



Managing Allegations in residential care

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Aims of the course

- Participants are able to respond effectively to allegations about staff or volunteers, keep children and young people safe and ensure staff are treated fairly.



Starting points

- Time keeping
- Confidentiality
- Respect
- One person to talk at a time
- Mobiles off screens on
- We model partnership behaviours
- Share knowledge and expertise
- Challenge jargon that stops us understanding each other

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Your expectations

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What you want from the day

The course...

- quality of care and support and link to allegations
- referrals to the LADO
- internal investigations in line with interagency guidance
- participate effectively in strategy discussions
- proportionate & evidenced decisions about suspension
- Working with young people and stakeholders
- disciplinary and capability procedures
- managing allegations procedure and tools

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Allegation



A claim or assertion that someone has done something illegal or wrong, typically one made without proof



Oxford Dictionaries



Local authority data

- 64 local authorities recorded 6,106 allegations against adults working in children's institutional settings between 2018 and 2021, an average of 32 allegations per year per local authority.
- Where data was provided on the types of alleged abuse (from 59 authorities) the most common type was physical abuse (44%).
- 11% of 1,200 allegations (from only 16 authorities) led to investigation under Section 47
- Around 32 cases substantiated
- [Abuse-in-institutional-settings-how-much-is-known-2021-Final-15-Dec-2021.pdf \(article39.org.uk\)](#)

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Risk from **staff** in residential care

- 10-12 allegations per 100 children across the UK
- 2-3 allegations per 100 substantiated
- $\frac{1}{4}$ (7/28) of substantiated allegations related to 2 residential units
- $\frac{1}{2}$ allegations physical abuse or excessive physical restraint – 75% about men
- heightened risk of neglect for disabled children



Cultural and systemic dangers

- Hesley Group
- 100 reports of appalling abuse and neglect - between 2018 and 2021
- The allegations included naked children being locked outside in freezing temperatures and having vinegar poured on cuts.
- Ofsted had been warned at least 40 times about incidents



Protective features in safeguarding

- strong leadership
- positive staff culture
- close inclusive relationships
- high quality supervision
- effective monitoring and interagency communication
- Good relationship with the LADO
- child centred rights based approach
- Confident, authoritative staff, with strategies to respond

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Raising concerns

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How does it feel

Raising **concerns**

- In groups – when was the last time you were challenged about your practice.
 - How was it done?
 - How did it feel?
- What about you raising concerns with others?
 - How does that feel?



Impact of Allegations

There's a concern about a member of staff's relationship with a young person. There's worry they are not maintaining boundaries and seek opportunities to spend time alone with them. A concern is raised with the manager.

How does it feel if you are... the manager?
 the member of staff?
 the person making the allegation?
 another member of staff who knows?





Process

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How to deal with allegations

What is a LADO?



To be involved in the management and oversight of allegations against people
that work with children

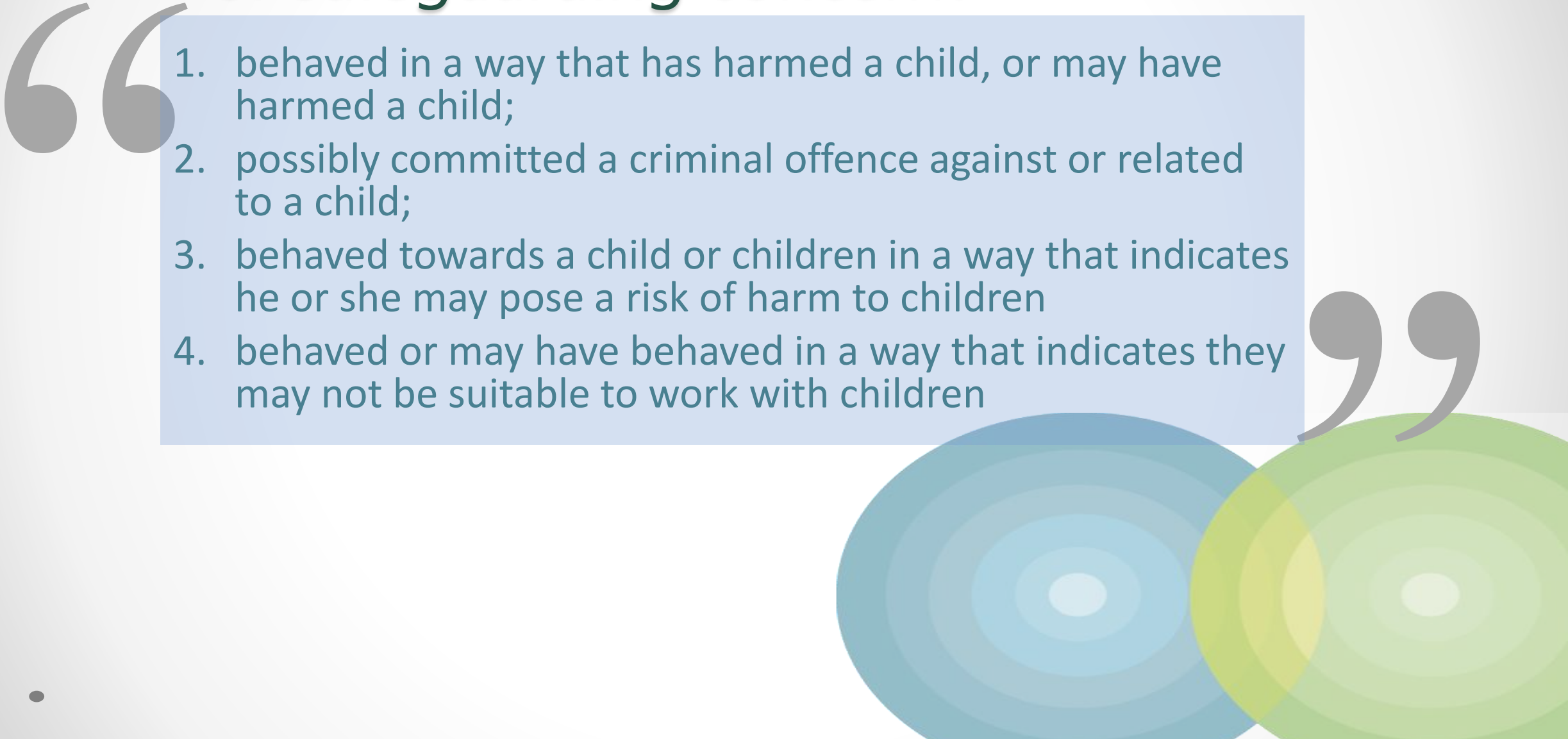


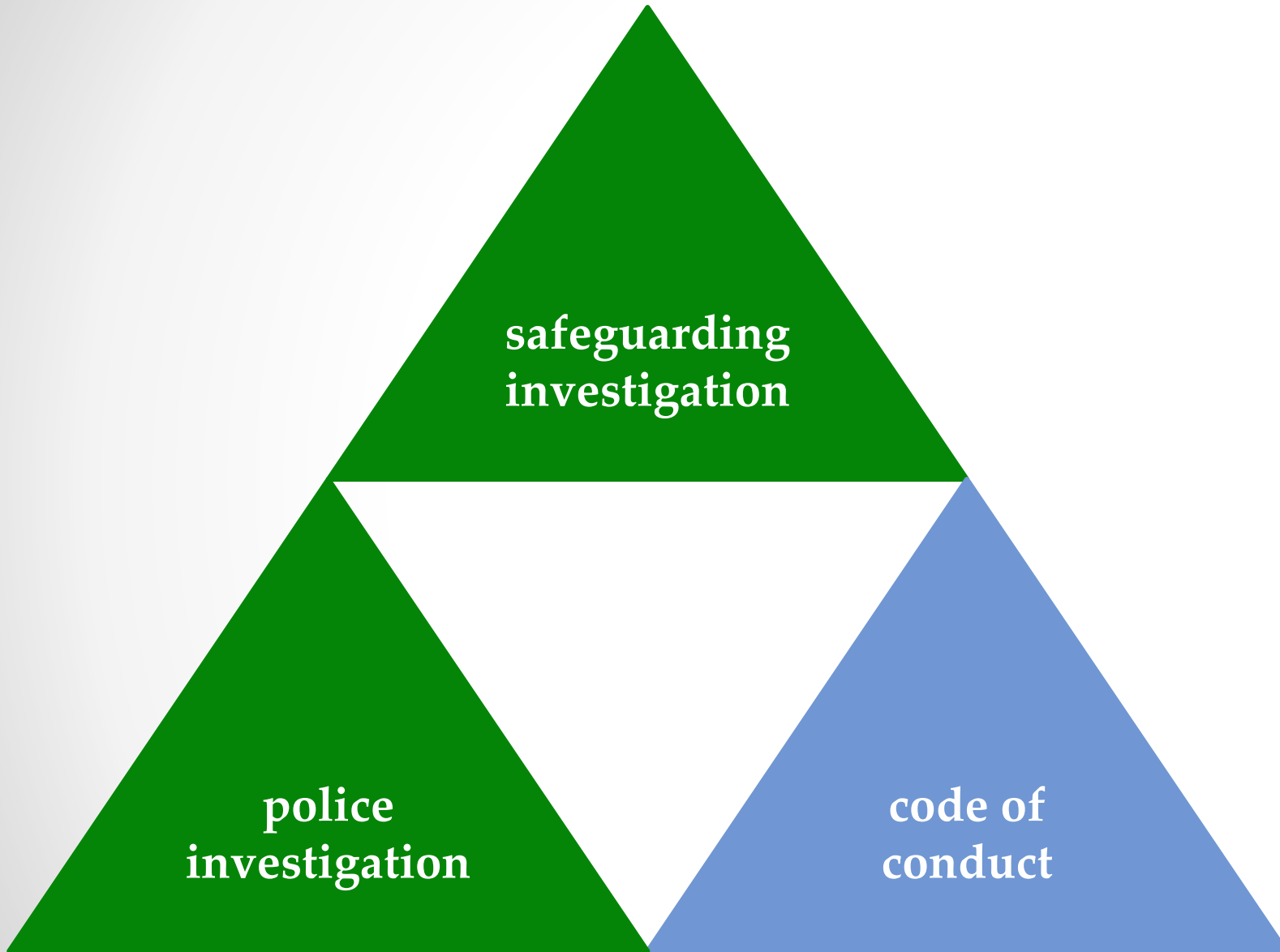
Initial response

- There are two aspects to consider when an allegation is made:
- Looking after the welfare of the child/young person
- Investigating and supporting the person subject to the allegation
- the case manager should discuss with the LADO, the nature, content and context of the allegation, and agree a course of action.



When is it an allegation? or safeguarding concern?

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- A decorative graphic featuring a large, light grey opening quotation mark on the left and a closing quotation mark on the right. Below the text, there are two overlapping circles: a blue one on the left and a green one on the right, both with concentric ring patterns.
- 1. behaved in a way that has harmed a child, or may have harmed a child;
 - 2. possibly committed a criminal offence against or related to a child;
 - 3. behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children
 - 4. behaved or may have behaved in a way that indicates they may not be suitable to work with children



First duty: ensure immediate safety

- Young person
- Other young people, including those in staff families
- Staff
- General public

What has happened? **If true**, what would be the risk?

Take necessary action accordingly, until you are certain of facts

Follow procedure



How **sure** should you be?

100%



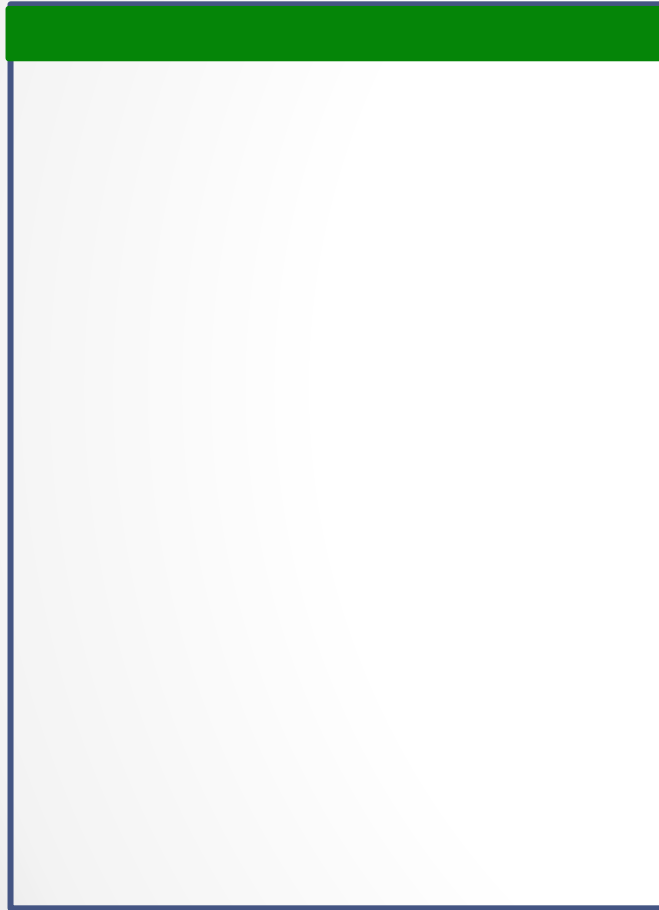
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“Beyond all
reasonable doubt...”



How **sure** should you be?

100%



“Beyond all **reasonable** doubt...”

“balance of
probability”

0%



How **sure** should you be?

100%

“Beyond all **reasonable** doubt...”

50%

“balance of **probability**”

“reasonable cause
to **suspect**”

0%



How **sure** should you be?

100%

"Beyond all **reasonable** doubt..."

50%

"balance of **probability**"

"reasonable cause to **suspect**"

0%



Case studies

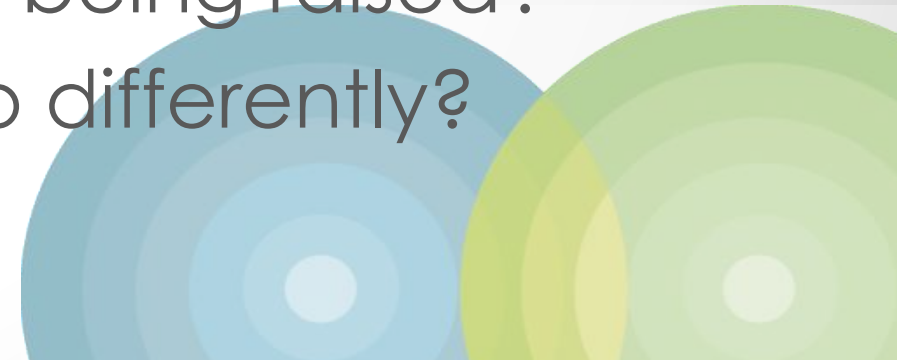
- Low level concern
- Capability
- Disciplinary
- Strategy Discussion
- Police investigation



Low level concerns

- Staff should know how to handle low level concerns contained in staff behaviour policy
- Are there previous low-level concerns?
- Do these add together to meet threshold for referral to LADO?
- Does this constitute a breach of the Code of Conduct?
- Why was the person raising the concern worried?
- What can we learn from the concern being raised?
- Is there anything the subject could do differently?

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Scenarios what's -the level of concern?

1. The member of staff is heard shouting at a young person because they are being disruptive in the home.
2. A young person in supported accommodation is alleged to be taking drugs (received from an external call) staff were seen with the young person outside the home
3. The member of staff receives a disclosure from a child and does not tell the Designated Safeguarding Lead.



Main Scenario

- The main scenario provides a number of issues to consider from the perspective of managing allegations.
- Consider the allegations that are present and the actions to take to manage these
- What is the potential outcome for the people concerned?



To suspend, or not to suspend?

Suspension should not be the default position:
an individual should be suspended only if there is no
reasonable alternative

Keeping Children Safe in Education



Suspension – **key questions**

You must immediately suspend if there is.

- There is cause to suspect the child/young person or other children/young people are at risk of harm
- The actions of the adult might this be grounds for dismissal

If both answers are 'no', insufficient grounds for suspension

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Suspension - **alternatives**

- Redeployment with no direct contact with children
- Redeployment to no unsupervised access to children
- Moving children while making it clear not a punishment
- Redeployment to another location



Advisory Timescales – delay is in **no one's interests**

immediate risk of harm, **immediately** call the police on 999

immediately clear an allegation is unsubstantiated or malicious
this should be resolved **within one week**.

80% of cases should be resolved within **one month**

90% of cases should be resolved within **three months**

All but the most exceptional cases
within 1 year

- Disciplinary action, where this can be held without further investigation, should take place within **15 working days**.
- Any other action should take place within **3 working days**

What is are the potential impacts of delay?

- Consider the impact on;
- The person concerned
- The child/children
- The team



Information sharing

- Parents must be advised of allegations at the earliest opportunity for supported accommodation this would apply in most situations
- Decision about what information is shared can be with LADO and other agency advice
- Bear in mind the young persons network likely has information about who the allegation concerns so your information sharing should be proportionate
- Consider support they or their child may need
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Repeat or malicious allegations

- **Interagency** work around these issues
- These increase risk a young person will be targeted, so **always** take allegations seriously
- Adopt a '**common sense**' approach that does not disrupt running of the home
- Assess and agree protocols with senior managers, LADO, children's services parents and other key agencies **prior** to deviating from procedure. Consider notifying the regulator.
- **Each** allegation should still be investigated



Potential outcomes following an allegation

- No Further action – After discussion with the LADO agreed NFA and agreed record for the decision with parties written to
- Further Enquires – Where the LADO and Case Manager need to gather more information. Timescales and focus on what is required should be clear at this stage

The consideration of suspending the staff member at this stage but suspension is not a default action.

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Investigations

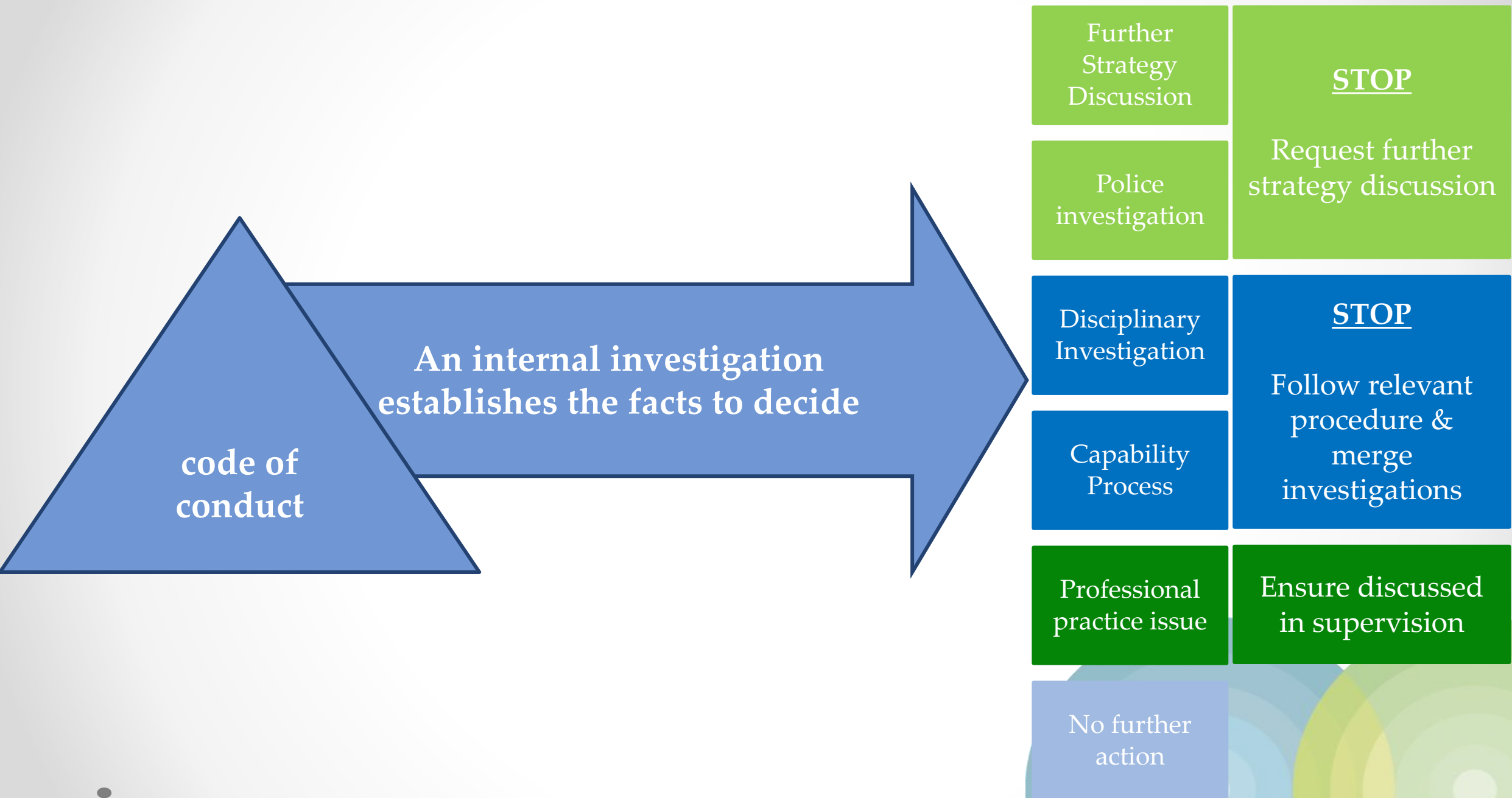
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A 'how to' guide...

Support for Staff

- Anxiety will be high – always act with compassion
- Share information with them at earliest opportunity – consult with LADO/Police/Children's Services where relevant first
- Named person to support & keep appraised every 2 weeks
- Suggest trade union representation, or to find a friend
- Offer counselling and health services
- Put this all in writing, including right to take issue about delay
- Consider return to work approach, possible phased return, mentor etc





Undertaking an internal investigation

- Fact finding – this is not a disciplinary or capability process. Not always needed if clear HR pathway
- Agree terms of reference/scope with LADO and RI, and limits of the investigation (e.g. if it becomes clear a crime has been committed)
- Identify an independent investigating officer
- Identify and interview witnesses, including the young person where possible and appropriate
- Evaluate your evidence



Planning principles

- Fair – looking back, will it **appear** fair?
- Independent – **who** should investigate?
- A '**reasonable** investigation of the facts'
- Balance of **probability**
- Young person's **voice** (if relevant)
- Opportunity for **rebuttal**
- **Recommendations**, not decisions



Planning

- What is the **concern**? Agree terms of reference
 - what evidence will you need?
 - what is already available?
 - What are the implications?
 - Agree the terms of reference with senior leaders & LADO
- **Top tip** – prepare the report structure now and start writing!



Planning

- What is the **concern**? Agree terms of reference
- Seek to **triangulate** the evidence
- **List** everyone to speak to, everything to see
- Place in **order** and **prepare** questions against your evidence
- Consider how interviews are **recorded**
- Consider **support** needs and write to invite
- **Analyse** findings
- Write **report**
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Interviews

- Notice (bear in mind timescales if fact finding)
- Who is present – each individual separately, no surprises!
- Venue – privacy, disturbances, breakout if distressed, think H&S
- Prepare an introductory statement and your questions
- Fair, balanced, more about listening
- Evidence gathering – reflect back to check captured right
- Keep them focused on the questions
- What does the person see as the resolution?
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Report writing

- Terms of reference
- Allegations and chronology of incident & investigation
- Findings – tie to policy statements, training
- Conclusions
- Learning for the home
- Recommendations
- Supporting documents – each interview is an appendix

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Findings

- Substantiated
- Malicious
- False
- Unsubstantiated
- Unfounded



Actions if substantiated

If the person is dismissed; resigns, or otherwise ceases to provide his or her services, or the employer ceases to use the person's services.

There is a legal requirement to refer to DBS and consideration of further action related to the person working with children.



Unsubstantiated

If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager should consider whether the child and/or the person who has made the allegation is in need of help or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to local authority children's social care may be appropriate

If deemed malicious there should be consideration of disciplinary action in line with code of conduct.

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Outcome

- Start with the child/young person
- Implications for individual member of staff
- Notifications (LADO, Ofsted, DBS, local authority, parents)
- How the team are affected by the finding
- Organisational learning



Thank you

Evaluation

After your attendance has been checked by one of the team you'll receive an evaluation form by email.

Certificate

Your certificate will then be emailed to you within 5 days of completing the evaluation form – there will also be a downloadable copy in the My Account space on our website.

Your next course...

Safeguarding for Leaders is a two-day course covering a much wider range of the responsibilities of the DSL in residential settings. Visit dialogueltd.co.uk/analysis or use the following QR code:

