

Independent Safeguarding Authority

Your employer, and placing agency if appropriate, have a statutory duty to report you to this organization for consideration of barring you from, or placing restrictions on, working with children or young people, if:

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

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

Alleged criminal offence

If police decide to investigate, you may be arrested or invited to assist with the investigation. You should contact your Trade Union and/or a solicitor for advice. If arrested or interviewed, you should be cautioned:

“You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence”

At the police station you will be entitled to free and independent legal advice. You can see a Duty Solicitor, but if you want to use your own make sure he/she specialises in criminal law.

If ‘assisting with the investigation’ and not under arrest, you should be told that you are free to leave if you wish to do so. If arrested, you will be seen by the Custody Officer who will explain your rights in detail, including the right to have someone informed and to consult and read the “Code of Practice” that covers treatment during detention and interview. The Custody Officer will maintain a record of your period of detention.

Following arrest you can usually be held for up to 24 hours, after which you must be charged or released. A Superintendent or Magistrate can extend this up to 36 or 96 hours, respectively, depending on the seriousness.

Decisions about charging rest with the Crown Prosecution Service (CPS) who act independently of the police. If you admit the offence, the CPS may advise a caution i.e. a formal warning about your actions. A caution will be recorded by the police and may influence a decision about instituting proceedings should you offend again. A caution could affect your ability to work with children in the future, and in sexual abuse cases could result in you being placed on the Sex Offenders Register. You should seek advice from your solicitor before agreeing to accept a caution.

If the CPS advises the police to charge you, this will be carried out by the custody officer. You will then either be released on bail to appear in court at a future date or kept in custody to appear at the next available court. The responsibility for the prosecution will lie with the CPS.

Cumbria’s procedures

These can be accessed as chapter 7 on www.cumbrialscb.com through the ‘procedures’ tab on the top left.

CUMBRIA LSCB

CUMBRIA LOCAL SAFEGUARDING CHILDREN BOARD



A guide for staff and volunteers who work with children and are faced with an allegation of abuse

**Revised
APRIL 2009**

This guide is based on an original document produced by the IRSC network for education services. It has been adapted for generic use by the AMA network and updated to reflect changes in government guidance. This version has been updated to contain reference to the Cumbria Safeguarding Board Procedures.

Introduction

Any allegation of abuse is likely to cause anxiety and concern. This guide is intended to help you be as well informed as possible should you be faced with an allegation. Information on how to access Cumbria's procedures for managing allegations is given at the end of this leaflet.

What happens when an allegation is made?

The employer's senior manager, responsible for dealing with allegations, should immediately consult the Local Authority Designated Officer (LADO), 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 in a way that indicates s/he is unsuitable to work with children

You should be told about the allegation as soon as possible, but this may be delayed if police or Children's Social Care (CSC) need to agree what information can be disclosed. If the senior manager and LADO are clear that an allegation is demonstrably false, you should be informed of this and told that no further action will be taken.

What happens next?

If there is cause to suspect a child is suffering or likely to suffer significant harm, or a criminal offence might have been committed, a Strategy Discussion will be held, involving Police, LADO, your employer, CSC and other agencies as appropriate. The aim of the Strategy Discussion will be to share relevant information and determine whether an investigation needs to be conducted by:

- CSC under child protection procedures
- police regarding any possible criminal offences
- your employer under disciplinary/suitability procedures

Internal Investigations

Your employer may need to conduct an internal investigation in order to decide how to proceed. It may be conducted by a senior member of staff or by an independent person, depending on the availability of resources and the nature/complexity of the case. It may also need to be delayed so as not to prejudice possible criminal proceedings.

Volunteers and Supply Workers

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

Resignations and Compromise agreements

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

Timescales

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

Suspension

Suspension is a neutral act, not a sanction. It should not be automatic and alternatives should be considered. Your employer has the final decision, but should take into account the views of Police and Children's Social Care if involved. Suspension should be considered in all cases where:

- there is cause to suspect a child is at risk of significant harm, or

- the allegation warrants a police investigation, or
- it is serious enough to be grounds for dismissal

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

Support

You should be:

- advised to contact your Union representative
- given the name of a contact who will keep you up to date with progress of the case
- given the name of a contact to keep you up to date with work activities if suspended (you should not discuss the case with colleagues)
- offered the services of the Staff Counselling Service and/or Occupational Health if available

You are also advised to contact your GP if you feel your health is being affected.

Notifications

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

Record Keeping

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