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**RICHMOND UPON THAMES  
LOCAL SAFEGUARDING CHILDREN BOARD**

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**Protocol for the management of allegations against adults  
who work with children**

**1. Context**

This protocol is drawn up in accordance with the guidance in Working Together to Safeguard Children 2010, Appendix 5: '*Procedures for managing allegations against people who work with children*'.

Further guidance is contained within the *London Child Protection Procedures 4<sup>th</sup> edition 2010* and *Safeguarding Children and Safer Recruitment in Education 2007*.

These procedures should be applied when there is an allegation or concern that any person who works with children, in connection with their 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.
- 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, sexual and emotional abuse and neglect. These include concerns relating to inappropriate relationships between members of staff and children or young people.

For example:

- Having a relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003)
- 'Grooming' i.e. meeting a child under 16 with an intent to commit a relevant offence (see s15 Sexual Offences Act 2003)
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text/e-mail messages or images, gifts, socialising etc)
- Possession of indecent photographs/pseudo photographs of children

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**2. Roles and responsibilities**

Within LB Richmond upon Thames, the Local Authority Designated Officer (LADO) is the Manager for Child Protection and Planning.

The LADO has responsibility for:

- Having an oversight into the management of individual cases referred to Children and Young People Service.
- Advice and guidance to employers and voluntary organisations.
- Liaison with the police and other agencies.
- Monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a fair and thorough process.
- Providing a quarterly report to the LSCB summarising activity on the above.

Each LSCB member organisation should designate a Named Senior Officer with over all responsibility for:

- Ensuring that the organisation deals with allegations in accordance with Working Together 2010, appendix 5 and the London Child Protection Procedures.
- Liaison with the parents or carers
- Resolving inter-agency issues
- Liaison with the LSCB on the subject

**3. General considerations relating to allegations and concerns of abuse**

All organisations, both statutory and voluntary should follow the procedures laid down in [appendix 5 of Working Together 2010](#), and chapter 15 of the London Child Protection Procedures.

If an organisation is in doubt as to whether to refer a matter for investigation, they should contact the LADO or in the absence of The LADO the Principal Manager for Safeguarding for advice.

When a referral is necessary (i.e., where there is a clear risk to a child's welfare or harm is suspected/determined – see also [‘How to access social care services for children in need’](#)) – this should be done

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immediately and sent to the Single Point of Access (SPA) Team. You can call the SPA on: **020 8891 7969**.

Advice should always be sought from the LADO or the appropriate Designated Senior Manager, or the police if appropriate, as to whether to share information about the allegation with the victim, perpetrator or the victim's parents. This decision would be dependant on whether there was likely to be an ongoing police or internal disciplinary investigation.

- Consider what support should be offered to the member of staff or volunteer involved;
- Similarly with parents and or carers if necessary;
- Ensure that investigations are sufficiently independent;
- Make recommendations where appropriate about suspension or alternatives to suspension;
- Make every effort to maintain confidentiality and guard against unwanted publicity, especially whilst the allegation is under investigation

#### **4. Management Planning Meetings**

In most cases where a referral is sent about an allegation or a concern in relation to a member of staff, a Management Planning Meeting (MPM) will be convened within the Specialist Children Service.

If however, the allegations are made against a member of staff who has direct contact with the Specialist Children's Service, consideration should be given to making a request to another local authority to manage and carry out the investigations. In these cases the decision to transfer rests with the Principal Manager of the Specialist Children's Service.

The Management Planning Meeting (MPM) will be chaired by the LADO. It will be formally conducted and minuted.

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**Attendees at the MPM should include:**

- The Designated Senior manager of the organisation in question or an appointed delegate.
- A representative from the HR section of the organisation in question (where the allegation may result in a decision to start a conduct investigation or to suspend the staff member).
- Police Child Abuse and Investigation Team (CAIT)
- An investigating social worker from Initial Response Team.
- Those responsible for regulation and inspection where appropriate (e.g. OFSTED or HQC)
- If the allegation is against a foster carer, the Fostering Manager and fostering link Social Worker should attend. In the case of a private or voluntary foster placement a management representative from the agency should attend.

**The Management Planning Meeting should:**

- Decide whether there should be a S47 investigation and/or a police enquiry
- Consider whether any parallel disciplinary process should take place – **please refer also to the timescales for this set out in Appendix 5 of Working Together 2010 on pages 364 and 365.**
- Consider the current allegation in the context of previous allegations or concerns
- Plan enquiries, allocate tasks and set time-scales
- Decide what information can be shared, with whom and when.

**The LADO for Richmond upon Thames is:**

The Child Protection and Planning Manager  
Specialist Children's Services  
42 York Street  
Twickenham  
TW1 3BW

Tel: 020 8891 7830

Email: [lscb@richmond.gov.uk](mailto:lscb@richmond.gov.uk)

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**The Management Planning Meeting should also:**

- Ensure that arrangements are in place to protect the child/ren involved and any other children affected;
- Consider what support should be offered to children involved

A final Management Planning Meeting should generally be held when the Section 47 investigation is concluded to ensure that all tasks have been completed and where appropriate agree an action plan for future practice based on lessons learnt.

It is good practice for the chair of the Management Planning Meeting (MPM) to formally write to the member of staff or volunteer at the end of the process outlining the findings of the investigation. This may however not be appropriate if there is an ongoing police or disciplinary investigation.

Normally the minutes of Management Planning Meetings are not widely distributed because of confidentiality issues – both with regard to staff members and of service users or members of the public. In certain circumstances it may be appropriate for the chair of the MPM to summarise the findings of an investigation for the purposes of a disciplinary investigation.

Summary decisions will be sent to agencies involved in the process.

In the respect of the child the LADO will prepare a brief summary of actions relating to that child.

## **5. Disciplinary process**

The LADO and the Designated Senior Manager of the service concerned should discuss at an MPM whether disciplinary action is appropriate or necessary. The final decision about disciplinary action would always lie with the employer of the member of staff concerned.

The discussion should consider any alleged potential misconduct or gross misconduct on the part of the member of staff and take into account:

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- Information presented by the police and/or Specialist Children's Services.
- The result of any investigation or trial.
- The different standards of proof in disciplinary and criminal proceedings.

Where the workers concerned are supply, contract or volunteer workers, normal disciplinary procedures do not apply. In these circumstances the providing agency (if any) should be involved in the Management Planning meeting.

**6. General considerations relating to allegations and concerns of abuse**

All organisations, both statutory and voluntary should follow the procedures laid down in Chapter 15 of the London Child Protection Procedures.

If an organisation is in doubt as to whether to refer a matter for investigation, they should contact the LADO or and speak to the Principal Officer Manager of Safeguarding and Family Support for advice.

When a referral is necessary this should be completed on an inter-agency referral form and sent to LBRuT Initial Response Team.

Advice should always be sought from the LADO or the appropriate Designated Senior Manager, or the police if appropriate, as to whether to share information about the allegation with the victim, perpetrator or the victim's parents. This decision would be dependant on whether there was likely to be an ongoing police or internal disciplinary investigation

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**7. Referral to Children's Safeguarding Operations Unit  
(Csou) for Inclusion on the Protection Of Children List  
(Poca) or List 99**

The Secretary of State has powers under the Protection of Children Act (POCA) 1999 to prevent individuals from working with children and young people. Child care organisations have a statutory duty to refer (and any other organisations have a power to refer) where an individual is dismissed for misconduct which harmed a child or placed a child at risk or harm; or resigns, retires, is made redundant or is transferred to a position which is not a child care position in such circumstances.

The Secretary of State has powers under the Education Act 2002, to prevent individuals working with children and young people. Relevant employers and agents have a statutory duty to refer individuals to the Department for consideration by the Secretary of State if they are dismissed for misconduct, unsuitability to work with children or on health grounds (where an issue concerning the safety or welfare of children is raised) or resign in circumstances where such a dismissal may otherwise have been considered.

For this reason, whenever a Management Planning Meeting and the resultant investigation concludes in a member of staff leaving their post, either as a result of disciplinary action or the staff member resigning, there should be careful consideration as to whether a referral should be made to the Children's safeguarding Operations Unit at the Department for Children Schools and Families.

Once a decision has been made about this, the responsibility for ensuring that the referral is sent lies with the senior manager of the organisation concerned. In practice this will normally be:

- The head teacher of a school
- The senior manager of a nursery/day centre
- The service manager of a social care department

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In cases where there is disagreement with an organisation about whether such a referral should be sent, it may be appropriate for the LADO to send a referral to the DFE.

The LADO should always be informed in writing of such referrals.

**8. Record keeping and monitoring**

- (a) All Management Planning Meetings should be minuted and secure records kept of decisions made and information received.
- (b) The LADO should keep records of all Management Planning Meetings held and their conclusion.
- (c) Following an investigation, employers should keep a summary of the case on the person's confidential personnel file. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. A copy of this summary should be given to the individual concerned. It should be kept for at least 10 years or until the person reaches normal retirement age.
- (d) A report should be prepared by the LADO for the Local Safeguarding Children board on a quarterly basis. This report would present summarised information that does not identify individuals.

**9. Procedures in specific organisations**

**Education**

- (a) Education staff have several guidance documents as follows:
  - 'Definitions and thresholds for managing allegations against education staff', produced by the national network of investigation and support co-ordinators – updated February 2005.
  - Safeguarding Children and Safer Recruitment in Education – produced by DFE, January 2007.

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- 'Thresholds for and alternatives to Suspension', produced by the National Network of Investigation and Support co-ordinators – updated February 2005.
- (b) In addition there is detailed guidance issued by the DFE around the use of restraint in classrooms. All schools and educational establishments should ensure that they have robust recording systems to log any incidents that have resulted in the use of restraint. All schools should have physical intervention policies which should be in line with LEA and DFE guidance.

**Foster carers**

- (c) Foster carers are often subject of allegations because of their high level of contact with children and young people.
- (d) If there is an allegation about a foster carer, all the children in the family need to be considered including the foster carer's own children. If the foster carer concerned is a London Borough of Richmond resident then the above procedures apply. If however the foster carer lives within another borough then a referral will be made to the children's service in the borough of residence.

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**Religious and voluntary organisations**

- (e) In general where there is an allegation against a member of staff at any religious or voluntary organisation the chairperson or a senior member of the management body should be involved in the Management Planning Meeting.

**NHS Richmond**

- (f) The NHS has policies and procedures in place which identify action to be taken in case of allegations against staff. This covers directly employed staff as well as independent contractors (e.g. GP practices, dentists and optometrists).
- (g) In addition the Trust has a responsibility, where there is concern that the individual may have broken their code of conduct to refer to their professional body.

**10. Safe recruitment and good practice**

10.1 Chapter 17 of the London Child protection Procedures describes the processes required in order to ensure that staff recruited to an organisation are suitable to work with children.

10.2 It is not necessary to repeat these processes in detail, but they should involve:

- Following standard procedures to draw up job descriptions, person specifications and advertisements.
- Conducting standard interviews which test a candidate's ability, including the use of written and other aptitude tests.
- Taking up at least 2 references prior to appointment – at least one of which should be the previous employer.
- Conducting Criminal record bureau checks for all appointees.
- Conducting checks of DFE list 99 and PoCA list. NB the Independent safeguarding Authority (ISA) will come into force in autumn 2009 and take over these functions.

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- Ensuring that new staff has proper induction, including an introduction to the organisation's child protection policies and procedures.
- Ensuring that new staff are made aware of the organisation's whistle blowing policy.
- Ensuring that staff is given adequate child protection supervision/training.