Gloucestershire County Council

Children’s Safeguarding and Care

**Practice Direction:**

**Meaning and use of the terms “disclosure” and “allegation”**

Practice Directions are supported by:

* Working Together 2018
* Professional Social Work Standards
* South West Child Protection Procedures
* Gloucestershire Children’s Services Practice Standards and Quality Assurance Framework

Objective: Practice Directions are intended to provide clarity about any change of expectations in practice OR clarity on elements of practice where there is confusion. Practice Directions are intended for social work practitioners and managers and provide an auditable trail from which any changed practice expectations can be measured.

Practice Change 1:

*We need to understand the difference between a disclosure and an allegation. We must not use the word disclosure in records, reports and court documents to refer to something that is unsubstantiated. Instead, we need to use less ambiguous language, for example “the child shared” or “the child said” or “told’’*.

This practice direction arises from a Bristol Family Court judgment regarding care proceedings for four siblings in Gloucestershire and results from a direct request from the Judge to alert managers and practitioners to the findings made[[1]](#footnote-1).

The Judge highlighted **the difference in meaning and use of the term “disclosure” and “allegation”**, specifically commenting on the need for a clear distinction between a disclosure when a child’s reported experience is known to be true and the child is believed completely and taking the child seriously when allegations are made.

The “uncritical acceptance and reliance” of the local authority on what was an unproven allegation made by the children and termed a “disclosure” by the independent social worker was criticised in the judgment. It is an important, and significant feature in the learning from this case highlighted by the Judge that greater attention be paid to the use and implications of the two words.

The implication of the use of the word “disclosure” in recording the views and experiences relayed in formal or informal discussions with children can imply that these statements are ‘*revelations of the truth’* and in consequence not considered with sufficient curiosity or rigour to reliably inform decision-making. This can then reinforce unsubstantiated and sometimes inaccurate conclusions drawn from what becomes misconstrued as fact, no matter how likely, in turn having implications in court and for the child’s relationships and understanding of their life-story.

In the judgment the learning and guidance arising from both the Cleveland and Orkney child abuse enquiries in the late 1980’s and early 1990’s was referenced. Within these there is an emphasis on key factors that need to inform how we approach the distinction between an *allegation* and a *disclosure*:

*“to take the allegation seriously does mean not mean that it is necessarily to be believed…it still needs to be scrutinised, assessed and evaluated.”*

Whilst use of the word “disclosure” in relaying and assessing the views and experiences of a child may indicate a genuine intent to engage with, respect and listen to the child, it risks avoiding the necessary analysis, hypothesising and critical thinking necessary to understand and inform the conclusions of any assessment and subsequent plans. Whereas use of the word “allegation” implies a caution about whether something happened or not and conveys the responsibility to try to establish what happened. This is a key feature of our **Essentials programme** and the use of the **Anchor Principles for assessment.**

**Do we need to use this language at all in our recording?**

The non-statutory learning review undertaken by the Gloucestershire Safeguarding Partnership following the judgment identified the use of the term “disclosure” when, according to the above definitions, “allegation” is meant, to be a common feature across partnership and national policy documents.

The learning review established that we will follow our principles to use ‘language that cares’, that is to say that we will use plain English and reduce the professional discourse of power by using of a simpler description of what has been said by describing it as such, for example, “the child shared” or “the child said” or “told me”, remaining curious, checking whether this is the first time that information has been shared and taking whatever appropriate action is necessary about what has been said, for example to move to a strategy discussion and section 47 enquiries or single assessment.

**Further reading**

Articles considering the use of the term “disclosure” and allegation in social work recording:

<https://www.childprotectionprofessionals.org.uk/our-language-matters-why-we-should-stop-using-the-term-disclosure-in-child-protection/>

[Social Work News (mysocialworknews.com)](https://www.mysocialworknews.com/article/do-you-know-the-difference-between-a-disclosure-and-an-allegation?fbclid=IwAR10xOH0WjsS5jtbFt2f09zob8aFhmZ2_XlicOqe62ExvFdJUZ_UCx24oC4)

**Additionally**

In this case, the mother died and for a period, the father was suspected of murdering the mother. This was subsequently proved not to be the case; however, the Judge highlighted the judgment of Mrs Justice Hogg in Re A&B (2010) EWHC 3824 intended to inform and direct national practice when there is an allegation that one parent has killed another parent.

The specific part of Mrs Justice Hogg’s ruling that the Judge highlighted related to the need to ensure the specialist therapeutic help that the children involved may need was put in place. You can read the ruling and a summary of it by following these links:

[Family Law Week: In the Matter of A and B [2010] EWHC 3824](https://www.familylawweek.co.uk/site.aspx?i=ed82614)

[A and B, Re (Guidance) [2010] EWHC 3824 (Fam) (07 September 2010) (bailii.org)](https://www.bailii.org/ew/cases/EWHC/Fam/2010/3824.html)

**To support practitioners in implementing this practice direction**

A learning lunch will be organised to disseminate findings from the non-statutory learning review undertaken by the Gloucestershire Safeguarding Partnership and explore its themes in relation to current practice. Practitioners and managers are asked to hold in mind the difference between “allegation” and “disclosure” in recording, to be particularly careful in any statements or assessments that will be put before the court and, in day-to-day recording, to consider using alternatives such as “said” or “told” to describe what has been said to you.

Process:

* Children’s Leadership Team will consider and approve Practice Directions.
* Practice Directions will be entered onto Tri-X.

Quality Assurance of practice change:

Compliance with this Practice Direction will be monitored through audit, performance indicators and other activity such as practice weeks.

Service Areas / roles applicable:

This practice direction applies to all service areas and is particularly important for children’s assessment, safeguarding and permanence teams.

Date of Change: 05-Nov-2022

1. A multiagency learning review regarding the children in this case took place at the end of October 2022 and relevant authorities have been informed of the judgment. [↑](#footnote-ref-1)