

# Managing Allegations and Concerns about Employees or Volunteers

## Policy, procedure and guidance

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<b>This document contains:</b>
<b>Policy</b> Broad statements that <u>MUST</u> be followed
<b>Procedure</b> Step by step instructions that <u>MUST</u> be followed
<b>Guidance</b> Recommended practice that <u>SHOULD</u> be followed

## 1. About this policy

This document describes The Children's Society (TCS) policy and procedure for the management of allegations or concerns about **TCS employees and volunteers**. This policy does not detail safeguarding processes TCS employees and volunteers should follow if they are concerned about harm that may come to a child, young person or adult at risk. If employees or volunteers have such concerns, please also refer to the separate **Safeguarding children, young people and adults at risk of abuse policy**, available on the intranet.

All organisations and agencies working both with children and families and adults at risk are required to have clear policies for dealing with allegations against people who work or volunteer directly with or in the immediate environment of children, young people and adults at risk. We consider all our employees and volunteers (including our Trustees) to be people in 'positions of trust'.<sup>1</sup> As such, TCS expects all employees and volunteers to safeguard and promote the welfare of all our beneficiaries, at all times. For the purposes of this policy, beneficiaries also include patrons of our retail stores.

This document provides information and guidance for instances in which an employee, including former employees, or volunteer has, or may have, behaved in a way that does not fully safeguard and protect the welfare of children, young people and adults at risk.

**While there is a clear distinction between (i) an allegation, (ii) a concern and (iii) a complaint about the behaviour, or quality of care or practice, of a TCS employee or volunteer,<sup>2</sup> all three may be relevant in the context of Managing Allegations and if so, will require this policy to be followed:**

(i) An **allegation** is a claim or belief that a TCS employee or volunteer may have:

- behaved in a way that has harmed, or may have harmed, a child, young person or adult at risk
- possibly committed a criminal offence against or related to a child, young person or adult at risk
- behaved towards a child, young person or adult at risk in a way that indicates they may pose a future risk of harm to them<sup>3</sup>
- Exploited an adult at risk, for example, financially, through employment.

(ii) A **concern** about an employee or volunteer may result from an observation or report about an individual's practice, that raises questions about the quality of their work or volunteering with children, young people or adults at risk. All concerns require exploration in order to properly safeguard children, young people and adults at risk.

(iii) A **complaint** about an employee or volunteer working with children, young people

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<sup>1</sup> 'Position of trust' is defined in the Sexual Offences Act 2013 <http://www.legislation.gov.uk/ukpga/2003/42/part/1/crossheading/abuse-of-position-of-trust>

<sup>2</sup> Working Together to Safeguard Children HM Government 2018

<sup>3</sup> The first three bullet points are from Working Together 2018 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779401/Working\\_Together\\_to\\_Safeguard-Children.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard-Children.pdf)

or adults at risk may arise via TCS's complaints process. Following an initial Stage 1 investigation (in accordance with TCS's complaints policy and process), the complaint may raise an allegation or concern about potentially harmful behaviour towards a child, young person or adult at risk. Whenever this occurs, the Managing Allegations policy will then take precedence, thereby suspending the complaints process.

**In all of these circumstances, this policy must be applied. All TCS employees and volunteers must work closely together to create an environment where children, young people and adults at risk are properly safeguarded.**

This policy, as it applies to employees, links with the TCS policies and related procedures listed below. Where specific policies interface, this is explained within this document:

- Safeguarding children, young people and adults at risk policy
- Historical Abuse policy
- Safer Recruitment policy
- Managing Investigations at Work
- Supervision
- Complaints
- Disciplinary
- Whistleblowing.

This policy, as it applies to volunteers, links to the Volunteering Handbook.

#### **Definitions:**

**Child or young person:** Anyone who has not yet reached their 18th birthday.

**Adult at risk:** A person aged 18 or above who is unable to look after their own well-being, property, rights or other interests, and is at risk of harm (either from another person's behaviour or their own behaviour). An adult at risk is more vulnerable to being harmed than other adults.

The term 'adult at risk' applies to any person 18 years or over who has needs for care and support (whether or not the local authority is meeting those needs) and,

- Is experiencing, or is at risk of, abuse or neglect (including exploitation),
- And as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

An adult at risk of abuse or neglect may:

- have an illness affecting their mental or physical health
- have a learning disability
- suffer from drug or alcohol problems
- be frail

**Employees:** Anyone employed by The Children's Society, including agency employees and those on secondment or placement (including internships both paid and voluntary).

**Volunteers:** Anyone volunteering for The Children's Society, regardless of their role, including trustees.

**Designated Officer or Adult Safeguarding Manager:** the person or people within the children's or adult's department within a local authority who is/are responsible for management and oversight of allegations against people working with children, young people or adults at risk within the relevant local authority area. Please note the title of the person responsible may be different in any given local authority however the remit remains the same.

## 2. Principles

1. The Children's Society is committed to, and has a duty to, safeguard and promote the welfare of the children, young people and adults at risk who use our services or with whom we come into contact. We will always take concerns and allegations about employees and volunteers seriously, and by following this policy and procedure, will place the protection and welfare needs of children, young people and adults at risk first.
2. We are committed to building and embedding a culture that places transparency and sound safeguarding practice at the centre of all our activity, from the services we deliver to our retail shops and our partnership work with supporters and stakeholders.
3. We continually strive to strengthen our ways of working to ensure we all feel safe to raise any concerns and are fully supported if this occurs. We will maintain ongoing vigilance on matters of safeguarding; looking out for signs of potentially harmful behaviour or practice, and act on any concerns we have, in order to protect children, young people and adults at risk.
4. The Children's Society will always inform the police and the relevant local authority Designated Officer (children) or Designated Adult Safeguarding Manager (adults) if information is received that indicates that a criminal offence may have been committed against a child, young person or adult at risk. Following this, we will work with, and inform, the police and local authority as required. Details regarding working with police and the local authority can be found in the Procedures section below.
5. TCS employees and volunteers will work together to undertake processes related to Managing Allegations:
  - The safeguarding team will have full oversight of any allegations against employees or volunteers who work with children, young people or adults at risk.
  - The Volunteering team will be involved in all processes relating to volunteers who are the subject of allegations or concerns.
  - HR will be involved in all processes related to employees who are the subject of allegations or concerns.
  - If any volunteer (including Trustees) has a concern or allegation about an employee or fellow volunteer, this must be reported to a TCS employee (the Line Manager or Volunteering Team) in the first instance.

6. TCS staff involved in the investigation and management of an allegation or concern will ensure the subject of the concern or allegation (be they an employee or volunteer) are treated with respect and fairness throughout the process. The procedures in this document indicate when, and how, subjects are to be informed and the support that may be offered to them.
7. Principles guiding the investigation process: fairness, transparency, the need to establish facts, a logical central rationale, confidentiality, clear and specified investigation process, documented throughout. These principles must guide the process whether the subject of the allegation is an employee or volunteer. More information is available in the HR Managing Investigations at Work policy (for employee subjects) and in the Volunteer Manager's Handbook (for volunteer subjects).
8. There will be circumstances when this policy and its procedures may be used concurrently with other policies such as Safeguarding children, young people and adults at risk, Disciplinary, Whistleblowing, Complaints and Conducting Investigations at Work, in addition to procedures within the Volunteering Handbook and the Volunteering Managers Handbook.
9. Wherever required, the safeguarding process (as specified in our Safeguarding children, young people and adults at risk policy) will always take precedence and other processes may be suspended or run concurrently whilst safeguarding processes are completed. Wherever relevant, the Managing Allegations policy and process must be followed
10. The Children's Society recognises that children, young people, adults at risk, and staff and volunteers with disabilities or additional needs may require reasonable adjustments to this procedure in accordance with The Equality Act 2010. In such cases, the relevant line manager will make these adjustments in consultation and agreement with the safeguarding team, the Director of CYP, the volunteering team and HR as applicable.
11. We recognise that there can be heightened anxiety for everyone involved in Managing Allegations. TCS employees working on an allegation process must work together to support each other, to collectively ensure the policy is being followed and that findings are grounded in facts and evidence. This policy and procedure is designed to help contain the anxiety related to managing allegations by providing guiding principles and clear, step-by-step procedures.
12. We recognise that many of our volunteers across our services and our retail stores may be vulnerable, with some of their needs potentially hidden. When a TCS volunteer either shares a concern or allegation, or becomes the subject of one, we will assess their support needs throughout the process and take suitable action to address these.

## 3. Procedures

**An employee or volunteer who has been made aware of a concern or allegation must take the following required steps, in order, as soon as possible:**

- A. Report the concern to your line manager (or another manager if necessary), who will then:
- B. Contact the safeguarding team by telephone
- C. Make a record of what has been witnessed, reported and discussed
- D. With the safeguarding team, convene a planning group meeting/phone conference
- E. Under guidance of safeguarding team, notify police and local authority as required
- F. Notify other TCS colleagues as required.

These steps are described in detail below.

### Our response

#### 1. Actions immediately after a concern or allegation has been raised

##### A. Report the concern to your line manager.

Employees and volunteers should report their concern or allegation to their immediate line manager as soon as it comes to light. All known factual information relevant to the concern or allegation should be shared. Where the line manager is not quickly available, report the concern or allegation directly to the Safeguarding Team. The line manager (or Safeguarding Team) will then take the matter forward.

If the line manager cannot be contacted quickly, or if the line manager is the subject of the allegation, the next line manager should be contacted.

If the concern or allegation arises outside of working hours an employee (wherever possible) must contact the manager who is providing out of hours support for that service. If this is not possible, employees (wherever possible) must use the emergency safeguarding out of hours contact number (020 3284 8687) to report the concern or allegation to the senior manager on duty.

Where an employee is unavailable to make this call, volunteers should contact the emergency safeguarding out of hours contact number (020 3284 8687).

If the concern is in regard to the Executive Director of CYP, it should be reported to the Chief Executive Officer. If the concern relates to the Chief Executive Officer, it should be reported to

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the Chair of Trustees. If the concern is about a Trustee it should be reported to the Safeguarding Team and the Chief Executive Officer.

**Note: When a concern or allegation is reported to a line manager, the line manager should not discuss the matter with the subject of the concern or allegation until this has been agreed by the planning group overseeing the process, in conjunction with relevant senior staff.**

The line manager should take the following steps **on the same working day**:

**B. Contact the Safeguarding Team (if this has not already occurred) to discuss the matter at the earliest opportunity.**

During this conversation, any need for the matter to be reported to the police and/or a local authority will be established. See section E below for further information on reporting to the police and local authority.

If there is any evidence that an offence against a child, young person or adult at risk may have been committed, this information must be reported to the police **on the same day** the information comes to light. The Safeguarding Team will provide guidance on this. In the event that a planning meeting or phone call cannot be arranged on the same day evidence comes to light, **reporting to the police must not be delayed.**

Where there are concerns relating to an employee or volunteer working outside CYPD, the safeguarding team will provide direct support to staff where the police or local authority are to be contacted. Within the CYPD, the safeguarding team will provide support for CYPD employees and managers to take this action.

**C. Ensure that a record is taken, including what has been witnessed, reported and discussed.** This includes any known facts, relevant files/information seen or behaviours witnessed. This record must be shared with the Safeguarding Team, and the central volunteering team or HR as relevant. The Safeguarding Team will be responsible for keeping a record of all documents and correspondence in relation to the concern or allegation within the Safeguarding Team case recording system.

**D. Convene an initial planning meeting/teleconference**

**This conference must take place as quickly as possible after concerns or allegations become known.** This should occur for all concerns and allegations.

Representatives from HR (where a staff member is the subject of concern or allegation), the safeguarding team, appropriate line management and volunteering management (where required) should take part in the teleconference. See further details on the planning meeting agenda and process below.

If the line manager who has taken action thus far is not the subject of the allegation's line manager, that person should be contacted to take part in the planning group. The group can then agree which manager will take the matter forward.

**Note: It is important that the concern or allegation is not shared with the subject of the concern or allegation (employee or volunteer) before the planning meeting occurs.**

Sharing information at this stage could compromise any subsequent police or internal investigation. This precaution is to guard against the potential for a volunteer or employee to destroy/delete records held on devices or make contact with the child, young person or adult at risk in an attempt to coerce or influence them.

The agenda for the initial planning meeting convened under these procedures must include:

- i. The safety and welfare of any child, young person or adult at risk known to be affected by the concern or allegation and any actions required to mitigate any identified risks. Note: Where there are immediate concerns for safety, any required actions needed to safeguard a child, young person or adult at risk should not be delayed whilst awaiting for an initial planning meeting to be convened.
- ii. Support required for any child, young person or adult at risk known to be affected by the concern or allegation
- iii. Support for the person making the allegation (see guidance section of this document for more information)
- iv. A risk assessment regarding the potential for ongoing harm by the subject. This discussion must evaluate, based on information available, the risk of ongoing harm by the subject of the allegation toward children, young people or adults at risk. Where relevant, risk to the general public and risk to The Children's Society's reputation must also be considered.

Where necessary, consideration must be given to the risks present within the employee or volunteer's immediate work environment at their next day at work or volunteering shift. A decision should be taken as to whether this should go ahead. This discussion must involve key relevant people, and consider HR, safeguarding and risk implications.

- v. Consideration of the need to suspend an employee *without prejudice*, pause volunteering duties or place a volunteer or employee on alternative duties.

Any such decision will be made following the analysis of risks and the potential for further or ongoing harm occurring. Any such suspension or pause of duties will be in accordance with TCS's Disciplinary Policy or Volunteer Management Policy. The relevant Director must be informed of, and sign off, this decision.

- vi. Where suspension or pause of duties is being considered, a plan for communicating with the employee or volunteer who is the subject of the allegation or concern must be created.

The planning group must consider the need to gather facts and evidence and secure all sources of information prior to notifying the subject. Informing the subject can only occur once relevant IT kit, phones and other possessions are secured from the subject, and relevant paper or digital files are locked.

This plan should include consideration of the needs and vulnerability of the employee or volunteer and signposting to suitable sources of support. All staff and volunteers can be offered support in the form of TCS's counselling line. Mental health first aider support will not be suitable in this context. See the guidance section of this document for more

information on support for the subject of a concern or allegation.

The planning group will discuss what is to be said to the volunteer or employee at this stage, and how it is to be said. The safeguarding team, alongside HR or Volunteering Team representatives, must take part in this discussion, and decision-making, as relevant. See the guidance section of this document for more information on conversations with the subject of a concern or allegation.

Prior to notifying the employee or volunteer, the planning group must also consider the potential for individuals who may have knowledge of the concern or allegation to be contacted by the subject (including service users). The group should consider the need to contact any potential witnesses and agree what will be said to them.

For employees, the relevant line manager (and, if required, their own line manager) and the HR Business Partner should then meet with the employee to discuss the suspension (as per the disciplinary policy). Where an in-person meeting cannot take place quickly, HR (where possible) will join the conversation via telephone.

For volunteers the discussion will be regarding pausing of duties or allocation of alternative duties and it will be conducted by the volunteer's manager and if deemed appropriate their line manager or another appropriate member of staff as agreed by the planning group.

The information to be covered in a conversation with the subject of the allegation must reflect consideration of the safeguarding risks present, the need to gather facts without risk of tampering or interference and the potential stress for an employee or volunteer whose duties have been paused or suspended. Consideration must be given to the vulnerability of the employee or volunteer on an individual basis.

- vii. Decision whether to undertake an initial fact-finding or an investigation process  
This decision will depend on the nature of the allegation or concern. If TCS receives information about an allegation from the police, a local authority, the Disclosure and Barring Service (DBS) or a professional body, an investigation process will automatically occur.

In all instances when the allegation is serious enough to warrant pausing or suspending duties, an investigation will occur. Where none of the above apply, in most circumstances, an initial fact-finding process will likely occur. Further information on both the fact-finding and investigation process is available in the Next Steps section below.

The Safeguarding Team will provide case-by-case guidance on how to carry out initial fact-finding in order to establish basic facts and, if required, how to secure evidence. HR and where required, the Volunteering Team will provide guidance on the investigation process.

- viii. Consideration of any potential media interest and impact on the wider organisation.  
If there is concern about any potential damage to the organisation's reputation, an area or regional manager should contact the Head of Media and PR, or in their absence the Director of Marketing and Communications.

- ix. Planning a consultation with the relevant local authority officer or manager and identifying who will contact them. See section E below.
- x. Reporting to external commissioners where required:  
The allegations, actions taken, and outcomes must be reported to external commissioners as part of the contractual obligations for delivering a service. Relevant senior managers will be responsible for overseeing this process.

## **E. Notify the police and the local authority (where required)**

- i. Notifying the police

With the guidance of the Safeguarding Team, determine whether a notification to the police is required. 'Concerns' (as defined above on page 1) will usually not be referred to the police. If there is any evidence that an offence against a child, young person or adult at risk *has or may have* been committed, **this information must be reported to the police on the same day** the information comes to light.

**TCS employees must not notify the subject of an allegation about police investigation as this may risk the tampering of evidence.**

Within the CYPD, liaison with the police will be undertaken by an area manager, or more senior staff member wherever required. For teams outside of the CYPD, liaison with the police will be undertaken by the Safeguarding Team.

**In such circumstances, communication with the employee or volunteer who is the subject of the allegation can occur only after all sources of evidence are secured by police.** The safeguarding team, together with HR or, where required, the volunteering team, will guide and support managers to inform the subjects of allegations in this circumstance. Further information on communication with the subject of a concern or allegation is contained in the procedures section and in the guidance section of this document.

All other internal TCS processes, such as fact-finding or investigations, disciplinary investigations or volunteer management processes are suspended, pending the outcome of police investigation. However, if a police investigation brings forward evidence of a criminal offence, TCS may conduct a parallel process to suspend a staff member or pause a volunteer's duties. Where required, HR or the central Volunteering Team will advise on this parallel process in more detail.

The Children's Society will fully cooperate with the police in any investigation. This may, for example, involve assisting the police to secure relevant IT kit, mobile phones, and records etc. or providing witness statements. Requests for access to data will be coordinated through the offices of the records/archive and data protection manager.

While a police investigation is underway, the planning group will, with local authority staff wherever required, discuss and agree the frequency and content of communications with the alleged and the subject.

The alleged should be informed that a police investigation is underway, and that information will be shared as it is known. The alleged should be offered further support and links to other

services wherever required. See the guidance section of this document for further information.

**The subject should not be informed that a police investigation is underway.** Communications with the subject during the police investigation must not alert the subject to the nature of the matter. See the guidance section for more information.

- ii. Reporting the allegation or concern to the local authority

Each local authority has a Designated Officer (previously known as the LADO) or Adult Safeguarding Manager who must be informed of all allegations (as defined on page 1) against individuals who work or volunteer with children, young people or adults at risk.

The relevant local authority Officer or Manager has responsibility for the management and oversight of allegations against people working with children, young people or adults at risk within the relevant local authority area. Note: the title of the person responsible (children or adults) may vary between local authorities however the remit will be consistent.

TCS employees must report all allegations to the Designated Officer or Manager in the local authority in which the employee or volunteer works or volunteers **on the same working day**. This should occur after the police, line manager and TCS safeguarding team are notified.

TCS representatives should attend any meetings convened by the Designated Officer (for a child these are often referred to as LADO or 'Position of Trust' meetings and 'adult safeguarding meeting' for an adult at risk). The Line Manager, and a member of the Safeguarding Team should attend.

Attendees should have the following information to provide to the meeting: the employee or volunteer's date of birth, home address, nature of their contact with children, young people or adults at risk in any other capacity, employment or volunteering history and information about their conduct while employed or volunteering with The Children's Society. Information about any professional bodies the subject is a member of will also be required. For employees, their national insurance number will also be required.

## **F. Notifying relevant TCS colleagues**

Where there may be a potential criminal charges and/ or the possibility of media interest, the area or regional manager will inform the following people:

- Director and/or Executive Director of the directorate within which the concern or allegation has arisen
- CYP Director for National Operations and Major Programmes
- Head of Media and PR and/or Director of Marketing and Communication.

Where there is any concerns regarding reputational or organizational risk the Director of the directorate within which the concern or allegation has arisen must notify the Chief Executive Officer.

## **2. Subsequent planning meetings**

Subsequent planning meetings or phone calls with all relevant representatives will take place on a regular basis as required (usually weekly), but not less than once a fortnight, to consider

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progress and actions regarding all items on the above agenda. At the start of each meeting, the status of the matter (i.e. whether it is a concern or an allegation) must be clarified as this will shape the actions and processes required. Meetings will recur until the matter is resolved and actions completed.

The group must consider what information, if any, to communicate with the subject of the allegations, and who will be responsible for communicating with the subject of the allegation (it should be noted that where possible consistency should be maintained) each time the planning meeting group convenes. Options regarding written and verbal communication should be discussed. Subjects should be notified in writing as to when they can next expect an update. In some cases, particularly concerning volunteers who may be vulnerable or have additional needs, it may not be useful to notify the subject in writing.

## **Next steps: internal TCS fact finding and investigations**

Where the information does not warrant notification to the police or the police decide to take no further action, TCS will undertake an internal process. TCS internal processes can follow two potential paths, with the choice usually being made at the initial planning meeting (or earlier, as soon as the most suitable route is clear):

- (i) Fact-finding: a short process to establish the key information and facts connected to the concern or allegation. The subject of the allegation or concern is not informed of the fact-finding process until it has concluded (or until a decision to progress to an investigation is made)
- (ii) Investigation: a longer and more in-depth process with a clear plan and defined procedure. The subject of the concern or allegation must be informed that an investigation is to begin at the outset of the process.

Note: A decision may be taken at any time during a fact-finding process to begin following an investigation process. This decision will depend on the nature of the information discovered through fact-finding.

**Where the subject of an investigation is an employee, the Investigations at Work policy must be considered (alongside this policy). Where the subject is a volunteer, the Raising and Resolving Issues section of the Volunteer Manager's Handbook must be considered (alongside this policy).**

### I. Fact-finding

The decision to conduct a fact-finding process will be made at the initial planning meeting. The manager leading the fact-finding will be agreed at the initial planning meeting and will undertake the following process:

- Establish the facts involved through conversation with relevant staff (aside from the subject of the allegation), volunteers and where necessary and suitable, service users. If service users are to be spoken with, consideration must be given to the potential need for parental/carer or social worker consent.
- **At this stage, a conversation will not take place with the subject of the concern or allegation.**
- Examine records and files to determine relevant facts

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- Undertake a risk assessment of the likelihood of recurrence of the behaviour underlying the concern or allegation (or any other relevant concerning behaviour)
- Establish whether the facts gleaned are sufficiently concerning to warrant the need for an investigation process.

Wherever required, the Safeguarding Team, HR and the central volunteering team should be consulted throughout the fact-finding process and in any decision-making regarding next steps. **Wherever possible, the fact-finding process should be completed within one week.**

The findings will be compiled into a short report (see Safeguarding and Quality Practice Guidance intranet pages for fact finding template when managing allegations and concerns) and sent to HR for review (or the Safeguarding Team where there is no employee involved), and discussed as soon as possible at the next planning meeting. Following this discussion, next steps can be determined, including whether the concern or allegation warrants an investigation process.

### Outcomes of a fact-finding process

Several outcomes are possible following a fact-finding process (more than one of the outcomes may apply):

- A decision is taken to proceed to an investigation
- Evidence of a suspected criminal offence is found and a report is made to the police, local authority and, where required, professional body. Wherever the subject is undertaking 'regulated activity'<sup>4</sup> with children, young people or adults at risk, a notification to the Disclosure and Barring Service must be made.
- Nothing of concern has been discovered and a decision is taken to close the inquiry. This may include a conversation with the person who raised the concern or allegation.
- There is no significant safeguarding risk discovered, however some concerns about practice or volunteering style/approach are found. In such situations, the planning group will consider potential training and development needs, review of current duties or other requirements to reduce the concern.

**Note:** The subject of the fact-finding process must be informed, at the conclusion, about the process, outcome and any next steps to be taken. **Where progress to investigation has been decided upon, this conversation should only occur once relevant files and kit have been secured.**

All of the above outcomes must be documented in the relevant employee or volunteer's record.

### **Information sharing with the local authority and police**

At any stage of the fact finding, if any information comes to light that indicates a criminal offence may have or did occur, the police must be contacted. The relevant local authority designated officer must also be informed.

<sup>4</sup> children: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/739154/Regulated\\_Activity\\_with\\_Children\\_in\\_England.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739154/Regulated_Activity_with_Children_in_England.pdf), adults: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf)

In the event that police decide to investigate an allegation, the internal TCS investigation will be suspended. If police decide to NFA (no further action) the matter, TCS investigation can commence or be resumed.

If police decide not to pursue the matter (NFA), the risk to children, young people and adults at risk must be re-assessed. The local authority Designated Officer or Manager must be informed following the risk reassessment. The local authority officer may call a multi-agency meeting at which they will advise whether or not an 'employer's investigation' should occur. The local authority manager must be informed of the outcome of any employer's investigation. This finding is recorded by the local authority.

## II. Investigation

The planning group will agree who will lead the investigation and the roles others in the group will take. This will depend on the subject of the allegation and whether they are an employee (process will be led by HR and Safeguarding Team) or volunteer (process will be led by volunteering team and Safeguarding Team).

The manager responsible for the investigation will be independent of the service or team. For retail stores, the Regional Retail Manager will be responsible for investigations, except in cases of more complexity in which Retail Operational Manager will lead the investigation. The investigator will need to be senior to the subject of the concern or allegation and have sufficient experience of investigating disciplinary or similar matters, or safeguarding concerns, or is at Director Level or above. This may mean that the investigation is conducted by someone who is independent of The Children's Society.

The following process and principles must be followed:

1. Prior to any communication with the subject of the allegation:
  - Freezing of records and files as required
  - Seizing phones, computers, swipe cards and other IT kit as required
  - Following the completion of above, notifying the subject that an investigation has begun
  - Informing the subject of a suspension, pause or redirection of duties (following the relevant process for staff or volunteers) where required. See guidance section for more information on conversations with the subject.
2. All steps must occur as quickly and quietly as possible, with the aim of minimising wider awareness of the process being undertaken.
3. When the nature of the concern or allegation requires it the practice systems team will lock relevant records on Mosaic and any relevant secondary systems. The Safeguarding Team will liaise with the IS team to make sure other electronic data is secured.
4. Terms of Reference for the investigation (see Safeguarding and Quality Practice Guidance intranet pages for *Terms of Reference template* when managing allegations and concerns) will be created by the planning group and must be agreed by HR or the central Volunteering Team as relevant, the safeguarding team and the area or regional manager responsible within the directorate concerned.

5. Investigations must be completed as quickly as possible in the context of a thorough process.
6. The Safeguarding Team must be kept informed as the investigation progresses and be informed of all safeguarding matters as information becomes known. They will liaise regularly with those leading the investigation to provide advice, guidance and instruction as required. As allegations are also a potential disciplinary matter for employees, the HR Business Partner will have full oversight of the process. Similarly, the Volunteering Team, where relevant, will also have full oversight of the process.
7. The investigation report: The investigator(s) will produce a written report (see Safeguarding and Quality Practice Guidance intranet pages for a *Managing Allegations Investigation Report template* when managing allegations and concerns) and, using the evidence found, draw conclusions and make recommendations to address any outstanding safeguarding concerns. In relation to any potential outcomes or subsequent staff or volunteer process, the report will only make a recommendation based on their findings. The report should confirm whether there is a case to answer in a disciplinary or comparable volunteer process, rather than propose the outcome of any such process.

**Note: sometimes information will come to light during an interview within the investigation or fact finding process which, if true, changes the nature of the concern or allegation and the likely outcome. This may result in the need for the investigating manager or fact finding officer returning to interview an individual who has already been interviewed to verify or confirm the new information.**

## **Next steps: Outcomes**

In cases in which a local authority officer or manager is involved, the outcome of the internal investigation, including any disciplinary or equivalent volunteer outcome, must be shared with the relevant local authority officer or manager. Any follow-up actions agreed with the local authority officer or manager must be prioritised. The reports and outcomes of these processes must also be shared with the Safeguarding Team.

### **1. Possible outcomes**

The following outcomes of safeguarding investigation regarding an employee or and volunteer are possible:

- **Substantiated allegation:** there is sufficient evidence to prove the allegation or concern (based on balance of probability) that a child, young person or adult at risk has been harmed, or there was a risk of harm from the actions of an employee or volunteer. In such cases, it is likely that the police will be notified. The relevant local authority Officer should be informed regarding the finding and any actions taken. The planning group should make any organisational learning recommendations in this case to the Executive Director of CYP. See section 2 below for further information on actions following substantiated allegations.
- **Malicious allegations:** there is sufficient evidence to disprove the allegation and additionally, evidence of a deliberate act by the person reporting the allegation to deceive the organisation. Such findings are extremely rare. In this circumstance, the police should be asked to consider what action against the

allegor may be appropriate. Where an employee or volunteer has made the malicious allegation, consideration should also be given to the consequences of this via the staff disciplinary process and equivalent volunteering process.

- **False allegations:** there is sufficient evidence to disprove the allegation, however there is no evidence to suggest there was a deliberate intention to deceive. The relevant local authority Officer or Manager should be advised of the outcome and if necessary, the investigating officers may make organisational learning recommendations.
- **Unsubstantiated allegations:** there is insufficient evidence to either prove or disprove the allegation. No guilt or innocence is implied. The relevant local authority Officer or Manager should be advised of the outcome. The investigation report may highlight other matters for consideration with regards to individuals concerned, in addition to any organisational learning recommendations.
- **Unfounded allegations:** there is no evidence or proper basis to support the allegation being made. It may indicate that the person making the allegation misinterpreted the incident, was mistaken about what they saw, or may not have been aware of all the circumstances.

## 2. Disciplinary or equivalent action following allegations being substantiated

For employees, substantiated allegations will trigger the implementation of the Disciplinary process. A relevant manager, normally at Director Level or above, will lead this process with HR support.

Potential outcomes of the disciplinary process are detailed in the Disciplinary Policy. It is recommended that this policy is read and understood by all employees.

For volunteers, substantiated allegations will require review or ending of the volunteering agreement. Reviewing the volunteering agreement may involve reviewing the role, retraining, and setting additional supervision. Where relevant, the central volunteering team will consider whether a note is required on the individual's record on the supporter database.

Where none of the above options are suitable, or in the event that they are unsuccessful, the volunteering agreement will end.

## 3. Settlement agreements (employees only) and references

A 'settlement agreement' or 'compromise agreement', between an organisation and a paid employee (this is not relevant for volunteers), is an agreement in which a staff member agrees to end their employment relationship with the organisation on mutual terms. Both parties agree the wording which is to be provided to any organisation upon receipt of a future reference request.

Such agreements are not suitable for cases of substantiated safeguarding allegations.

Where an employee resigns or volunteer ends their volunteering prior to the conclusion of a safeguarding investigation or disciplinary action relating to a safeguarding issue, or is dismissed as a result of a safeguarding concern, this must not affect the investigation. The investigation must be completed and the findings recorded on the employee's Cascade record or, for volunteers, in a separate restricted document managed by the central Volunteering Team.

Circumstances in which an allegation was proven to be false, unsubstantiated, or malicious should not be included in employer references. This includes a history of repeated concerns of allegations that have all been found to be false, unsubstantiated or malicious.

Following the conclusion of any internal processes, TCS will provide a standard written reference. Please note, TCS will share any relevant information with a prospective future employer, or prospective volunteer manager, if contacted.

## **Record keeping**

Clear and detailed records must be kept throughout fact-finding and investigation processes. Records of the allegation or concern, planning meeting discussions and actions agreed, the actions taken by the investigating managers, findings, the outcome and any follow-on decisions must be kept. The Safeguarding Team will keep a record of all correspondence and documents relating to managing allegations and concerns for employees and volunteers.

All documents relating to employee allegations and concerns should be sent to the HR Business Partner who will store these in Cascade. All other versions and copies of the documents should be destroyed (no local paper or digital copies should be kept).

The Volunteering Team will keep a record of volunteering issues and concerns along with all relevant documentation.

Supervision notes should make reference to safeguarding concerns and the process undertaken, however copies of documents should not be included. The Safeguarding Team will also keep a full record of the process, advice, guidance and instruction offered and the outcomes.

## **Further notifications required**

### 1. Notifying local authorities where children are in care

If the child or young person affected by the allegation is currently residing in one local authority but was placed there by another local authority, both local authorities must be informed of the allegation or safeguarding concern as it arises, and be updated on progress and the outcome.

### 2. Informing the appropriate professional bodies

If the employee is suspended without prejudice whilst facing allegations or concerns, some professional bodies require notification or consultation with an employer. This must be a consideration at the time of suspension. Any decision to inform a professional body must include the employee or volunteer being notified by The Children's Society that this will occur.

Professional bodies require notification if there is a police investigation into allegations or concerns. They will also require notifying if an employee is dismissed, or a volunteer agreement is ended an investigation. Any decision to inform a professional body must include the employee or volunteer being notified by the Children's Society that this is happening.

The Children's Society has one OFSTED registered service, Access to records – Adoption and Care service, registered as Adoption Support Agency. OFSTED must be notified by the Responsible Individual (this is usually the Director of CYP) when allegations about employees or volunteers arise. OFSTED may choose to carry out its own investigation if there are concerns about a service it regulates.

It is the responsibility of the Director for CYP to ensure that relevant professional bodies are informed in a timely manner. A record of such a notification must be placed on the individual's HR file or held securely by the Director of Volunteer Engagement.

### 3. Notifying the Disclosure and Barring Service<sup>5</sup>

If The Children's Society removes an employee or volunteer from work or volunteering because the person poses a risk of harm to children or adults at risk, TCS must make a referral to the Disclosure and Barring Service (DBS). Failure to do this, without good reason, is an offence.

If employees or volunteers are concerned about management responses to the concerns or allegations raised, then they should use the process outlined within the Whistleblowing policy and procedure.

If an employee or volunteer is concerned that that an allegation is not being dealt with appropriately by The Children's Society, they can report the matter directly to the relevant local authority officer.

### 4. Reporting to the Charity Commission

Serious incidents must be reported to the Charity Commission (CC). The CC defines a serious incident as:

"...an adverse event, whether actual or alleged, which results in or risks significant:

- harm to your charity's beneficiaries, staff, volunteers or others who come into contact with your charity through its work (who are collectively referred to throughout this guidance as people who come into contact with your charity through its work)
- loss of your charity's money or assets
- damage to your charity's property
- harm to your charity's work or reputation"

All reporting of serious incidents within TCS is made to CC by the company secretary at the request of the Executive Director of CYP and Chief Executive Officer. It is the responsibility of TCS Trustees to ensure that all serious incidents are reported to CC.

## **4. Guidance and resources**

### **1. Access to templates and further guidance**

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<sup>5</sup> [Guidance regarding making a referral to the Disclosure and Barring Service \(DBS\)](#)

Visit the [Safeguarding and Quality Practice 'Policy & Procedures' Intranet Page](#) for access to templates available to use for terms of reference, fact finding and internal investigations. There are also templates which can be used for creating support plans and risk assessments for volunteers and employees.

## **2. Supporting someone who has raised an allegation or concern**

Any employee, volunteer, service user or member of the public making an allegation about a TCS employee or volunteer must be supported appropriately throughout the process. The degree to which they are kept informed at each stage of the process may differ depending on who they are and their connection to the subject and to TCS.

The following steps should be considered when offering support to someone who has raised a concern. Options below should be tailored to the individual's level of vulnerability, their role in the organisation and the nature of the concern or allegation:

- For service users, will they want to continue with the service they were being provided with? If so, another employee or volunteer should offer this support.
- Relevant steps should be taken to ensure the alleged feels safe, to enable positive ongoing contact with The Children's Society.
- If appropriate, the alleged should receive support to make a complaint via The Children's Society's Complaints policy.
- Support is provided to allow service users to access their records if they wish.
- An explanation is given of the steps taken to mitigate any risk of the concern or allegation happening again in the future, and the development of any further suitable safeguarding measures within the organisation.
- It should be made clear the procedures and outcomes involved in an internal TCS investigation are limiting and that advice will be taken from any police or local authority investigation as required and if appropriate. The organisation will take action based on the facts presented.
- Where the person is a service user, an individual plan is made with child, young person, adult at risk, and their family, about how they want to be kept informed about outcomes.
- A referral is made to appropriate external or internal services for support where required. Further supports should be explored wherever needed for the person who has raised the concern or allegation.

When the matter has been referred to the police and an investigation is to take place, the alleged should be informed. The alleged should be referred to other support services as needed. Regular keeping-in-touch conversations should be scheduled, even when there is little new information to share.

## **2. Conversations with employees and volunteers (subject of allegation or concern)**

This information should be read in conjunction with procedural information in this policy.

### **(i) Conversation at the end of a fact-finding process**

Usually, a conversation with a subject of the concern or allegation will occur towards the end, or at the end of a fact-finding process. The line manager will, at this stage, have gathered facts, evidence, and other information and discussed these with the planning group. The group will agree on the scope of questions to be asked the subject, ahead of the conversation.

In some circumstances, the line manager may need to ask the subject a series of questions during the fact-finding process, in order to fully establish the facts. Where this is the case, guidance must be sought from the Safeguarding Team, and HR or the volunteering team beforehand, in order to shape the questions.

Any questions asked must be clear, direct, and relevant to the line of enquiry and reflect no bias.

### **(ii) Conversation at the outset of an investigation**

If an investigation is to occur, the subject must be informed of this before it commences. This conversation should occur after the freezing or seizing of files, computer, phone, ID swipe card, etc. in order to prevent any potential tampering with evidence.

For employees, HR will advise as to what should be shared with the staff member, when and how. An HR representative will be present (in person or via telephone) for this conversation. The central volunteering team, together with the Safeguarding Team, will guide the line manager regarding any conversations with a volunteer about an investigation.

### **(iii) Updating the subject during the course of an investigation**

For employees, refer to the Conducting investigations at work policy and procedure for information regarding meeting and communicating with the subject of the allegation. For volunteers, together with a Volunteering team manager, refer to the Raising and Resolving Issues section of the Volunteer Manager's Handbook for guidance.

See the guidance section of this document for information about communicating with the subject.

### **(iv) Informing the subject of an investigation outcome**

Either HR or central volunteering staff will be involved in helping the line manager prepare for this conversation. Further information is available in the Managing Investigations at Work policy (HR) and Raising and Resolving Issues section of the Volunteer Manager's Handbook.

### **(v) Communicating with the subject when a police investigation is underway**

When the matter has been reported to the police and they have taken the decision to investigate, all TCS processes will be suspended pending the outcome of police investigation.

## **The subject must not be informed of the police investigation.**

Conversations must remain general, advising the subject that an issue has arisen which has led to a decision to suspension or pause of duties. The content of what will be shared will be agreed by the planning group together with the relevant local authority officer or manager.

Regular updates must be provided, as information becomes known. Support services, including the TCS counselling line, can be offered as required.

### **3. Support for the subject of a concern or allegations**

The relevant line manager will usually have conversations with the subject of a concern or allegation. These conversations must be prepared for in advance and approached with care, to ensure questions are based in fact and do not make any assumptions of any kind. Consideration should be given to an alternative manager providing support in cases where the manager is direct line manager for both the individual raising the allegation and the subject of the allegation.

Awareness of the potential level of vulnerability and/or additional needs of the subject is very important. In order to prepare, staff should seek support from the Safeguarding Team, and HR or the Volunteering Team as required.

The employee or volunteer can invite someone to accompany and support them at conversations during fact-finding or investigations processes. For staff, this may be a union representative, family member or friend. TCS employees cannot attend a meeting to support a colleague.

A Volunteering Team manager will, together with the line manager or employee leading the fact-finding or investigation, explore who may be best placed to accompany the volunteer subject during any required conversations, this may be a family member or friend. A TCS employee cannot support a volunteer during the conversation.

# 5. Managing allegations & concerns flowchart

