



**London Borough
of Hounslow**

**ALLEGATIONS AGAINST STAFF AND
VOLUNTEERS WHO WORK WITH CHILDREN**

**LOCAL PROTOCOL FOR FELTHAM YOUTH
OFFENDERS INSTITUTE**



1. Introduction

The London Borough of Hounslow is committed to working in partnership with the Feltham Youth Offenders Institute to ensure the safety and welfare of young people who are admitted to the institute.

Despite all efforts to recruit safely there will be occasions when allegations are made of abuse by staff or volunteers against children.

All organisations which have employees or volunteers working with children should therefore have clear and accessible policies and procedures, consistent with London Child Protection Procedures, which explain what should happen when allegations about the behaviour of a member of staff or volunteer are raised.

2. Definitions

2.1 Definitions for the purposes of this protocol:

All references in this document to 'members of staff' and 'employment' should be interpreted as meaning all paid or unpaid staff and volunteers. The employer in this instance will usually be Feltham YOI or other employers (see examples below) who also work within the establishment:

Prospects - Education provider
NHS England– staff based on site or visiting the site
Voluntary/Charitable Organisations, including Advocacy Services, Faith Groups
Probation Service
Local Authorities
Managers of service providers contracted to work on site

This document uses the abbreviation LADO (local authority designated officer) throughout, to refer to the specific role of the designated officer employed by the local authority to manage and have oversight of allegations across the children's workforce. This term is used in order to distinguish between safeguarding leads in health and education who can also be referred to as 'designated' leads.

2.2 The protocol should be applied when there is an allegation 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 may pose a risk of harm to children.

Allegations can be made in relation to physical chastisement and restraint but can also relate to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual 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 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.



In addition, this protocol should be applied when there is an allegation that any person who works with children:

- Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon;
- As a parent or carer, has become subject to child protection procedures;
- Is closely associated with someone in their personal lives (e.g. partner, member of the family or other household member) who may present a risk of harm to child/ren for whom the member of staff is responsible in their employment/volunteering.

The procedures for dealing with allegations need to be applied with common sense and judgement.

Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services.

In these cases, employers should follow their safeguarding and other relevant procedures to resolve cases without delay.

2.3 Relevant Statutory Guidance to be used in conjunction with this local protocol:

London Child Protection Procedures: 5th Edition, 2017

Working Together to Safeguard Children 2018: Statutory guidance on inter-agency working to safeguard and promote the welfare of children. Available at: GOV.UK - Working together to safeguard children

Detailed guidance can be found for schools and all educational establishments in **Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges** (September 2018).

Guidance about the use of physical restraint in schools for governing bodies, headteachers and school staff. Available at: GOV.UK - **Use of reasonable force in schools**

Guidance regarding making a referral to the Disclosure and Barring Service (DBS) website is available at: GOV.UK - **Making barring referrals to the DBS**

Guidance regarding the legal duty to refer and power to refer to the DBS is available at: GOV.UK - **DBS barring referral guidance**



3. Referral Process

3.1 Local Contacts:

- **Head of Safeguarding (HoS), Feltham YOI:**

Sharon Pearce
Tel: **0208 844 5095**
Email: sharon.pearce@hmpps.gsi.gov.uk

- **Child Protection Coordinator (CPC), Feltham YOI**

Lauren Vallas
Tel: **0208 844 5494**
Email: lauren.vallas@hmpps.gsi.gov.uk

- **Police**

Contact via the Referrals Team Manager based in the Feltham Child Abuse Investigation Team (CAIT):
Tel: **0208 247 6601** or **0208 583 6359**

- **Interim Safeguarding Adviser covering LADO duties (London Borough of Hounslow, LBH)**

Matilde Enriquez
Tel: **0208 583 2565**
Email: matilde.enriquez@hounslow.gov.uk

- **SAAM Duty Team, LBH:**

New referrals to the LADO should be made through the Safeguarding Advice and Allegations Management (SAAM) duty system:

Tel: **0208 583 5730**
Email: lado@hounslow.gov.uk
Email: lado@hounslow.gov.uk for referrals and LADO advice

- **Interim Safeguarding and Quality Assurance Manager**

Line Manager for Safeguarding Advisor

Petra Kitchman
Tel: 0208 583 6054
Mobile: 07976 702103
Email petra.kitchman@hounslow.gov.uk

- **Review & Quality Assurance Manager**

Paul Andrews
Line Manager for Independent Reviewing Officers
Tel. 020 8583 3090
Email: paul.andrews@hounslow.gov.uk



- **Head of Safeguarding & Quality Assurance:**

Lara Wood
Tel: 0208 583 3059
Email: lara.wood@hounslow.gov.uk

- **LBH Child Protection frontline staff and Police:**

Contact with Children's Services social work staff should normally be via reception but professional staff may ask to speak directly to the Duty Manager if they wish to discuss a referral with a manager.
Tel: **020 8583 3544**

Contact with police should be via the Referrals Team Manager based in the Feltham Child Abuse Investigation Team (CAIT):
Tel: 0208 247 6601 or 0208 583 6359

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Tel: **020 8583 3544**

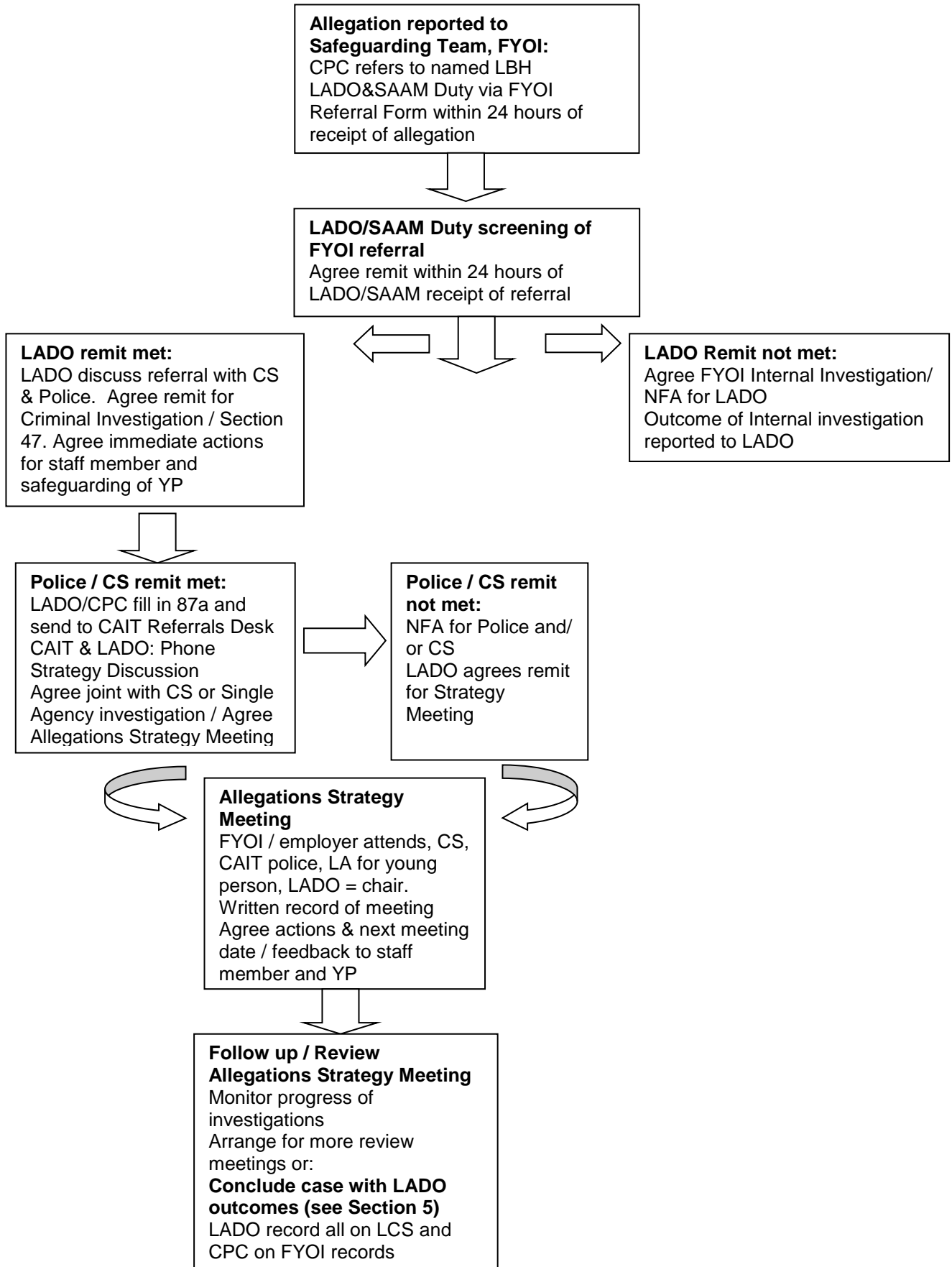
- **Emergency Duty Team:**

Out of normal office hours contact should be made with the Emergency Duty Team service but only if it is a matter of considerable urgency which cannot be delayed until the next working day.
Tel: **020 8583 2222**



3.1 Flow chart:

LADO REFERRALS FOR ALLEGATIONS AGAINST STAFF AND VOLUNTEERS, FELTHAM YOI





3.2 Referral Process for Feltham YOI

- 3.2.1 The key steps in dealing with allegations against staff are set out in **London Child Protection Procedures 2017 and Keeping Children Safe in Education 2016**
- 3.2.2 Reporting systems within Feltham YOI should converge, so that whether an allegation is made by a young person to a member of staff / to a visitor / to any other professional / volunteer working within the FYOI / directly to an external agency (e.g. the police or YOT worker), the allegation should still be immediately reported to FYOI CPC or HoS (or in their absence the Duty Governor). Failure to report an allegation against a staff member could result in disciplinary matters.
- 3.2.3 Referrals to the LADO / SAAM Duty service will be made by the FYOI CPC / HoS or the relevant employer (such as the Education Provider) once they are aware that an allegation has been made. Referrals to the LADO should be completed within 24 hours of FYOI receiving the allegation. Referral forms are sent via email to the secure email addresses for the LADO and SAAM Duty. In cases where it is another employer within the establishment the CPC would need to be copied in to all LADO referrals sent by the other employer to the LADO/SAAM Duty email address. This is to ensure an accurate record of all allegations are received via Feltham YOI.
- 3.2.4 When the referral form is received the LADO / SAAM Duty officer and CPC will consider whether further details are needed to inform LADO decision-making. There will also be a consideration if the information received meets remit for further LADO involvement or if the matter could be dealt with via an internal investigation process at FYOI. If the latter is agreed the LADO will no longer be involved and will record recommendations and outcomes on the LADO database.
- 3.2.5 Should LADO remit be met the LADO will liaise with Children Services (Intake Team West Team Manager or relevant link person for this team) and with Police (Feltham CAIT Referrals Desk) to agree their involvement and any urgent actions regarding the staff member against whom the allegation has been made or immediate safeguarding measures for the Young Person who made the allegation. An 87a form needs to be completed by either the LADO or CPC to ensure formal recording of police referrals and discussions.
- 3.2.6 The LADO will agree a date for an Allegations Strategy Meeting which will include Police (if they are involved), Children Services (if involved), CPC or HoS from FYOI or any other FYOI employer (such as Education Providers) and the LA for the young person. In situations where the allegation is against a health professional, the designated or named nurse for safeguarding [Clinical Commissioning Group/CCG] should be invited.
- 3.2.7 The LADO will chair the Allegations Strategy meeting where the following information will be discussed:
- Consider whether any parallel disciplinary process can take place and agree protocols for sharing information;
 - Consider the current allegation in the context of any previous allegations or concerns;
 - Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children (e.g. <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>);
 - Consider whether a complex abuse investigation is applicable (see Organised and Complex Abuse Procedure);
 - Plan enquiries if needed, allocate tasks and set timescales;
 - Decide what information can be shared, with whom and when. Ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed;



- Consider what support should be provided to all children who may be affected;
- Consider what support should be provided to the member of staff and others who may be affected and how they will be kept up to date with the progress of the investigation;
- Ensure that investigations are sufficiently independent;
- Make recommendations where appropriate regarding suspension, or alternatives to suspension;
- Identify a lead contact manager within each agency;
- Agree protocols for reviewing investigations and monitoring progress by the LADO, having regard to the target timescales;
- Consider issues for the attention of senior management (e.g. media interest, resource implications);
- Consider reports for consideration of barring where applicable;
- Consider risk assessments to inform the employer's safeguarding arrangements;
- Agree dates for future meetings / discussions.

3.2.8 A final strategy meeting /discussion should be held to ensure that all tasks have been completed, including any referrals to the DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learned.

3.2.9 In cases where it was concluded by the LADO that a Lessons Learned Review is required the LADO, CPC and Feltham YOI HoS will agree recommendations from the review and record this on the Allegation Strategy Meeting Minutes of the final strategy meeting. Any serious issues found during investigations or a Lessons Learned review will be escalated by the LADO and Feltham YOI HoS as required per HSCB escalation processes.

3.2.10 The LADO and CPC will agree when a Risk Assessment is required for those members of staff in Feltham YOI where there are repeat allegations / a pattern of allegation concerns or general safeguarding concerns around their practice. This Risk Assessment is completed by the CPC at Feltham YOI and involves the staff member in the process. The Risk Assessment is reviewed at intervals as agreed with managers and the staff member. A Risk Assessment concludes providing that recommendations from the assessment has been successfully implemented by management and the staff member which had the result of the risk level reducing. If no improvement in practice is seen following a Risk Assessment the CPC will alert the HoS and a decision will be made for remit to refer to Human Resources.

3.2.11 If an allegation arises about a member of staff in their personal life, outside of their work with children, and this may present a risk of harm/risk of harm to child/ren for whom the member of staff is responsible through their employment/volunteering, a meeting / discussion with the LADO / SAAM Duty should be convened.

3.2.12 If the member of staff lives in a different authority area to that of Feltham YOI, liaison should take place between the relevant agencies in both areas and a joint meeting / discussion convened as agreed with the LADO/SAAM Duty team.

3.2.13 In some cases, an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family or other household member) may present a risk of harm to child/ren for whom the member of staff is responsible through their employment/volunteering. In these circumstances, a meeting / discussion should be convened with the LADO / SAAM Duty to consider:

- The ability and/or willingness of the member of staff to adequately protect the child/ren;
- Whether measures need to be put in place to ensure their protection;
- Whether the role of the member of staff is compromised.



4. Timescales for and monitoring of investigations

4.1 It is in everyone's interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay.

4.2 The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases.

4.3 Target timescales are shown below:

- For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week;
- Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for Feltham YOI to deal with it, although if there are concerns about child protection, Feltham YOI should discuss them with the LADO.
- If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days

4.4 It is expected that:

- 80 per cent of allegation cases should be resolved within one month;
- 90 per cent should be resolved within three months;
- All but the most exceptional cases should be completed within 12 months.

4.5 The LADO should monitor and record the progress of each case along with the CPC from Feltham YOI.

4.6 The LADO should keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. The records will also assist the HSCB (Hounslow Safeguarding Children's Board) to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the Department for Education (DfE) as required.

4.7 The CPC / HoS will ensure that Feltham YOI records are robust and comprehensive. Regular reviews via the Quality Assurance process (see Section 6) will occur.

4.8 If a police investigation is to be conducted, the police should set a date for reviewing its progress and consulting the Crown Prosecution Service (CPS) about continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than four weeks after the strategy meeting / LADO discussion. Dates for further reviews should also be agreed, either fortnightly or monthly depending on the complexity of the investigation.

5. Outcomes of investigations

5.1 The following definitions should be used when determining the outcome of allegations against staff investigations:

- **Substantiated allegations**

(There is sufficient evidence to prove the allegation that a child has been harmed or there is a risk of harm. If the facts of the incident are found to be true but it is not found that a child has been harmed or



there is a risk of harm, then consideration should be given to deciding that the outcome is 'unsubstantiated' or 'unfounded')

- **Malicious**

(There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive. The police should be asked to consider what action may be appropriate in these circumstances.)

- **False allegations**

(There is sufficient evidence to disprove the allegation, however, there is no evidence to suggest that there was a deliberate intention to deceive. False allegations may be an indicator of abuse elsewhere which requires further exploration.)

- **Unsubstantiated allegations**

(There is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.)

- **Unfounded**

(The additional definition of 'unfounded' can be used to reflect cases where there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.)

5.2 References in cases where the allegation is false, unsubstantiated or malicious:

- Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references.
- A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.

5.3 Record keeping in relation to the outcome of an investigation:

- Details of allegations that are found to have been malicious should be removed from personnel records.
- However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.
- The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.
- The record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.
- The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.



6. Quality Assurance processes for Feltham YOI

The London Borough of Hounslow Local Authority is dedicated to ensure good oversight and quality assurance of all referrals received from the Feltham YOI.

Referrals that are progressed to a Section 47 (Child Protection) investigation with Intake Team West will be subject to regular supervision and management oversight as per Hounslow's Supervision Policy.

Further to this the following quality assurance processes are taking place at Feltham YOI to ensure regular discussion and scrutiny of LADO and other safeguarding referrals:

- **Lessons Learned Reviews for Allegations Against Staff**

See Section 3, paragraph 3.2.9

- **Staff Risk Assessments**

See Section 3, paragraph 3.2.10

- **Safeguarding and safer custody committee monthly meeting**

The purpose of this meeting is to analyse data provided by the Feltham YOI in relation to Child Protection concerns, Self-harm incidents and Use of Force cases. This meeting is attended by the Social Workers based at the Feltham YOI, the Youth Custody Service, Samaritans, the Independent Monitoring Board (IMB) and Barnardo's in order to ensure multi-agency oversight and scrutiny.

- **Child Protection committee meeting**

The purpose of this meeting is to review all child protection files and ensure that appropriate action was taken prior to closing the file. This meeting is attended by Social Workers based at Feltham YOI, FYOI Head of Safeguarding, FYOI Child Protection Coordinator, The Youth Custody Service and the Governor.

- **MMPR (Minimisation and managing physical restraint) weekly meeting**

The weekly meeting is in line with a three-tier approach, identified as an effective model for reviewing incidents and identifying establishment-wide themes:

Tier 1 Local MMPR co-ordinators – review all incidents in the first instance;

Tier 2 A weekly internal meeting – review up to 100% incidents, and review the co-ordinators' assessment of incidents and identification of learning points; and

Tier 3 A quarterly meeting – attended by external members to review a selection of 'high-level' incidents, receive updates on internal investigations conducted by the establishment in response to child protection referrals, and provide advice to establishments to support their delivery of recommendations made by investigations conducted by other investigatory bodies (e.g. PPO reports)

- **Feltham YOI Sub-group**

- The Feltham YOI Sub-Group meeting quarterly and is a forum, which considers if the safeguarding aspects of children placed at the FYOI are appropriately met and the effective multi-agency work to promote the welfare and safeguarding of these children in addition to providing additional oversight and scrutiny regarding Feltham YOI practices.



- The Sub-Group is chaired by the Head of Youth Offending and attended by the Local Authority's Head of Safeguarding & Quality Assurance, Local Authority Designated Officer, the Head of Safeguarding at the Feltham YOI, the CCG's Designated Nurse for Safeguarding Children, the borough police, DCI of the police Child Abuse Investigation Team and HSCB Business Manager. Heads of Service from departments at FYOI who do not form part of the core membership are invited on a rotation basis throughout the year to provide service updates.

- **HCSB Quality Assurance and Monitoring**

- Additional quality assurance work is carried out by HCSB by way of thematic audits in the establishment involving direct consultation with young people as well as quarterly data collection and analysis as required in line with HSCB's statutory scrutiny function.
- FYOI provide an annual report outlining the arrangements and management of the use of Control and Restraint for scrutiny by the HSCB before submission to the Youth Custody Service.
- The HSCB reports on the work of the sub-group and the broader effectiveness of the safeguarding system in FYOI and commenting on the progress made in inspection recommendations and independent assurance programme each year through its annual report.