

# Walsall Children's Services

Information for those who work/volunteer with children who have had an allegation made against them.



Walsall Council



## Introduction

This leaflet provides information on what happens if you work in a position of trust with children (as either an employee or volunteer) and you have had an allegation made against you, or a concern raised about you, that you have:

- Behaved in a way that has harmed a child, or may have harmed a child, or
- Possibly committed a criminal offence against or related to a child, or
- Behaved towards a child or children in a way that indicates you may pose a risk of harm to children, or
- Behaved or may have behaved in a way that indicates you may not be suitable to work with children.

When such a concern arises, a process<sup>1</sup> is followed to ensure that children are kept safe and that concerns are investigated appropriately. The process is fair to both children and adults and no assumptions made; evidence is sought to reach a conclusion about the concern. The process should be proportionate and matters concluded as quickly as possible whilst also being thorough. Your organisation should have its own procedures for managing allegations against staff, which you should be able to access. Most concerns are managed quickly but some require investigation that is more prolonged. This may be a difficult experience for you so below is some information to explain the process further.

## Reporting to the Local Authority

If an allegation or concern relates to something that has happened at the place where you work with children, it is the responsibility of somebody Senior there, to contact Walsall's Local Authority Designated Officer (LADO). The LADO will offer advice as to how to manage the concern. Somebody Senior where you work should keep you updated as to how the concerns are explored and whether it will involve investigation by other agencies, such as the Police and Children's Services, or whether there will be an internal investigation. Sometimes they may be limited in what they can tell you (depending upon the nature of the concern) but they should be able to let you know when you will be told more and by who. Sometimes the concerns may not relate to where you work but to something that has happened in your private life or outside of work and, if this raises a concern that you could pose a risk to children, then the same process will be followed.

## Initial Actions

Very often concerns are dealt with by the LADO as advice and guidance only if the allegation does not appear serious or credible enough to indicate a child has been harmed or is at risk of harm. The LADO will make recommendations for Managers where you work to ensure children are kept safe and staff are not made more vulnerable to allegations. If the concerns require more

investigation then there may need to be changes made to your working duties whilst this takes place. This will ensure both the protection of children and yourself. This could include suspension, agreed absence, a change of duties or additional supervision. Your employer should tell you what investigation would take place.

## **Support**

You should be advised of what support there is for you to access. You may also wish to consider contacting your Trade Union, if you are a member, or your GP should you feel your health may be affected. Depending on where you work, there might be a range of support options in place via Human Resources but you should at least have a named contact person and you should be kept updated as to the progress of investigation(s) as soon as is reasonable depending on the extent and nature of the investigation(s).

## **Position of Trust (POT) Meetings**

A meeting known as a Position of Trust meeting; is sometimes held to discuss the concerns raised. This meeting is chaired by the LADO and attended by a Manager from your place of work or where you volunteer, also any agencies involved in investigating the concerns such as the Police and any other relevant professionals (such as Human Resources). You will be informed the meeting is being held and the outcome of the meeting. You are not invited to the meeting; as it is to oversee how the concerns are fairly investigated. However, the meeting will ensure that someone speaks to you and have your views included in the investigation. The meeting is confidential, information shared about you, is shared only with those present, and those who need to know as part of any investigation or other process that may follow. You should receive some feedback from this meeting and be told of any decisions made.

## **Different processes**

The Position of Trust process managed by the LADO oversees the investigation of concerns to determine whether you have harmed, or pose a risk of harm to, a child or children and establish whether you are suitable to work with children. However, other processes provide information to help reach this decision. These might include:

- Child Protection enquiries by Children's Services and/or the Police
- Criminal investigation by the Police
- Employer's disciplinary investigation
- Investigation by a regulatory body

When any one of these processes have completed that agency should inform you of their outcome. However, that does not mean that the Position of Trust process has completed as there may be further investigation needed. For example, the Police may investigate and decide there is not sufficient evidence of a crime; however, there may be practice concerns that require a disciplinary investigation following this. You should be informed about the Position of Trust process, which will conclude once sufficient information has been gathered to make a decision about any harm caused, or risk of harm or suitability to work with children. You will be spoken to as part of one or more of these processes. You should make clear any factors that you feel are significant to the concern and contributed to the allegation made, whether this relates to your own practice or factors about the environment within which you work.

## Outcome

Once all investigations have taken place, those involved in the Position of Trust process will come to a decision about yourself in relation to the concern of harm or risk of harm and suitability. An outcome will record that the allegation(s) are either:

- False: there is sufficient evidence to disprove the allegation
- Unfounded: there is no evidence or proper basis to support the allegation. It might also indicate that the person making the allegation misinterpreted the incident or were mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances
- Malicious: there is sufficient evidence to disprove the allegation and that there has been a deliberate act to deceive
- Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation
- Substantiated: there is sufficient evidence to prove the allegation, or on the balance of probabilities.

Your employer should notify you of the outcome or where you volunteer and this should usually be in writing. If there has been a Position of Trust meeting, the LADO will also write to you with a brief outline of the final decision once the matter has concluded. Further actions may follow such as referrals to relevant bodies if warranted (such as the Disclosure and Barring Service or Regulatory bodies). Your contact person should advise you of any actions to take. Depending upon the severity of the allegation and the outcome decision of the LADO process your employer may need to conduct a Risk Assessment in respect of your ongoing role with children. This may include further training, enhanced supervision and monitoring, modifications to your role etc. The Position of Trust process also considers the context of any allegation or concern to ensure that organisations take responsibility for their role in keeping children safe and providing those working with children with the appropriate support, training and environment to practice safely. Where necessary, organisations will be asked to make changes to improve practices to reduce allegations being made against staff.

## Record Keeping

The LADO keeps a record of all contacts; this ensures there is a clear recording of concerns and their outcome. This information is confidentially stored and not shared with anyone except under very specific circumstances. The organisation where you work or volunteer should also keep a record which should be securely stored and with limited access in line with their own procedures and legislation.

## Questions About The Process

You should speak to your contact person or Union representative if you have any questions about the process; they can help to try to resolve any questions or concerns. If your concerns are not resolved, you may wish to make a more formal complaint. How you do this depends upon which aspect of the process you are concerned about but your contact person can advise you further.

If you are self-employed (including foster carers)

The process will remain similar to that described above but there may be slightly different arrangements to reflect your employment status. Someone as part of the process will ensure that you are provided with information as outlined above.

<sup>1</sup>More details are available in The Working Together to Safeguard Children July 2018 updated 2019, 2020 and 2023. Keeping Children Safe in Education September 2023 and Safer Working Practices in Education Settings 2019 and Addendum April 2020. The procedures followed in Walsall are available on the Walsall Safeguarding Partnership website.

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*Right for Children, Families and Adults*