

Managing allegations of abuse

An NSPCC factsheet

2016

This factsheet looks at how allegations of abuse by an employee or volunteer should be handled by organisations.

Any allegation that an employee or volunteer has behaved in a way that has harmed, or may have harmed, a child must be taken seriously and dealt with sensitively and promptly. The child's interests are paramount and their views and wishes must be given careful consideration at all times. They should also receive appropriate support.

Although there are some differences in how allegations are handled across the four nations, there are some things which should always be taken into consideration. These are outlined below.

What is an organisational procedure?

All organisations that provide services for children, or provide staff or volunteers to work with or care for children, should operate a procedure for handling allegations of abuse that is consistent with national and local guidance.

In England this is Working together to safeguard children, and the local safeguarding children board's child protection procedures.

In Wales the All Wales child protection procedures and Safeguarding children: working together under the Children Act 2004.

In Northern Ireland Cooperating to safeguard children and Area Child Protection Committees' regional policy and procedures.

And, in Scotland the National Guidance for Child Protection in Scotland and the local Child Protection Committee's guidance.

Schools in England have their own, separate, statutory guidance. Their procedures for handling allegations of abuse therefore differ from those outlined below. For more information see the Department for Education's guidance, Keeping children safe in education: statutory guidance for schools and colleges.

Does an organisation need a designated officer for handling allegations?

Organisations should also appoint at least one person (and ideally two) to be responsible for dealing with allegations or suspicions of abuse. Everyone in the organisation should know who these people are, and how to contact them. It is also important for staff to know who to contact if they are unable or inhibited from reporting the incident within their organisation, i.e. the police or local social services. In England, staff can also contact their Local Authority Designated Officer (LADO).

What should an organisation do once an allegation has been made?

Any allegations made to an employer in respect to cases where the staff member has:

- behaved in a way that has harmed, 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
- should be reported to the LADO (England only) or to the relevant agencies (for example, children's services, the NSPCC's helpline 0808 800 5000, or the police).

Management of an allegation of abuse may involve one or all of:

- a police investigation of a possible criminal offence
- enquiries and assessment by children's social care about whether a child is in need of protection or in need of services
- consideration by an employer of disciplinary action in respect of the individual.

What does the law say about referring to the Disclosure and Barring Service or PVG Scheme?

Employers in organisations working with children have a legal duty under The Safeguarding Vulnerable Groups Act (SVGA) 2006 (England and Wales) and Safeguarding Vulnerable Groups (Northern Ireland) Order (SGVO) 2007 to make a referral to the DBS in cases when an employer has dismissed or removed a person from working with children or vulnerable adults (or would or may have if the person had not left or resigned) because of concerns over their behaviour towards children.

In Scotland a similar legal duty to refer to Disclosure Scotland is placed on employers by the Protection of Vulnerable Groups (Scotland) Act 2007.

What are the important aspects to consider throughout the process?

Supporting those involved

There are two issues to consider: support for the child/ren, parents or carers involved, and support for the person who is the subject of the allegation.

Parents/carers of a child or children involved should be told about the allegation as soon as possible (if they do not know about it already). They should be kept informed about the progress of a case, and told of the outcomes where there is not a criminal prosecution. That includes the outcome of any disciplinary process.

The employer should also keep the person who is the subject of the allegation informed of the progress of the case, and arrange to provide appropriate support while the case is on-going. If the person is suspended, the employer should also make arrangements to keep the individual informed about developments in the workplace.

Confidentiality

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated and considered. It can be helpful to have a planned media response (e.g. an agreed press release) in case of a breach in confidentiality.

Resignations and 'compromise agreements'

The fact that a person tenders his/her resignation, or ceases to provide their services, must not prevent an allegation being followed up. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including those where the person concerned refuses to co-operate with the process.

'Compromise agreements' - whereby a person agrees to resign, the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference - must not be used in these cases.

Record keeping

It is important that employers keep a clear and comprehensive summary of:

- any allegations made
- details of how allegations were followed up and resolved

- any action taken
- decisions reached.

These details should be kept in a person's confidential personnel file and a copy should be given to the individual. Such information should be retained on file, including people who leave the organisation, at least until the person reaches normal retirement age, or for 10 years if that is longer.

Learning lessons

If an allegation is substantiated, the managers or commissioners of the relevant service should think about the lessons of the case and how they should be acted on. This should include whether there are features of the organisation that may have contributed to, or failed to prevent, abuse occurring. Organisations should review their recruitment policies and the measures they have in place to ensure on-going vigilance. In some cases a case review may be appropriate - this is where the case is reviewed by all agencies involved - to consider whether there are any lessons to be learnt and actions to be taken that should be shared more widely, so as to improve safeguarding practice.

References

Guidance

Department for Education (2016) [Keeping children safe in education: statutory guidance for schools and colleges \(PDF\)](#). [London]: Department for Education.

Department of Health (2016) [Co-operating to safeguard children and young people in Northern Ireland](#). [Belfast]: Department of Health.

Disclosure Scotland: [The PVG scheme: guidance: information for organisations](#). See 6.1: referral grounds.

Gov.uk: [DBS checks: guidance for employers](#).

HM Government (2015) [Working together to safeguard children: a guide to inter-agency working to safeguard and promote the welfare of children \(PDF\)](#). [London]: Department for Education.

Scottish Government (2014) [National guidance for child protection in Scotland 2014 \(PDF\)](#). Edinburgh: Scottish Government.

Social Services Improvement Agency (2008) [All Wales child protection procedures](#). [Cardiff]: All Wales Unit.

Legislation

[Protection of Freedoms Act 2012](#). Norwich: The Stationery Office (TSO).

[Protection of Vulnerable Groups \(Scotland\) Act 2007](#). Edinburgh: The Stationery Office (TSO).

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