

Updated version of July 07 protocol to incorporate changes regarding health organisations.



BROMLEY SAFEGUARDING CHILDREN BOARD

PROTOCOL FOR DEALING WITH ALLEGATIONS OF ABUSE OF CHILDREN MADE AGAINST PROFESSIONALS, STAFF MEMBERS, FOSTER CARERS OR VOLUNTEERS IN BROMLEY

This protocol is an updated version of the July 2007 protocol to incorporate change relating to how allegations made against health professionals will be handled.

This protocol is written in accordance with Appendix Five of Working Together 2006 – Procedures for managing allegations against people who work with children.

This protocol has been endorsed by Bromley Safeguarding Children Board (BSCB) and applies to any allegation that a person who works with children in Bromley, in connection with his/her employment or voluntary activity, has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children

Roles and Responsibilities

BSCB is responsible for:

- ensuring effective inter-agency procedures are in place
- monitoring and evaluating the effectiveness of those procedures

All BSCB member organisations are required to identify

- a **named senior officer** with overall responsibility for:
 - ensuring the organisation operates procedures in accordance with Working Together
 - resolving any inter-agency issues
 - co-operating with the BSCB to provide any information on allegations that may be required

All employers procedures should identify a senior manager to whom allegations/concerns should be reported (& deputy in his/her absence or if the subject of the allegation).

Procedures with Bromley Local Authority.

The Head of Children's Safeguarding and Quality Assurance is the senior officer with overall strategic responsibility for allegations management.

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There are 3 Local Authority Designated Officers (LADO) in Bromley in the Children and Young people Department. They are the Group Manager for Children's Safeguarding and Quality Assurance, the Lead Officer for Education Safeguarding and the Lead Officer for Health Safeguarding (Designated Nurse for Safeguarding Children). The role of these three officers is to:

- be involved in the management & oversight of individual cases;
- provide advice & guidance to employers & voluntary organisations;
- liaise with the police & other agencies
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.

The Detective Inspector of the Child Abuse Investigation Team that covers Bromley is required to:

- having strategic oversight of the arrangements within Bromley
- liaising with BSCB on appropriate issues
- ensuring compliance

A designated Detective Sergeant in the CAIT should:

- liaise with the LADOs
- take part in strategy discussions
- review the progress of cases in which there is a police investigation
- share information on completion of the investigation or any prosecution

All organisations which provide services for children, or provide staff or volunteers to work with or care for children in Bromley, should operate a procedure for handling allegations consistent with the guidance in Working Together. They must also follow the procedures relating to allegations and concerns of abuse in Version 3 of the London Child Protection procedures.

The LADOs should be informed of **all** allegations meeting the following criteria i.e. that an adult working with children has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children

All agencies should report their concerns to the LADOs via the Quality Assurance Unit.

- Education establishments should report to the Lead Officer for Education Safeguarding
- All health organisations should report their concerns to the Lead Officer for Health Safeguarding

The education and health LADOs will, together with the Group Manager for Children's Safeguarding and Quality Assurance decide if a child protection strategy meeting should be convened and inform referral and assessment.

The LADOs will ensure that the local authority Lead Officer (the Head of Children's Safeguarding and Quality Assurance) is aware of all allegations meeting the above criteria. The Lead Officer will ensure that Directorate level is made aware of all allegations that may attract public interest.

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The LADOs will also ensure that all concerns that are progressed to a strategy meeting are discussed with the lead officer in the Local Authority Human Resources department where applicable. For cases involving other organisations the Named Senior Officer for the organisation should liaise with their Human Resources Department.

Timescales

The LADO should be told of all allegations meeting the criteria above or made directly to police/CSC. All such cases should be handled with the minimum possible delay. The relevant employer must notify the LADO ***within 1 working day***.

A police officer receiving an allegation should, *without delay*, report it to the designated liaison officer who in turn should tell the LADO straight away. Similarly the person receiving an allegation made to CSC should report it to the LADO *without delay*.

It is the expectation of BSCB that the following timescale for investigations should be met:

- 80% of cases should be resolved within 1 month
- 90% within 3 months
- all but the most exceptional cases should be completed within 12 months (unlikely that cases requiring a criminal prosecution or complex police investigation can be completed in less than 3 months)

Suspension

Suspension is a neutral act and it should not be automatic. It should be considered in any case where:

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

The possible risks to children should be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staff's home, work or community life. If a strategy discussion is to be held or if social care or police are to make enquiries, the LADO (Group Manager Children's Safeguarding and Quality Assurance) should be made aware of the lead agencies (Police and Children's Social Care) views on suspension and inform the employer). Only the employer has the power to suspend an accused employee. However if the advice of the lead agencies/ strategy meeting is not followed this must be recorded by the employer and reasons noted.

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.

Support

Children's Social Care (CSC) or police, as appropriate, should consider support for a child who may have suffered significant harm or a criminal prosecution is possible.

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

- informed of the allegation as soon as possible provided this does not impede the enquiry, disciplinary or investigative processes (they may need to be told straight away e.g. if child injured & requires medical treatment)
- kept informed about the progress of the case
- told the outcome where no criminal prosecution (including the outcome of any disciplinary process except the deliberations/information in a hearing)

Children and their parents/carers should:

- be helped to understand the processes involved
- told the result of any enquiry or disciplinary process
- where necessary, helped to understand the outcomes reached

The accused person should be:

- treated fairly & honestly & helped to understand the concerns expressed & processes involved
- Kept informed of the progress of the case & the outcome of any investigation and the implications for disciplinary or related processes.
- provided with appropriate support during the case (via occupational health or employee welfare arrangements where those exist)
- be kept informed about developments in the workplace if suspended
- advised at the outset to contact his/her union or professional association

If a suspended person is to return to work, the employer should consider appropriate help/support e.g. phased return and/or provision of a mentor & also how best to manage the person's contact with the child/ren who made the allegation, if still in the workplace.

Confidentiality

Every effort should be made to maintain confidentiality & guard against publicity while an allegation is being investigated/considered.

Police will not normally provide identifying information to the press/media, unless & until a person is charged, unless there are exceptional circumstances e.g. an appeal to trace a suspect. The reasons should be documented & partner agencies consulted beforehand.

Whenever a strategy meeting is held to consider an allegation consideration should be given to whether the case is likely to attract media attention and an appropriate strategy for dealing with press interest should be devised.

Procedures for Strategy meeting

The procedures outlined in version 3 of the London Child Protection Procedures should be followed in all cases.

The meeting will be chaired and administered by the London Borough of Bromley Quality Assurance Department.

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Invitations will include the LADO for Education or Health for relevant cases, a senior manager for the organisation in question, representatives from the police CAIT, Social Care Referral and Assessment Team and others as deemed necessary by the LADO or Chair.

Inspectors from Ofsted, CSCl or the Healthcare Commission will be routinely invited and sent the minutes regarding cases within organisations under their inspectorate jurisdiction.

Action if no criminal investigation/prosecution or at their conclusion

If it is clear at the outset or decided by a strategy discussion/initial evaluation that investigations/enquiries by police/CSC are not necessary, or the employer or LADO is informed by police or CPS that a criminal investigation & any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued, the LADO & employer should discuss the next steps.

The discussion should take into account police/CSC information, the result of any investigation or trial & the different standard of proof in disciplinary & criminal proceedings. The options will range from no further action to summary dismissal or not using the person's services in future.

If formal disciplinary action is not required, appropriate action should be instituted **within 3 working days**. If a disciplinary hearing is required & can be held without further investigation, the hearing should be held **within 15 working days**.

If further investigation is needed to decide upon disciplinary action, the employer & LADO should discuss whether the employer has appropriate resources or should commission an independent investigation because of the nature/complexity of the case and/or in order to ensure objectivity.

The investigating officer should aim to provide a report **within 10 working days**. On receipt, the employer should decide whether a disciplinary hearing is needed **within 2 working days** & if so it should be held **within 15 working days**.

Sharing information for disciplinary purposes

Wherever possible police & CSC should during the course of their investigations & enquiries, obtain consent to provide the employer and/or regulatory body with statements/evidence for disciplinary purposes.

If the police/CPS decides not to charge, or decide to administer a caution, or the person is acquitted, the police should pass all relevant information to the employer **without delay**.

If the person is convicted, the police should also inform the employer **straight away** so that appropriate action can be taken.

Resignations and "Compromise agreements"

Every effort should be made to reach a conclusion in all cases even if

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- the individual refuses to cooperate, although s/he should be given a full opportunity to answer the allegation & make representations
- it is difficult to reach a conclusion
- it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete

"Compromise agreements" must not be used i.e. where a person agrees to resign with no disciplinary action, and an agreed future reference.

Record keeping

Employers should keep a clear & comprehensive summary (how the allegation was followed up & resolved, decisions reached & action taken) on a person's confidential personnel file & give a copy to the individual. It should be kept at least **until the person reaches normal retirement age or for 10 years if longer**. It will:

- provide accurate information for any future reference
- provide clarification if a future CRB Disclosure reveals an allegation that did not result in a prosecution or a conviction
- Prevent unnecessary re-investigation if the allegation should resurface.

Monitoring progress

The LADO should:

- provide advice/support when required or requested
- monitor progress of a case, **either fortnightly or monthly** depending on its complexity, by way of review strategy discussions or liaison with police, CSC, or the employer as appropriate

The police can consult the CPS at any stage about the evidence needed to charge a person, but they should also set target dates for reviewing the progress of the investigation & consulting the CPS about charging or continuing/closing the investigation, **no later than 4 weeks after the initial evaluation** wherever possible and **fortnightly or monthly thereafter**, if the investigation continues.

Action in respect of false or unfounded allegations

If an allegation is determined to be unfounded, the employer should:

- refer the matter to CSC to determine whether the child is in need of services, or may have been abused by someone else
- ask police to consider what action may be appropriate in the rare event that an allegation was deliberately invented or malicious

Referral to List 99, POCA (Protection of Children Act) List, or regulatory body

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether a referral to the POCA List or DfES List 99 is required, or advisable, and the form and content of such a referral.

The LADO should also advise whether it is appropriate to make a referral to a professional body or regulator e.g. the General Social Care Council, General Medical Council, Nurse and Midwifery Council, OFSTED etc.

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If a referral is appropriate the report should be made ***within one month.***

Learning lessons

If an allegation is substantiated, the employer should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice to help prevent similar events in the future.

Monitoring by BSCB

The BSCB will require all member organisations to provide evidence that this protocol has been incorporated within their Human Resources Procedures and their Safeguarding Children Guidelines for all staff and volunteers. BSCB will be provided with statistical information on the quality and outcome of allegations in Bromley on a six monthly basis.

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If you wish to report an allegation against a member of staff who has/may have

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

Please contact one of the following:

For allegations within health organisations, please contact (in order):

Name	Designation	Contact details
Nicky Brownjohn	Designated Nurse for Safeguarding Children (Lead Officer for Health)	Quality Assurance Tel: 020 8313 4681 e-mail: nicky.brownjohn@bromley.gov.uk Fax: 020 8313 4324
IF NOT AVAILABLE, CONTACT		
Virginia Read	Group Manager, Quality Assurance	Tel: 020 8313 4635 e-mail: virginia.read@bromley.gov.uk (Please note that a duty system operates in Quality Assurance to offer advice regarding safeguarding matters. Please ring 020 8313 4325)

For allegations within education establishments, please contact (in order):

Name	Designation	Contact details
Denise Partridge	Lead Officer for Education Safeguarding	Quality Assurance Tel: 020 8461 7669 e-mail: denise.partridge@bromley.gov.uk Fax: 020 8313 4324
IF NOT AVAILABLE, CONTACT		
Virginia Read	Group Manager, Quality Assurance	Contact details above
Jennie Clark	Head of The Education Welfare Service	Tel: 020 8313 4152 Email: jennie.clark@bromley.gov.uk
Colin Green	Senior Education Welfare Officer	Tel: 020 8313 4160 Email: colin.green@bromley.gov.uk

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For all other allegations or, if in doubt, please contact:

Virginia Read	Group Manager, Quality Assurance	Contact details above
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Other Useful Contacts:

Social Care

Referral and Assessment	West District	Yeoman House, 4 th Floor 57-63 Croydon Road Penge SE20 7TS Tel: 020 8461 7050/7058
Referral and Assessment	East District	TheWalnuts Orpington High Street Orpington BR6 OUH Tel: 020 8461 7319

Police

DI Norman Inniss	Police Child Abuse Investigation Team	Tel: 020 7230 3700
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