or ask leading questions
- Make assumptions or offer alternative explanations
- Promise confidentiality - the person/persons should be advised that the concern will be shared on a 'need to know' basis

They should:

- Make a written record of the information (using where possible, the child's / adult's own words), including the time, date and place where the alleged incident took place, what was said and anyone else present
- Sign and date the written record
- Immediately report the matter to the Designated Person, or deputy in their absence
- Where the Designated Person is the subject of the allegation, the information should be reported to a more Senior Manager.

## **28. Initial action by the designated person**

When informed of a concern or allegation, the Designated Person should not investigate the matter or interview the member of staff, child concerned or potential witnesses.

They should:

- Gather any additional information which may have a bearing on the allegation
- Undertake appropriate checks with data held by their organisation. The role of the designated person is to gather, record and clarify details to add to the referral – **not to investigate**
- Approve and date any written details
- Record any information about times, dates and location of incident/s and names of any potential witnesses
- Consider all the information, apply your professional judgement, and if in any doubt regarding your next steps, seek advice as appropriate from the DCSM
- If there are any safeguarding concerns about an individual child / children, or concerns over an individual's suitability to work with children - **make a referral to Children's Services**. For threshold consideration (see section 4).
- Record discussions about the child and/or member of staff, the decisions made, and the reasons for those decisions

## **29. Making a Referral**

[http://www.sewsc.org.uk/fileadmin/sewsc/documents/regional/Microsoft\\_Word\\_-\\_MARF\\_-\\_referral\\_form.pdf](http://www.sewsc.org.uk/fileadmin/sewsc/documents/regional/Microsoft_Word_-_MARF_-_referral_form.pdf)

All referrals should be reported as soon as possible but **within 24 hours**, to Children's Services.

Verbal / telephone referrals must be followed up by completion of a written referral within 2 working days.

## **Referrals Out of Hours**

Outside usual core office hours, referrals should be made to the South East Wales Emergency Duty Team (SEWEDT) Tel: 0800 3284432, who will follow the All Wales Child Protection Procedures.

In taking a referral, the emergency duty social worker will consider any indications of an immediate risk to a child and take urgent action to ensure the child's safety until review by daytime services. A strategy discussion may be held between SEWEDT, Gwent Police, and other relevant agencies to ensure a child's immediate protection.

All referrals made to SEWEDT will be forwarded in writing to the relevant daytime Children's Duty Team by the next working day.

### **30. Following Referral**

Children's Services will notify the DCSM (or in their absence a Senior Manager) of the allegation at the earliest opportunity.

Following referral an Initial Assessment will be undertaken by Children's Services, in accordance with **Part 3** of the Child Protection procedures. Depending on the information contained within the referral, this may be very brief, and will consider the following:

- Previous history in respect of the child/children
- Lateral checks
- A decision whether to see the child/children, or not, at this point
- A decision about making contact with the employer
- Checks on the individual concerned e.g. including their own family, personal and employment circumstances

Consideration needs to be given to contacting the employer to clarify the nature of the allegation, and confirm details in order to confirm that the allegation is not demonstrably false.

### **31. Initial Strategy Discussion**

An initial strategy discussion will take place between Children's Services, the Police and other relevant agencies **within 24 hours** of the decision to proceed to a strategy discussion

In cases where no child has been identified who is directly linked to the allegation / concern – the strategy discussion with the Police can be undertaken with the DCSM, depending on local operational arrangements.

The purpose of the strategy discussion is to share and discuss in detail all information gathered to date, as well as the nature of the concern.

The discussion should decide on whether there is a need for the Police and Children's Services to work jointly or as a single agency to undertake Child Protection enquiries under Section 47 of the Children Act 1989.

Points to consider within the initial strategy discussion include:

- Consideration of interim safeguards whilst further inquiries are made
- Decisions about contact with the employer
- Decisions about contact with the alleged perpetrator / employee
- Decisions about contact with the child and family concerned
- Decision about whether S47 inquiries should be undertaken, either single or joint, and what actions are required as part of the investigation
- Consideration as to whether the matter should proceed to a PSM

If it is considered that the threshold for Section 47 enquiries is not met, the child should still be seen by a Social Worker who should complete a proportionate assessment. If information gathered during the completion of the assessment gives rise to further concerns another strategy discussion will take place.

Following the initial strategy discussion Children's Services will ensure, **in every case** that the DCSM is informed of the outcome of the discussion and any agreed actions

### **32. Role of the Designated Children Services Manager (DCSM)**

The DCSM (or a relevant senior manager) should be made aware of any allegation / concern involving a professional issue at the earliest opportunity and will be available to act as a point of advice and guidance throughout the initial process.

The DCSM is responsible for maintaining an overview across a Local Authority area of the threshold for professional allegations, and will provide professional challenge and scrutiny of the outcomes of initial strategy discussions where these involve a professional concern.

The DCSM will receive the outcome of the strategy discussion and, when required, convene the professional strategy meeting within 2 days.

Prior to the professional strategy meeting the DCSM will liaise with other agencies involved to provide oversight and ensure that:

- Any necessary preliminary information gathering/assessment is undertaken prior to the professional strategy meeting
- The relevant Senior Manager and/or HR department in the employing agency is, or has been informed of the allegation
- Where applicable the child's Social Worker is, or has been, informed that an allegation is made
- Advice and guidance is continued to be provided in respect of:
  - communicating with the employee
  - interim safeguarding arrangements
  - any issues relevant to informing employers including considerations regarding suspension
  - communicating with the child's parents/carers
  - notification to regulatory bodies

### **33. Communicating Decisions to Other Agencies**

Agencies should provide a single point of contact responsible for relaying any decisions back to the area of their service. This will usually be the designated person with responsibilities for safeguarding within the setting.

### **34. Section 47 Child Protection Enquiries**

Police and Children's Services may work either jointly or as a single agency to undertake investigations under Section 47 of the Children Act 1989. The purpose of Child Protection enquiries is to determine what if any action is needed to promote and safeguard the welfare of a child. Where relevant, the Police will need to establish the facts about any offence that may have been committed against a child, and to collect evidence.

Depending on circumstances enquiries may commence before the strategy discussion and run concurrently with the strategy meeting.

### **35. Professional Strategy Meeting (PSM)**

There may be up to three strands in the consideration of an allegation:

1. The Police investigation of a possible criminal offence
2. Enquiries and assessment by Children's Services as to whether the child is in need of protection or in need of services
3. Consideration by an employer of disciplinary action in respect of the individual

The main functions of the strategy meeting are to:

- Share all relevant information about the allegation in question
- Consider what action may be required to protect the child in question
- Consider the likelihood of harm to other children with whom the adult against whom the allegation has been made has contact with at work and agree any actions that are required
- Consider and evaluate the risk of harm to the adult's own children, and agree any actions that are required
- Discuss any previous allegations or other concerns
- Plan any enquiries needed, allocate tasks and set timescales
- Decide who is to be interviewed, by whom and where
- Identify a lead contact manager within each agency
- Decide what information can be shared with whom and when
- Agree timescales for actions and/or dates for further meetings
- Consider whether the adult's suitability to continue working with children in his or her current position has been called into question
- Consider whether there are disciplinary issues to be followed up
- Agree at what stage in the process the disciplinary issues should be followed up
- Consider any other factors that may affect the management of the case e.g. consideration of the need for a media strategy where there is likely to be press interest.
- Confirm arrangements regarding who will support and communicate with adults about whom there are concerns throughout the process.

When the allegation is about an employee of the Children's Services department or the Police - the strategy meeting may recommend commissioning an independent agency to undertake the child protection enquiries; for example, initiating reciprocal arrangement with a neighbouring Local Authority or Police force.

Any number of strategy meetings may be convened to discuss progress, which must also address:

- The support needs of child/children

- Appropriate applications for criminal injuries compensation
- Support needs of all appropriate staff
- Future needs of the establishment

### **36. The Organisation of the Strategy Meeting**

The strategy meeting should be chaired by the DCSM. In the absence of the DCSM, a relevant Service Manager, or, in complex cases, Head of Children's Services (HOCSS) will perform this role.

Where the allegations are made in respect of a senior member of Social Services arrangements should be made to ensure that the Chair is impartial and independent. Where appropriate by using reciprocal arrangements.

Strategy meetings will be organised by and minuted by the admin team responsible for professional strategy meetings.

### **37. Attendance at Professional Strategy Meetings**

Membership of the Strategy meeting should include:

- Police
- Line Manager or employer of the staff member
- Human Resources representative from the employer (to include employment agencies where applicable)
- Regulatory body where appropriate

The chair will also decide whether membership should include:

- Case Manager(s) of the child/ren making the allegation (if appropriate)
- Designated professionals (where allegations relate to other agency professionals)
- Any other person with relevant information
- Legal adviser where appropriate
- Senior Manager - Commissioning

### **38. Reports to the Professional Strategy Meeting**

Members of the strategy meeting should provide a report detailing all relevant information including:

- Details of the employee/volunteer about whom the allegation has been made/concern has been raised and the child and their family
- Information and contact details of any possible witnesses
- Any other relevant concerns or employment issues regarding the employee/volunteer

### **39. Investigation Outcome Strategy Meeting**

When the Child Protection section 47 enquiries and/or criminal investigation has been concluded an investigation outcome meeting should be convened.

The meeting will determine whether an allegation continues to be dealt with under these procedures. The meeting will be attended by those involved in the Professional Strategy meeting, plus relevant others who have been directly involved in the investigation process, and the child's advocate if appropriate.



The investigation outcome meeting will:

1. Evaluate the information gathered during the enquiries
2. Decide whether any further action is needed, in the light of the information gathered
3. Decide, on the balance of probability, whether there is substance in the allegation
4. Ensure support and services are available for the child or children where indicated
5. Discuss and make recommendations to the employing Manager in relation to employees who may have been temporarily suspended or redeployed for the duration of the investigation
6. Advise on support for employees where concerns are substantiated/ are not substantiated
7. If the allegation is deemed to be unsubstantiated, record the reason for this decision
8. Offer advice to the Police regarding any entry on the Police National Computer taking particular care to ensure that the outcome of the investigation is clearly recorded
9. Agree reporting arrangements to CSSIW, if involved, on the investigation and action taken or to be taken
10. Decide whether to recommend that the employer make a referral to the Disclosure and Barring Service (DBS).

Allegations will have outcomes within the following categories:

1. **Substantiated** - A substantiated outcome means that on the balance of probability there is sufficient evidence to prove the allegation or sufficient evidence to prove there are ongoing safeguarding risks. Consequently actions will be taken by the employer such as training, disciplinary action or referral to a professional body.
2. **Unsubstantiated** - An unsubstantiated allegation means that on the balance of probability there is insufficient evidence to prove or disprove the allegation or concern. The term, therefore implies an inconclusive outcome and actions should be considered such as training, disciplinary action or referral to a professional body.
3. **Unfounded** - The term unfounded means that there is no proper basis on which an allegation or concern is made. The allegation may be false [refer to below], but it might also indicate that the person making the allegation had misinterpreted the incident or was mistaken about what he/she saw, or was not aware of all the circumstances.
4. **Demonstrably False** - This refers to an unfounded allegation that has been made with an **intention to deceive**. A demonstrably false allegation, therefore, would not include an allegation resulting from misinterpretation or a mistake. Care should be taken in dealing with such allegations as they may not be false in their entirety. Some parts of an allegation may have been fabricated or exaggerated but elements may be based on truth.

5. **Malicious** - The term malicious implies that an allegation is false, either wholly or in part, and that it has been made with a **deliberate intent to cause harm** to the person subject to the allegation. For an allegation to be classified as malicious, it will be necessary to have evidence to prove the intention to cause harm.

It is the role of the Chair to facilitate discussion regarding the outcome. Where there is disagreement or the views are not unanimous the Chair should invite attendees to reconsider or review all the information available and arguments put forward. If views are still split the majority decision will count. If required the Chair has the casting vote.

### **Employing agencies**

Employing agencies will provide a written report to the Chair detailing the actions taken in respect of any recommendations made by the strategy outcome meeting and the outcomes of any disciplinary processes, including any actions taken in respect of conduct issues.

### **40. Criminal and Disciplinary Proceedings**

Once the Police investigation is complete, the decision as to whether or not the case should be forwarded to the Crown Prosecution Service is the responsibility of the Police.

Where a criminal investigation results in no further action but a disciplinary investigation is to subsequently take place, a request can be made to the Police for permission to use the information gained from the criminal investigation in the disciplinary investigation. The Police will consider any request on a case by case basis through their Disclosure Unit.

Children's Services should assist with any disciplinary process against an individual employee, in respect of allegations of abuse, on a case by case basis and in accordance with the Data Protection Act

Any disciplinary investigation against an employee, in respect of allegations of abuse, should not begin without the knowledge of Children's Services and the Police.

### **41. Communication of Outcomes**

#### **Children and young people**

Children and young people (in accordance with their level of understanding) who are aware of the allegation and/or that an investigation has taken place, should be spoken to by a relevant professional who will explain what has happened, what the outcomes are and inform them of how to access advocacy services or how to make a complaint. Communicating the outcomes to the child or young person should be agreed at the final strategy meeting.

#### **Parents and carers**

Parents and carers should be informed directly by a relevant professional of the outcome of the strategy meeting, informing them of what has happened and what next steps might be available to them. Communicating the outcomes to the parents or carers should be agreed at the final strategy meeting.

### **The adult against whom the allegation has been made**

At the conclusion of the professional strategy meeting process, the adult against whom the allegation has been made will be informed of the outcome.

Communicating the outcomes to the individual should be agreed at the final strategy meeting and would normally be undertaken by the employer. At the conclusion of the investigation outcomes meeting and within 5 working days, the chair must write to the individual employee and inform them about the allegation that was made, the procedures followed, and, the outcome, including decisions that were made, unless to do so would prejudice any further enquiries or the legal process. (See appendix 2)

A record of the professional strategy process should be maintained on the individual employees personnel file by the employer.

The adult against whom the allegation has been made should be informed of any grievance, complaints or appeals procedures that may be applicable should they be dissatisfied with the enquiries / professional strategy meeting process.

### **42. Disclosure and Barring Service (DBS)**

The DBS will have the following statutory duties, to:

- Maintain a list of individuals barred from engaging in *regulated activity* with children
- Maintain a list of individuals barred from engaging in *regulated activity* with vulnerable adults
- Make well-informed and considered decisions about whether an individual should be included in one or both barred lists; and
- Reach decisions as to whether to remove an individual from a barred list

There are two main conditions which should be met for a referral to be made to the DBS, these are;

The referrer has permanently removed a person from a 'regulated activity' through dismissal or permanent transfer from 'regulated activity' (or would have if the person had not left, resigned, retired or been made redundant); and

They believe the person has either;

- Engaged in 'relevant conduct', or
- Satisfied the 'harm test' (i.e. no action or inaction occurred but the present risk that it could was significant)
- Received a caution or conviction for a 'relevant offence' (a list of these offences is on the DBS website)

A regulated activity relating to children is a term which is defined in law and used to describe an activity which involves working with children, whether this is in a paid or unpaid capacity.

Relevant conduct is any conduct (by action or inaction):

- That endangers a child or vulnerable adult or is likely to endanger a child or vulnerable adult
- If repeated against or in relation to a child or vulnerable adult, would endanger them or would be likely to endanger them

- That involves sexual material relating to children (including possession of such material)
- That involves sexually explicit images depicting violence against human beings (including possession of such images), if it appears to DBS that the conduct is inappropriate; or
- Of a sexual nature involving a child or vulnerable adult, if it appears to DBS that the conduct is inappropriate

To satisfy the harm test there needs to be credible evidence of risk of harm to children or vulnerable adults such as statements made by an individual regarding conduct / behaviour. For a case to be considered as a risk of harm, relevant conduct would not have occurred but there must be tangible evidence rather than a feeling that a person presents as a risk to children and or vulnerable adults.

### **Bodies with a duty to refer**

The following groups have a legal duty to refer information to the DBS in certain circumstances:

- Regulated activity providers  
Personnel suppliers (employment agency, employment business or an educational institution providing students)

### **Bodies with legal power to refer**

- Local authorities
- Health and Children's Services (HSS) bodies
- Education and Library Boards
- Keepers of registers; and
- Supervisory authorities

For further information and guidance, please see the following website:  
[www.gov.uk/dbs](http://www.gov.uk/dbs)

## Appendix 1

### **PROFESSIONAL STRATEGY MEETING** **AIDE MEMOIRE FOR AGENDA**

#### **1. Introduction, apologies, Chair's Statement of purpose and summary of threshold/rationale for holding PSM.**

Welcome to the meeting. Introductions are made and apologies noted.

#### **Confidentiality Statement to be read**

This is a Professional Strategy Meeting held under the All Wales Child Protection procedures. Information shared is confidential and should not be shared outside of this meeting without permission of the Chair.

The minutes will be shared with participants of the meeting. The minutes can be subject to access requests under the Data Protection Act and this process will be managed by the Chair including the use of third party information and issues of consent.

#### **Purpose of Meeting**

The purpose of today's meeting is to:

- Share information
- Decide whether a Section 47 enquiry is warranted / or should continue if commenced
- Plan any enquiries
- Ensure that the child's voice is heard
- Co-ordinate & review the implementation of child protection procedures, criminal and employment procedures
- Ensure that effective safeguards are in place
- To ensure that individuals involved have access to information and support.

#### **Summary of Threshold and rationale for PSM**

Chairs summary of threshold and rationale for this case (refer to paragraph 5 of the PSM protocol).

#### **2. Referral Details**

(a) Child/young person's details, DOBs;

- Addresses;
- Childs family composition
- Identity of any children who may be at risk.
- Any other significant/professionals involvement

(b) Details of individual about whom allegations are made or concerns raised  
allegation and risk identified:

- Name, DOB and address

- Role, Employer, place of work, voluntary work and any contact with children

(c) Source of referral

### 3. Previous Minutes and Actions (where applicable)

- Any errors / amendments;
- Matters arising
- Recommendations from previous meeting

### 4. Discussion/Concern

- Information sharing in the form of a timeline from all professionals including current and any previous allegations
- Consideration needs to be given to whether the subject has their own children and if so, if there are any concerns regarding their behaviour towards them. Consideration will also be given to any access the subject could have to children in other roles (grandparent, volunteer, sports coach, scouts leaders, youth club workers etc) Check affiliations
- Consider any allegations/concerns relating to specific settings (refer to paragraph 4 of the PSM protocol)
- Consideration of the 3 strands: child protection enquiries, criminal investigation and employment
- Analysis, risk assessment and risk management

### 5. Wider Communication and Media Strategy

- Consideration of any joint or single agency strategies

### 6. Summary

- Chairs summary of key points
- For final strategy meeting ensure that the process is concluded using one of the outcome categories (refer to paragraph 38 of the PSM protocol)

### 7. Action/recommendations and timescales

All Action Planning must be SMART

- Clarify all recommendations and actions
- Set Review date (if required)

## Appendix 2

### PROFESSIONAL STRATEGY MEETING MINUTES TEMPLATE

#### **1. Introduction, apologies, Chair's Statement of purpose and summary of threshold/rationale for holding PSM.**

##### **Confidentiality Statement**

This is a Professional Strategy Meeting held under the All Wales Child Protection procedures. Information shared is confidential and should not be shared outside of this meeting without permission of the Chair.

The minutes will be shared with participants of the meeting. The minutes can be subject to access requests under the Data Protection Act and this process will be managed by the Chair including the use of third party information and issues of consent.

#### **2. Referral Details**

(a) Child/young person's details, DOBs;

- Addresses;
- Child's family composition
- Identity of any children who may be at risk.
- Any other significant/professionals involvement

(b) Details of individual about whom allegations are made or concerns raised allegation and risk identified:

- Name, DOB and address
- Role, Employer, place of work, voluntary work and any contact with children

(c) Source of referral

**4. Previous Minutes and Actions (where applicable)**

**4. Discussion/Concern**

**5. Wider Communication and Media Strategy**

**6. Summary**

**7. Action/recommendations and timescales**

All Action Planning must be SMART

<b>Action / Recommendation</b>	<b>By Whom</b>	<b>By When</b>



**8. Record of Outcomes (Please tick)**

<b>Substantiated</b>	
<b>Unfounded</b>	
<b>Unsubstantiated</b>	
<b>Malicious</b>	
<b>Demonstrably False</b>	

**Appendix 3**

**Professional Strategy Meeting Response Letter**

Dear

**Private & Confidential**

A Professional Strategy Meeting and investigation, in line with procedures set out in the All Wales Child Protection Procedures, was completed on.....20.., in respect of an (historic) allegation of .....made against you while you were carrying out your duties at .....

The findings of this process was..... (insert outcome of investigation) and this outcome will be forwarded to.....(regulatory body). Your employer will communicate with you with regards to the implications of the findings with regards to your employment.

If you have any questions regarding the process or the outcome these need to be initially discussed with your employer.

Yours sincerely

Appendix 4

**RISK ASSESSMENT FOR SUSPENSION FOR USE BY EMPLOYING ORGANISATIONS**

**Suspension should only be considered if one or more of the following apply:**

- A child or children are at risk of significant harm
- The allegation warrants investigation by the police
- The allegation is so serious that dismissal / gross misconduct is possible

**The following factors need to be considered:**

<b>CONTENT OF ALLEGED INCIDENT:</b>	<b>CONSIDERATION:</b>
Duration and frequency of alleged abuse Degree of alleged threat or cohesion Extent of premeditation Degree and nature of alleged harm	
<b>INFORMATION RE STAFF MEMBER:</b>  Previous concerns Previous allegations Attitude to allegation Contact with child/children Duties within the setting Compliance and cooperation Training	
<b>INFORMATION RE CHILD:</b>  Age and level of understanding Special needs and vulnerability Impact on health and development Previous allegations	
<b>INFORMATION RE PARENT / CARER:</b>  Attitude to allegation Previous allegations Experience Training	
<b>RISK MANAGEMENT</b>  Interim safeguards child/ individual Alternatives to suspension Information sharing regarding the allegation.	

**Decision to suspend: YES/NO**

**Agreed actions:**

**Date of decision**

**Name and signature of responsible manager:**

**Date of Review:**

**Summary of Reasoning to Continue / Cease Suspension:**

**Date of Review:**

**Summary of Reasoning to Continue / Cease Suspension:**

**Date of Review:**

**Summary of Reasoning to Continue / Cease Suspension:**

**Date of Review:**

**Summary of Reasoning to Continue / Cease Suspension:**

**Date of Review:**

**Summary of Reasoning to Continue / Cease Suspension:**

## Appendix 5



South East Wales Safeguarding Children Board  
Working Together For Children

# **A guide for adults or volunteers who work with children who are subject to an allegation or concern**

## **Introduction**

This guide is part of the South East Wales Safeguarding Board's multi-agency protocol and guidance for responding to concerns or allegations made about individuals who work with children / young people. The purpose of the guide is to provide a brief overview of the protocol and any implications for you if an allegation / concern has been raised about you.

The full protocol is available online via the SEWSCB website ([www.sewscb.org.uk](http://www.sewscb.org.uk)).

## **What allegations / concerns are considered under this protocol?**

The threshold for this protocol relates to behaviour / circumstances in a person's employment / personal life (current or historical) that may impact on their suitability to work with children.

Examples include;

- Concerns that the individual may have committed a criminal offence against or related to a child
- Concerns that the individual may have behaved in a way that has harmed, or may harm a child
- Concerns that the individual may have behaved towards a child in a way that indicates they are unsuitable to work with children
- Concerns regarding the individual's conduct that does not directly relate to children but may raise concerns about their suitability to work with children e.g. drugs / alcohol, violence towards an adult
- Concerns regarding a close relative / associate of the individual who has or may come into contact with children via the individual's work

It is your responsibility to notify your employer at the earliest opportunity if there are any incidents / circumstances that may meet the threshold of this protocol in your professional or personal life.

The source of a concern or allegation can vary; however, it is your employer's duty to report any concerns that meet the above threshold to Children's Services or the Police.

## **What happens when Children's services receive a referral under this protocol?**

On receipt of a referral concerning an adult that works with children, Children's Services will consider the information received and may make further enquiries.

If there is a concern that a child is suffering or may suffer 'significant harm' (as defined in the Children Act 2004), a relevant criminal offence may have been committed or there are concerns regarding the individual's suitability to work with children then Children's Services will hold a strategy discussion.

**Strategy discussion** - The strategy discussion is a discussion between Children's Services, the Police and other agencies (if appropriate) and will consider what investigation / actions are needed or if the allegation or concerns are demonstrably false. This discussion often takes place over the telephone. If the decision is that the concerns are demonstrably false you will be informed of the allegation and the outcome. If concerns remain following the strategy discussion a decision will be made to arrange a professional strategy meeting (PSM) and an investigation will take place.

**Support** – The strategy discussion or professional strategy meeting will also consider your support needs including what information can be shared with you. You should be informed that an allegation / concern has been identified as soon as possible, however, Police / Children's Services need to agree what information is

shared and this could be limited if this is considered necessary for the investigation or due to the needs of any children involved. Your employer should provide you with the name of a contact and offer you support e.g. counselling / referral to occupational health and you should also be advised that you could contact your trade union.

**Interim safeguards** – The strategy discussion or professional strategy meeting will also consider what interim safeguards are needed to ensure both the children's safety and the welfare of the adult subject to the concern. These discussions will include considering contact with children in work and in your personal life. An example of an interim safeguard would be that the person would not be unsupervised with children.

**Suspension** – The strategy discussion or professional strategy meeting may offer advice regarding the decision to suspend. Suspension should not be automatic and alternatives should be considered. Your employer should seek advice from their human resources department. Suspension will always be considered if there is cause to suspect a child is at risk of significant harm, the allegation warrants a police investigation or the concern is so serious that it may be grounds for dismissal if substantiated.

### **What happens at a professional strategy meeting (PSM)?**

**Participants** - The following people should be invited to a professional strategy meeting;

- Your employer
- The Police
- Children's Services
- Human Resources
- The regulating body for your employment (if applicable)
- Adult services (if you also work with vulnerable adults)
- Other agencies as appropriate

### **Agenda –**

The purpose of the meeting is to share relevant information, evaluate risk of harm, plan any enquiries needed and consider support needs of the individual and any children relating to the enquiries.

The agenda will include;

- Evaluating information from investigations to date, agreeing any further actions
- Review interim safeguards in place
- Sharing and evaluating any additional information from personal or professional life
- Disclosure issues
- Support needs

The meeting may decide that there is sufficient information available to conclude the process, if so the meeting will decide **on the balance of probabilities** the outcome of the process.

**Possible findings** - The possible outcome findings are;

1. Substantiated – A substantiated outcome means that on the balance of probabilities there is sufficient evidence to prove the allegation / concern.
2. Unsubstantiated – An unsubstantiated allegation means that on the balance of probabilities there is insufficient evidence to prove or disprove the allegation or concern.
3. Unfounded – An unfounded allegation means there is no proper basis on which an allegation or concern is made. The allegation may be false or it may be that the person raising the concern misinterpreted the incident, was mistaken about what he / she saw, or was not aware of all of the circumstances.
4. Demonstrably false – This refers to an unfounded allegation that has been made with an intention to deceive.
5. Malicious – This refers to an unfounded allegation that has been made with a deliberate intent to cause harm to the person subject to the allegation.

**Review PSM meetings** - If at the conclusion of the first PSM meeting investigations are ongoing further PSM meetings will be arranged to review progress until a conclusion can be reached. The time taken to resolve individual allegations / concerns can depend on factors such as the nature, seriousness and complexity of the concern. The Designated Children's Services Manager (DCSM) will monitor progress.

### **What happens next?**

Your employer should inform you of the outcome of the PSM process. In addition to this the DCSM will formally write to you to notify you of the outcome. Your employer should continue to consider your support needs.

Written information will be kept in accordance with the Data Protection Act. Further information is available about the act at [www.legislation.org.uk](http://www.legislation.org.uk)

Unless the concerns are unfounded your employer will need to consider any issues arising from an employment perspective. The final PSM meeting may offer advice and make recommendations to your employer but it will be for your employer to decide what actions they take e.g. support, training, disciplinary action / referral to a professional body.

If at the conclusion of any disciplinary processes you are dismissed your employer has a duty to refer you to the disclosure and barring service (DBS) for consideration to restrict your ability to work with children.



**List of Helpful Contacts**

<b>ROLE</b>	<b>NAME &amp; CONTACT NUMBER</b>
Employer	
Human Resources	
Union Representative	
Occupational Health	
Staff Counselling	



**A guide for a child or young person who has raised a concern or made an allegation of abuse against an adult who works or volunteers with them**

## **Introduction**

If you feel that you have been harmed or threatened by an adult who works with you and you have told another worker about it or you have told someone else about it like a police officer, a social worker, or another trusted adult – then this leaflet tells you what you need to know.

## **What will happen?**

Your concern will be taken seriously and will be looked into further.

The person you told will need to report it – usually to their boss, or to a social worker or a police officer.

If you haven't done so already, we will also need to let your parents/carers know about what is happening.

Only the people who need to know will be told.

## **The investigation**

A small group of people - including the person's employer, Social Services and the Police – will meet up to decide what should happen next. An investigation may take place – this means that the issue or concern that you have raised is being looked into further. As part of this you may be asked to speak to a social worker or a Police officer to say what happened from your point of view, or tell them more about your concern. Sometimes a worker might be suspended whilst an investigation takes place.

A person from the Local Authority– called the Designated Children's Services Manager (DCSM) - oversees the group of people carrying out the investigation. Their role is to ensure that all the right steps are taken so that the concern is investigated properly. The DCSM will make sure that everyone directly involved (including you) is listened to and that all the evidence is considered carefully.

Once the investigation is complete, some decisions will be made about what should happen next. You may not be able to have information about all the decisions but you should be informed about anything that affects you directly.

It may be that the worker you were concerned about will continue to work in the same job and that you will continue to have contact. If this is the case, then you should both be supported to make sure this feels okay.

## **Who can I talk to?**

Until the investigation is complete, it is best that you and your family do not talk about the matter with other people, such as school friends or friends of your parents. This is to protect you and ensure that the matter can be investigated as fairly as possible.

If you want to speak to someone about what is happening or how you are feeling, then think about speaking to your parents first. There are other people that will understand what you are going through such as your Social Worker, a trained worker in your school or an Advocate. Any of these people are fine to talk to if you wish.

### **Meeting your needs**

If you or your family need any additional help and support, this can be discussed as part of the investigation. An assessment is undertaken by Children's Services to help identify the best way of making sure the right support is in place.

### **Additional support available to you**

If you would like to speak in confidence to someone about how you are feeling, you can contact Child Line on 0800 11 11 (24 hour hotline) or visit: [www.childline.org.uk](http://www.childline.org.uk)

For online information on local youth information, advice, counselling and support services you can visit: [www.youthaccess.org.uk](http://www.youthaccess.org.uk)

### **INFORMATION ON LOCAL SUPPORT SERVICES CAN BE INSERTED HERE**

### **List of Helpful Contacts For You to Fill In**

<b><u>ROLE</u></b>	<b><u>NAME &amp; CONTACT NUMBER</u></b>
Social Worker	
Police Officer	
Advocate	



**A guide for parents / carers of a child or young person who has raised a concern or made an allegation of abuse against an adult who works with or volunteers with children and young people**

## Introduction

As a parent/carer you have a right to expect that any professional working with your child should keep them safe and that they should not act in a way which may put a child at any risk of harm. By professionals we mean any adult outside your circle of family and friends who you would expect your child to trust. So this would include people like a GP, teacher, nurse, foster carer or social worker. It would also include others such as a volunteer, a parent who runs a football team or a person in a position of authority such as a police officer or councillor.

All local authorities take any concern raised about professionals very seriously and have a process in place to investigate. This leaflet is to answer any queries you may have if either you have concerns about a professional working your child, or if someone else has raised concerns about a professional.

### What happens if I have a concern about a professional working with children?

If you are worried about anyone working with a child the most important thing to do is to talk to someone other than the professional you are concerned about. This may be the manager of the person you are concerned about. Alternatively if you are not comfortable speaking to their manager; or if you do not think they will be able to do anything; or there is an allegation of abuse; you can choose to contact social services directly. Alternatively if you feel there has been a crime you can contact the police directly.

### What happens when an allegation is made?

Most organisations working with children identify a senior member of staff to take a lead on managing allegations. They are often referred to as a designated person (DP). If your child discloses an allegation of abuse to a staff member, the lead person or designated person (DP) should be notified.

The DP should immediately contact Children's Services if it is alleged that a member of staff or volunteer has:

- 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 they are unsuitable to work with children.

The organisation should then immediately put steps in place to keep children safe while the matter is investigated. These steps may include the staff member not working unaccompanied or not working directly with children. These actions are confidential to the employee, so may not be shared with you. Therefore it is important for you to know that steps will be taken to safeguard children during the investigation even if these are not immediately obvious. If you have concerns that nothing is being done you should share these with Children's Services.

Author: South East Wales Safeguarding Children Board			Date for Review:
Version: Draft		Page 46 of 48	Disposal:
Status:	Unprotected		

Actions to safeguard children during the investigation may also include suspension. Suspension does not mean the person has been found guilty, and it is important not to make assumptions if the person is not in work. Please look at the section on confidentiality and in particular the importance of not discussing the situation too widely.

Any allegation will be investigated. Depending on the circumstances this may be an employment investigation by the employer, a criminal investigation by the police or a children protection investigation by Police and Social Services, or a combination of investigations.

### **What happens at the end of the investigation?**

Following an investigation a decision will be made on whether the allegation is substantiated. As a parent you may not be told this information as it is confidential to the employee. However it is important for you to know that not being told the outcome does not mean steps are not being taken to keep your child safe.

After an investigation some allegations may be substantiated. The next step depends on many things, including the type of employment and seriousness of the conduct. In some cases the allegation may lead to a criminal conviction, or caution, or the employee losing their job. In other cases, an allegation may come about due to naivety or poor practice on the part of the staff member. In situations such as this, it may be more appropriate for the allegation to be managed internally by their organisation, or for the member of staff or volunteer to undergo additional training.

In some case it may be impossible to come to a conclusion, and in these circumstances the employer may be offered advice on steps to continue to keep children safe. In these circumstances it is important to understand that this does not mean that the allegation has not been believed. It may mean that the person making the allegation had misinterpreted the incident, or was mistaken about what he/she saw, or was not fully aware of the situation and all the circumstances. It may also be that although there was not enough evidence to follow criminal or employment procedures. In these cases the situation will be monitored and additional safeguards put in place.

### **Help and Support?**

When allegations are made it can be a very distressing time for yourself and your child, and you may need additional support. Children's Services can organise an assessment to identify services that can help. This might be short term whilst the matter is being investigated, or longer term - going into the aftermath of the incident.

Support for Parents/Carers, Children & Young People:  
Child Line on 0800 11 11 (24 hour hotline) or visit: [www.childline.org.uk](http://www.childline.org.uk)

Author: South East Wales Safeguarding Children Board		Date for Review:
Version: Draft		Page 47 of 48
Status:	Unprotected	

For online information on local youth information, advice, counselling and support services visit: **www.youthaccess.org.uk**

If you would like to speak to someone in confidence, you can visit The British Association for Counselling and Psychotherapy ([www.bacp.co.uk](http://www.bacp.co.uk)) to find a qualified counsellor in your local area.

Voice UK ([www.voiceuk.org.uk](http://www.voiceuk.org.uk)) supports children and young people affected by abuse, as well as their families.

MOSAC (**www.mosac.org.uk**) is an organisation offering support and advice to non-abusing parents and carers of children / young people who have experienced sexual abuse.

### **How am I kept informed?**

Confidentiality regarding the child or young person should be respected and people only told about the allegation on a 'need to know' basis.

Those informed of the allegation will include:

- The child or young person's parents / carers.
- The employer of the member of staff or volunteer.
- The Designated Children's Services Manager (DCSM)
- Senior members of staff (where relevant)
- Manager of the placing agency (if appropriate)

There may be occasions when the Police will need to decide the appropriate timing for individuals to be notified.

Where a matter becomes common knowledge or subject to speculation, it may also become necessary to issue a brief statement for the public.

It is strongly advised that families who are directly affected do not discuss the case widely, in order to help limit unnecessary speculation.

### **INFORMATION ABOUT LOCAL SUPPORT SERVICES CAN BE INSERTED HERE**

### **List of Helpful Contacts For You to Fill In**

<b><u>ROLE</u></b>	<b><u>NAME &amp; CONTACT NUMBER</u></b>
Social Worker	
Police Officer	
Advocacy	

Author: South East Wales Safeguarding Children Board		Date for Review:
Version: Draft	Page 48 of 48	Disposal:
Status: Unprotected		