



Managing Safeguarding Allegations or Concerns Regarding Employees or Volunteers

Policy, procedure and guidance

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

1. About this document

This document sets out how to manage safeguarding concerns or allegations about employees or volunteers of The Children's Society. This is when allegations or concerns are raised, from any source, that an employee or volunteer is behaving in such a way as to present a risk to children, young people or 'adults at risk', or may be abusing them.

This document sets out the minimum requirements of the organisation and underpins The Children's Society's vision, purpose and values.

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) because they have a disability, mental disorder, illness, or physical or mental infirmity. An adult at risk is more vulnerable to being harmed than other adults.

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.

2. Policy

Broad statements that **MUST** be followed

Our values

2.1 The Children's Society will always take concerns and allegations about employees and volunteers seriously, and will respond in a way that places the protection and needs of children, young people and adults at risk first.

2.2 This policy and procedure will always be followed when there are safeguarding concerns in relation to employees or volunteers at The Children's Society. It should be used in respect of all cases where it is alleged that an employee or a volunteer has:

- Behaved in a way that has, or may have, harmed a child, young person and adult at risk.
- Possibly committed a criminal offence against, or related to, a child, young person or adult at risk.
- Behaved in a way that indicates s/he is unsuitable to work with children, young people and adults at risk. This can include behaviour in their personal life that raises safeguarding concerns.

2.3 The Children's Society will always inform the police if information is received that indicates that the law has been, or may have been, broken.

2.4 The Children's Society will work with openness and transparency with all agencies as required within Working Together 2015.

2.5 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 director of children and young people (CYP) will also be informed at each stage of any concern. The directorate within which the allegation or concern arises will hold management responsibility. The relevant HR business partner will hold responsibility for advising on all aspects of the HR processes.

2.6 There will be circumstances when the policy and procedures may be used concurrently with other procedures such as Disciplinary, Whistleblowing and Complaints. In these circumstances, the safeguarding process takes precedence, and other processes may need to be suspended whilst safeguarding processes are completed. There may be occasions when a whistleblowing event or a complaint includes safeguarding allegations or concern against employees or volunteers. On these occasions, the safeguarding concerns must be addressed using this policy and procedure and may require other processes to be suspended.

2.7 The Children's Society recognises that children, young people, adults at risk, and some employees may have disabilities that require reasonable adjustments to

procedure, in accordance with The Equality Act 2010. In such cases, the person's line manager will make these adjustments in consultation and agreement with the safeguarding team, the director of CYP, and HR.

3. Procedures

Step by step instructions that **MUST** be followed

Reporting a safeguarding concern

3.1 Safeguarding concerns arising in relation to employees or volunteers at The Children's Society ([detailed in section 2.2](#)) must be reported to that person's line manager directly or by phone **within three hours**. If details of the line manager are unknown, employees and volunteers can obtain them by contacting HR.

3.2 If the concern is about a sexual offence or serious physical assault, consideration should be given by the line manager to report the matter immediately to the police.

3.3 Where the concern relates to the conduct and behaviour of the employee's immediate line manager, the employee or volunteer should immediately report the concerns directly to the relevant SLT member (if the employee or volunteer works in a non-CYP directorate), the relevant area director or the director of CYP (if the employee or volunteer works in CYPD), or the safeguarding team. If the concern is in regard to the director of CYP, it should be reported to the chief executive officer. If the concern is in regard to the chief executive officer, it should be reported to the chair of trustees.

Our response

3.4 Initial response after a concern has been raised

Within one working day of the safeguarding concern or allegation, the line manager of the person raising the concerns will take the following steps:

- Guide the person to make, without delay, a record of what they have heard or seen, and pass this to the line manager.
- Contact their line manager and share the concerns, discuss potential immediate risks, and take appropriate steps to mitigate such risks. This includes consideration to report matters to the police.
- Brief the director of the directorate within which the concern has arisen, as well as the area director and director of CYP.
- Contact the safeguarding team to seek instruction and advice. Where there are concerns relating to employees or volunteers working outside of CYPD, the safeguarding team will provide direct support in contacting the local authority and the police if required. Within the CYPD, the safeguarding team will provide support for CYPD employees and managers to take this action.
- Contact the relevant HR business partner and inform them of the concerns.

- Convene an initial planning meeting/teleconference that includes HR, the safeguarding team, and appropriate line management, to agree the next steps.

3.5 Planning meetings

The agenda for planning meetings includes:

- The safety and welfare of the child or young person, or adult at risk.
- Support for the child or young person, or adult at risk.
- Support for the person making the allegation.
- Consideration of the need to suspend without prejudice the employee or volunteer from duties, including:
 - Evaluating the risk of ongoing harm to children, young people or adults at risk from the employee or volunteer under investigation. A decision will be made jointly by the line manager, HR Business Partner and the safeguarding team as to whether the employee or volunteer can have continued contact with children, young people, and adults at risk, or their families, or whether they should be suspended without prejudice in accordance with The Children's Society's Disciplinary Policy. The director of CYP and the director under which the employee or volunteer works will be notified of the decision to suspend.
 - Considering how the employee or volunteer who has the allegation or concern raised against them is supported at this time. HR will provide guidance to managers on how this is provided.
- Initial fact-finding and securing evidence:
 - The safeguarding team will provide guidance on how initial fact-finding can be carried out to establish basic facts and, if required, secure evidence.
 - The safeguarding team will hold all paper records that are secured. The practice systems team will be responsible for locking relevant records on Mosaic and any secondary systems.

The safeguarding team will liaise with the IS team to make sure other electronic data is secured. This could include locking files, securing paper records and notes, or locking email accounts. It may also mean the employee or volunteer is required to return The Children's Society IT equipment and phones.

- Planning consultation with the Designated Officer (LADO):

- Each local authority LSCB area has a Designated Officer (previously known as the LADO) who must be involved in the management and oversight of allegations against people working with children.
- The Children's Society must report all safeguarding allegations or concerns to the Designated Officer within one working day, including those that have been made directly to the police by anyone who uses The Children's Society services.
- A decision must be made at the initial planning meeting/teleconference about who should contact the Designated Officer.
- Reporting to external commissioners:
 - The allegations, actions taken, and outcomes must be reported to external commissioners as part of the contractual obligations for delivering a service. Relevant and senior managers will be responsible for overseeing this process.

All parties present within the initial planning meeting will reconvene on a regular basis as required, but not less than once a fortnight, to consider progress and every item on the above agenda.

What happens next: Investigations

3.6 Police investigations

If the allegation or concern, or any evidence seen at any stage in the process, indicates that the law in relation to safeguarding has (or may have been) broken, The Children's Society will report it to the police without delay. For concerns relating to employees or volunteers within the CYPD, the safeguarding team will provide guidance to the manager responsible, and liaison with the police will be conducted by an area manager or above. For teams outside of the CYPD, liaison with the police will be conducted by the safeguarding team.

The Children's Society will fully cooperate with the police in any investigation. Requests for access to data will be coordinated through the offices of the records/archive and data protection manager.

If a police investigation is to proceed, other processes such as disciplinary investigations are usually suspended pending the outcome of the police investigation. This is important to make sure that evidence for the police investigation is not contaminated.

3.7 Designated Officer, Children's Services or Adult Social Care inquiries

Whilst it is rare for the Designated Officer, Children's Services or Adult Social Care to carry out an inquiry into concerns or allegations, they can choose to do this. Should an inquiry occur, The Children's Society will fully cooperate. Requests for

access to data will be coordinated through the offices of the records/archive and data protection manager.

If an inquiry by the Designated Officer or Local Authority is to proceed, other processes such as disciplinary investigations are usually suspended pending the outcome of the investigation. This is important to make sure that the evidence for the police investigation is not contaminated.

3.8 OFSTED Investigations

The Children's Society has only one OFSTED registered service, the Post Adoption and Care Team. Should a concern arise in that service, OFSTED can choose to carry out its own investigation into the concerns.

OFSTED must be notified by the Responsible Individual (this is usually the director of CYP) when allegations of concerns about employees or volunteers arise.

3.9 Internal investigations

Where there is no police investigation, or investigation by the Designated Officer or Children's Services, there may be a need for an internal investigation led by The Children's Society. This must be agreed in consultation with the Designated Officer and confirmed in writing. If new information comes to light of additional safeguarding concerns, the Designated Officer must be informed. They must also be informed of the final outcome.

The investigation will be conducted following Terms of Reference that have been agreed by HR, the safeguarding team and the senior manager responsible within the directorate concerned. Terms of Reference should detail who is conducting the investigation and who they are reporting to, the reasons for the investigation including the details of the concerns, the remit (or scope) including actions to be taken if new safeguarding or other concerns materialise, what may be looked in the way of evidence including interviews, who the report will be issued to and how else it may be used. Within the Terms of Reference, realistic timescales for completing the investigation should be outlined. For guidance, [see section 4.2](#).

Internal investigations into allegations require the safeguarding team to have 'full oversight'. This means oversight of all key documents that are linked to safeguarding evidence, and regular liaison with those leading the investigation to provide advice, guidance and instruction. As allegations are also a potential disciplinary matter, the HR business partner will also have full oversight.

The safeguarding investigation will be conducted by individuals who are independent of the service or team. The investigators will need to be senior to the individual concerned and have sufficient experience of investigating disciplinary matters, or safeguarding concerns or complaints. If the allegations or concerns are about a person who is a director or above, this may mean that the investigation is conducted by someone who is independent of The Children's Society.

The safeguarding investigation will gather facts by looking at data and records. Interviews with employees and volunteers facing allegations will be conducted following the procedure set out in the Disciplinary Process.

Very careful consideration will need to be given regarding the need to interview a child or young person. If it is felt to be essential for the investigation, parental involvement and/or the support of an advocate must be considered.

The investigators will produce a written report and, using the evidence found, draw conclusions and make recommendations to address outstanding safeguarding concerns. In relation to any potential disciplinary process, the report will only make a recommendation based on their findings and confirm whether there is a case to answer in a disciplinary process.

If at any stage in the process information is seen that the law may have been broken, this must be reported to the police and the Designated Officer. The safeguarding team must also be consulted by those carrying out the investigation.

If the investigation recommends that a disciplinary hearing is required, the Disciplinary Process will be followed.

The outcome of the internal investigation, including any disciplinary outcome, must be shared with the Designated Officer. Any advised follow-up actions from the Designated Officer must then be prioritised. The reports and outcomes of these processes must also be shared with the safeguarding team.

Where an employee or volunteer resigns 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, the investigation must be completed and the findings recorded on their personnel file and referred to the DBS. In such cases a compromise agreement will not be offered.

What happens next: Outcomes

3.10 Types of outcome

Outcomes following a safeguarding investigation regarding employees and volunteers can be:

- **Substantiated allegations:** This is when there is sufficient evidence to prove the allegation or concern that a child 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 need to be notified. The Designated Officer should be informed what actions have been taken. Investigating officers should make any organisational learning recommendations.
- **Malicious allegations:** This is when there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive. In these

circumstances, the police should be asked to consider what action may be appropriate.

- **False allegations:** This is when there is sufficient evidence to disprove the allegation, however there is no evidence to suggest there was a deliberate intention to deceive. The Designated Officer should be advised of the outcome and if necessary, the investigating officers may make organisational learning recommendations.
- **Unsubstantiated allegations:** This is when there is insufficient evidence to either prove or disprove the allegation, therefore the term does not imply guilt or innocence. The Designated Officer should be advised of the outcome, with such cases investigating officers may highlight other matters that need consideration as well as any organisational learning recommendations.
- **Unfounded allegations:** This is an additional definition used where 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.

Cases where 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.

3.11 Settlement agreements

'Settlement agreements' or 'compromise agreements' (where a person agrees to resign if the employer agrees not to pursue disciplinary action, and where both parties agree a form of words to be used in any future reference) should not be used in cases of refusal to cooperate, or resignation before the person's notice period expires. Nor should they be used as a way of concluding any disciplinary investigation where there is a substantiated outcome. Such an agreement will not prevent a thorough police investigation if appropriate.

Record keeping

3.12 Record keeping obligations

Clear and detailed records must be kept of: the allegations, the actions taken by the investigating managers, and by whom and how the allegations were resolved including clear outlines of the decision-making process.

Copies should be kept in the employee's HR personnel file and in their supervision file, or in the volunteer's records. This record should be shared with the individual about whom the allegations were made, and a record of the discussion should be recorded on their HR personnel file. The safeguarding team will also keep a full record of the process, advice, guidance and instruction offered and the outcomes.

Who should be notified

3.13 Notifying local authorities where children are in care

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

3.14 Informing the appropriate professional bodies

If the employee is suspended without prejudice whilst facing allegations or concerns, some professional bodies require that they are informed or consulted by 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 is happening.

Professional bodies require that they are informed if there is a police investigation into allegations or concern. They will also require notifying if an employee is dismissed, or the services of a volunteer no longer used following 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.

It is the responsibility of the director of CYP to make sure that a senior manager notifies the relevant professional body in a timely manner. A record of such a notification must be placed on the individual's HR file or held securely by the head of volunteering.

3.15 Notifying the Disclosure and Barring Service

If The Children's Society removes an employee or volunteer from work because the person poses a risk of harm to children or adults at risk, The Children's Society must make a [referral to the Disclosure and Barring Service \(DBS\)](#). It is an offence to fail to make a referral without good reason.

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 employees or a volunteer is concerned that that an allegation is not being dealt with appropriately by The Children's Society, they can report the matter to directly to the Designated Officer.

4. Guidance

Recommended practice that SHOULD be followed

4.1 Supporting someone who has raised a concern

Any service user making an allegation about an employee or volunteer must be supported appropriately throughout the process, and be kept informed and involved at each stage. Steps should be taken to make sure:

- The service they were being provided with is maintained by another employee wherever possible, if this is wanted by the child, young person or adult at risk.
- A discussion is had about what makes them feel safe and unsafe, to enable positive future contact between The Children's Society and the service user.
- If appropriate, there is support to make a complaint via The Children's Society's Complaints policy.
- Support is provided to allow the service user to access their records if they wish.
- An explanation is given of the steps taken to mitigate risk of this happening again in the future, and the development of safeguarding measures within the organisation.
- 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.

4.2 Timescales for safeguarding investigations

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

- Cases where it is immediately clear that the allegation is unsubstantiated or malicious should be resolved **within one week**.
- In cases where the initial consideration decides that the allegation does not involve a possible criminal offence, The Children's Society may address it internally. However, if there are concerns about child protection, The Children's Society should discuss them with the Designated Officer.

5. Relevant resources

- [Safeguarding children and young people policy](#), procedure and guidance section 3.45 Raising an online safeguarding concern: Employees and volunteers.
- [Safeguarding Adults at Risk of Abuse policy](#), procedure and guidance
- [IS Users policy](#)
- [Dignity at Work policy](#)
- [Whistleblowing policy](#)
- [Disciplinary procedure](#)
- [Guidance regarding making a referral to the Disclosure and Barring Service \(DBS\)](#)

6. Annexes

6.1 Procedure for responding to allegations

