



RAISING YOUTH

RAISING THE BAR FOR YOUNG PEOPLE IN MEDWAY

**Management of Safeguarding
Allegations Policy**

2023/26

Policy Information

Policy Name	Management of Safeguarding Allegations Policy
Policy Owner	Director of Operations
Policy Author	Director of Operations
Approved By	Board of Trustees
Approval Date	4 th February 2022
Last Reviewed	September 2023
Review Cycle	3 Yearly
Next Review	September 2026

Version Control

	Summary of Changes	Date Changed
V1	First Published	04/05/2022
V2	Updated to reflect brand guidelines	23/09/2023

Introduction

This document must be used by the Designated Safeguarding Lead when an allegation in connection with a safeguarding issue is made against a volunteer or contractors and the allegation appears to meet the criteria that the volunteer:

- 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, or
- Behaved towards a child or children in a way that indicates they would pose a risk of harm if they work regularly or closely with children.
- Behaved in a way that may create a safeguarding risk to children
- Behaved in a way or may have behaved in a way that indicates they may not be suitable to work with children
- Failed to report a safeguarding concern where it would be reasonably expected that an adult working with children and young people would do so
- Allegation relating to risk by association

This document relates to all volunteers in the charity. It also relates to any individual involved in an activity within our charity including contractors in respect of the initial procedure to follow and action to take but not where reference to the disciplinary policy and procedure/formal action policy is made.

Information regarding record keeping is covered in section 13.

Procedures

The Designated Safeguarding Lead will receive information regarding any allegations in connection with a safeguarding issue, in the absence of the Designated Safeguarding Lead, the Associate Leader for Resourcing will receive the allegations. The Chief Executive Officer will receive any information regarding an allegation in connection with the Designated Safeguarding Lead.

If the charity is informed of an allegation in connection with a safeguarding issue, the Designated Safeguarding must be informed immediately. Where an allegation may meet the LADO threshold, the Local Authority Designated Officer (LADO) must then be contacted on 01634 331 065.

No investigation or discussion with volunteers should occur without agreement of the LADO

The LADO will confirm if the allegation meets the threshold. If the allegation does meet the threshold, the allegation will continue to be managed under the charity disciplinary policy.

The LADO is the person involved in the management and oversight of individual cases relating to allegations in connection with a safeguarding issue. The LADO provides advice and guidance to organisations, liaising with the police and other agencies and monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

This document must be followed in conjunction with the referral to the LADO and contact with the Police and Social Care where advised by the LADO.

The LADO will discuss the matter with the Designated Safeguarding Lead and where necessary obtain further details of the allegation and the circumstances in which it was made. The discussion will also consider whether there is evidence/information that establishes that the allegation is false, unfounded or malicious.

If the allegation is not patently false and there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will immediately refer to Children's Social Care and ask for a strategy meeting to be convened straight away.

If a criminal offence may have been committed, the Designated Safeguarding Lead will discuss with LADO and the police will be contacted.

The Designated Safeguarding Lead and the LADO will discuss who else will need to be made aware of the allegation.

In some cases, the police may advise the charity that they wish to interview the volunteer before the Designated Safeguarding Lead initially informs the volunteer of the allegation or suspends the volunteer. The Designated Safeguarding Lead will discuss this with the LADO. The LADO may suggest the charity suspend the individual.

The Designated Safeguarding Lead will inform the Charity's HR Team, where there is a serious safeguarding allegation the Chief Executive Officer will be informed.

Any reference to the Director of Children's Services throughout this document should be understood to mean the Director of Children's Services or his/her designated representative.

Any Charity investigation and possible disciplinary proceedings should be held in abeyance until confirmation has been provided from the police/social care that Charity's enquiries can proceed.

Once police/social care have confirmed that Charity enquiries may proceed, the LADO and the Designated Safeguarding Lead will discuss the next stage and if necessary an internal investigation may take place which may lead to disciplinary action.

If a volunteer resigns, this must not prevent an allegation being followed up. If applicable, the disciplinary procedure, which can be found on the Charity website, must continue, without the volunteer being present if necessary. A conclusion to an investigation should always be reached wherever possible although where a resignation has taken affect a hearing for dismissal or issuance of a sanction is not possible. In such cases a summary finding of facts from an investigation may be produced and where appropriate forwarded to the relevant statutory body and kept on file. The Charity should seek further advice from HR before entering into settlement agreements and these must never be used to override the statutory duty to make a referral to the Disclosure and Barring Service (DBS).

If the allegation is determined to be false, unfounded or malicious the Designated Safeguarding Lead and LADO will consider the options available depending on the nature of the case. This may include referral to social care and/or contacting the Charity HR Team for advice.

Consideration of Suspension

The decision relating to suspension and which meeting option 1 to 3 to use will be made by the Designated Safeguarding Lead/Associate Leader for Resourcing in discussion with the LADO and the Charity HR advisors with information from the police and/or social care where applicable.

The volunteer should be provided with a copy of this document, highlighting Appendix 1.

Suspension should be considered in any case where:



- There is cause to suspect a child is at risk of significant harm, or
- The allegation warrants investigation by the police, or
- It is so serious that it might be considered grounds for dismissal
- The investigation may be affected by the presence of the volunteer
- The volunteer may be at risk of harm

If suspension is necessary, this is the responsibility of the Designated Safeguarding Lead. The Designated Safeguarding Lead must inform the Chair of Trustees and Chief Executive Officer of any suspension. Minimum information must only be given to the Governing Body in order to avoid prejudicing their impartiality in any subsequent hearing or appeal in possible disciplinary proceedings.

Suspension is a serious matter which should only be imposed after careful consideration. It does not indicate belief in the person's guilt and must never be taken as an assumption of guilt. It should be made clear to the volunteer and other members of staff if appropriate that the suspension is not a disciplinary sanction but is used to ensure a fair procedure.

Any period of suspension must be kept under close review by the Associate Leader for Resourcing to ensure that it is not unnecessarily protracted.

Before making a decision regarding formal suspension, full and careful consideration is needed. The following should be considered:

- Is there a potential threat to the Charity, staff or pupils?
- Is the allegation in connection with a possible criminal offence?
- Are there reasonable grounds for using suspension?
- What are the implications of suspension for the volunteer? What case has the volunteer made against suspension? What support could be considered for the volunteer?
- Is suspension necessary for a proper investigation of the allegation?
- Have alternatives been considered?
- Would moving the volunteer, remove the need for suspension? Is moving the volunteer suitable?

Alternatives to suspension may include leave of absence, or mutual agreement to refrain from work, alternative work, possibly in another location or where possible, providing an assistant or colleague to be present when in contact with children.

It may be appropriate depending on the circumstances of the individual case to move the volunteer to a different location within the Charity rather than imposing suspension. This would only occur in very limited circumstances after careful consideration. It would be at the discretion of the Designated Safeguarding Lead with advice from the HR Team.

Options 1 to 3 below shows the action to take once the issue of suspension has been discussed.

Option 1: Arrange meeting to inform the volunteer that the initial decision has resulted in no further action

The meeting should be arranged without unreasonable delay.

If the allegation is demonstrably false, unfounded or malicious, the volunteer will be invited to a meeting to reiterate/confirm the allegation, the circumstances which led to initial consideration of the allegation and/or suspension (where applicable) and inform them of the fact that no further action will be taken at that time.

The volunteer may be accompanied by a representative from their Trade Union or a work colleague at this meeting and be provided with 5 working days' notice of the meeting.

Written confirmation of the verbal information should be provided to the volunteer within one working day.

The letter should clearly state using the following terms that the allegation was false, unfounded or malicious (where appropriate).

A copy of the letter in relation to an allegation that has been determined to have been false or unfounded must be kept on the volunteer's personal file and a copy sent to the HR Team. Details of an allegation that has been determined to have been malicious should be removed from a personal file.

Option 2: Arrange meeting to inform the employee that the initial decision has resulted in not imposing suspension at this stage of the process.

The meeting should be arranged without unreasonable delay.

The volunteer will be invited to a meeting to reiterate/confirm the allegation, the circumstances which led to consideration of suspension and inform them of the decision not to impose suspension at this time.

The volunteer should be encouraged to be accompanied by a representative from their Trade Union or a work colleague at this meeting.

It should be made clear at the outset of the discussion that the meeting is not a disciplinary hearing but is for the purpose of raising a serious matter and that it may lead to further investigation. The nature of the allegation should be made clear.

It is important that the Designated Safeguarding Lead does not ask for any explanation of behaviour or question the volunteer at this stage but discusses the process and what will happen next. The discussion is not concerned with examination of the evidence.

This is also very important if the Designated Safeguarding Lead is potentially part of the decision making panel in a disciplinary procedure at a later date, or if the volunteer is not accompanied.

The volunteer should be informed verbally of the information as stated in i to iv below. Written confirmation of this information should be provided to the employee within one working day.

- i. Explain the nature of the allegation.
- ii. Inform the volunteer of the named contact and information regarding Section 8 - 'Keeping the Employee Informed'.

- iii. Provide the volunteer with the information leaflet 'Information for Employees Facing Allegations in connection with a safeguarding issue' (Appendix 1) or inform the volunteer that it will be sent to them.
- iv. Advise the volunteer to contact their Trade Union if they have not already done so.

A copy of the letter should be kept on the volunteer's personal file.

A copy of the letter should be sent to the HR Team.

Option 3: Arrange meeting to discuss possibility of imposing suspension/or an alternative to suspension

If the Designated Safeguarding Lead come to the conclusion that suspension or an alternative to suspension is likely to be imposed, the volunteer must be invited to a meeting to discuss the possibility without unreasonable delay.

Although this meeting will be arranged without unreasonable delay, the volunteer may be asked to leave the workplace or an alternative may be arranged in the short term whilst the meeting is arranged.

The volunteer should be advised by the Designated Safeguarding Lead to seek the advice and assistance of their Trade Union or a work colleague if they are not a member. The volunteer may have the opportunity of a brief meeting with the Trade Union representative or work colleague before the meeting.

At the meeting, it should be made clear at the outset of the discussion that it is not a disciplinary hearing but is for the purpose of raising a serious matter and that it may lead to suspension/ or an alternative to suspension and further investigation. The allegation and the circumstances which led to consideration of suspension will be verbally reiterated/confirmed.

It is important that the Designated Safeguarding Lead does not ask for any explanation of behaviour or question the volunteer at this stage but discusses the process and what will happen next. The discussion is not concerned with examination of the evidence.

This is also very important if the Designated Safeguarding Lead is potentially part of the decision making panel in a disciplinary procedure at a later date, or if the volunteer is not accompanied.

The volunteer should be given an opportunity at the meeting to make a representation regarding **the suspension** or an alternative to suspension and the implications it may have on them. They must **not** respond to the allegation itself.

A brief adjournment may be necessary before the Designated Safeguarding Lead make their final decision.

Once the decision is made, the Designated Safeguarding Lead must recall the volunteer and their Trade Union representative or work colleague and inform them verbally of the decision as stated in i to vi below. Written confirmation of this information should be provided to the employee within one working day.

- i. Explain the nature of the allegation.
- ii. Inform the volunteer of the decision, the reasons for the decision and the name of the person who made the decision.
- iii. Inform the employee of the named contact and information regarding Section 8 - 'Keeping the Employee Informed'.
- iv. Provide the employee with the information leaflet 'Information for Employees Facing Allegations in connection with a safeguarding issue' (Appendix 1) or inform the employee that it will be sent to them.
- v. Advise the employee to contact their Trade Union if they have not already done so
- vi. If the final decision made is to impose suspension, the employee should also be:
 - Informed of the purpose of suspension and the process to be followed.
 - Informed that there is no presumption of guilt and that suspension is not a disciplinary sanction. Notify them that they are entitled to full pay (unless they are a supply teacher or casual staff) and advise them **to contact their Trade Union as soon as possible if they have not already done so.**
 - Informed that they should not contact any members of staff at the charity to discuss the matter apart from the named contacts and where applicable their professional association representative, any senior managers involved in the investigation, as the investigation may be compromised.
 - Informed that where applicable, if they need to contact a member of staff at the charity to act as a witness, this should be done initially via the named contact. Further information regarding witnesses can be found in the disciplinary policy and procedure.
 - Informed of a colleague contact as described in Section 8.
 - Informed that they should not enter the Charity's sites without prior permission from the Chief Executive Officer or the Chair of Trustees in the case of the Chief Executive Officer.

The Designated Safeguarding Lead must record the rationale and justification for the suspension and include what alternatives to suspension have been considered and why they were rejected.

A copy of the letter should be kept on the volunteer's personal file.

A copy of the letter should be sent to the HR Team.

Informing the Volunteer of the Allegation

The decision relating to when to inform the employee about the allegation will be made by the Designated Safeguarding Lead in discussion with the LADO and if involved, once the police and/or social care have agreed that it is suitable and agreed what information can be disclosed.

The Designated Safeguarding Lead should advise the volunteer to contact their Trade Union and discuss with no other employee apart from their named contact.

Once the volunteer has been informed of the allegation(s) the volunteer should be provided with a copy of this policy.

When an allegation is made against a volunteer, they are strongly advised to contact a representative from their Trade Union.

The volunteer may be accompanied by a representative from their Trade Union or a work colleague at any stage of the process.

Investigation

- After completion of any police or social care enquiries, investigation or conclusion of case

Any Charity investigation and possible disciplinary proceedings should be held in abeyance until confirmation has been provided from the police/social care that Charity enquiries can proceed.

The LADO should retain overall responsibility to monitor the progress of the investigation and provide advice and support when required or requested.

The investigation will be held in accordance with the section on investigation in the disciplinary policy and procedure in conjunction with the information held in this document. The investigation may lead to possible disciplinary action under the disciplinary policy and procedure.

The volunteer must be provided with a copy of this document and the Disciplinary Policy and Procedure.

The volunteer should be encouraged to be accompanied by a representative from their Trade Union or a work colleague at any stage of the process.

The Chief Executive Officer will decide who will be the Investigating Officer. This will usually be the Designated Safeguarding Lead or Deputy. The LADO and HR Team can provide advice on suitable alternatives when the investigation is related to the Designated Safeguarding Lead. The Chief Executive Officer, LADO and the Investigating Officer will decide the scope of the investigation.

The investigation should take account of any relevant information obtained in the course of police or social care enquiries, investigations or outcomes.

If, at any stage during the investigation, new evidence emerges which make a referral necessary to social care or to the police, the investigation should be held in abeyance immediately. This referral should be made in conjunction with the LADO. Consideration should also be given again to suspension.

Further information on investigations, taking witness statements, gathering evidence and writing reports is available in the Disciplinary Policy

The Investigation Report

The Investigating Officer should present their findings in the form of a written report to the Chief Executive Officer, within 10 working days (or as soon as practicable thereafter). The findings should clearly state if the allegation is determined to have been false, unfounded, malicious, unsubstantiated or if there is sufficient evidence to substantiate the allegation and if the allegation should be heard at a disciplinary hearing.

Appendix 3 provides further information on the DfE statutory guidance relating to the definitions which should be used when determining the outcome of allegation investigations.

Within 2 working days of receipt of the report, the Chief Executive Officer consult with the LADO and decide if a disciplinary hearing is required in accordance with the disciplinary policy.

If a disciplinary hearing is necessary, it should be held within 15 working days of this decision being made. The Disciplinary Policy will be followed in conjunction with this document.

Where no case for a disciplinary hearing has been established, the Chief Executive Officer should discuss with the LADO what options would be appropriate to support the member of staff. The Chief Executive Officer should then meet with the volunteer to discuss this outcome. The discussion

should be followed up in writing stating whether an allegation was determined to have been false, unfounded, malicious unsubstantiated if this was the case. A copy of the letter in relation to an allegation that has been determined to have been false, unfounded or unsubstantiated must be kept on the volunteer's personal file and a copy sent to the HR Team. Details of an allegation that has been determined to have been malicious should be removed from personal files. Further information regarding support available can be found in Section 9 and 11.

If the volunteer is still suspended, the same contacts should be maintained as before as stated in Section 8.

If suspension is to be lifted, the Chief Executive Officer must inform the LADO, Designated Safeguarding Lead and the Chair of Trustees. The volunteer must be informed and confirmed in writing as soon as reasonably practicable.

Disciplinary

Any disciplinary hearing should be held in line with the Disciplinary Policy.

The absence of any criminal investigation, charge or conviction is not in itself an adequate defence for the volunteer who is the subject of a disciplinary hearing although this should be taken into account by a hearing panel. There may be evidence contained within the disciplinary investigation which leads the panel to question the suitability of the person to continue to work within a position of trust within the charity even when no criminal activity has been identified, a criminal investigation has not led to a charge, or a case has been brought before the court but there has been no conviction.

Children should not be expected or asked to attend a disciplinary hearing.

Where applicable, the volunteer should be informed in the invite to disciplinary hearing letter, of the possible statutory referral which will be subject to the outcome of the hearing. This is so that the volunteer is made fully aware of the possibility.

Keeping the Employees Informed

The volunteer should be given a named contact at the charity who will keep them or their Trade Union representative up to date on the progress of the case.

If the volunteer is suspended, a colleague contact should also be provided in order to give information about developments at the charity in general but not to discuss the allegation(s) or process.

These contacts should not be the same named contacts supporting any child(ren) involved in the case if applicable.

Support

The charity has a duty of care to their volunteers and should act to manage and minimise the stress that is inherent in any allegation.

A volunteer is strongly advised to contact a representative from their Trade Union or work colleague for support.

The information leaflet 'Information for Volunteers Facing Allegations in connection with a safeguarding issue' (Appendix 1) must be provided to the volunteer.

As the process can be very stressful for a member of staff, it is advised that it may be appropriate for them to seek advice from their GP if they feel their health is being affected.

When anyone with a disability is involved in the suspension process or disciplinary process/investigation, reasonable adjustments should be made.

Confidentiality

Every effort should be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The Designated Safeguarding Lead (with advice from the LADO, Police, Children's Social Care and HR Team as appropriate) will discuss with the employee and any representative what information if any will be relayed to other members of staff and other parties as appropriate. It must be kept in mind that the nature of the allegation(s) and the content of any proceedings are confidential to the parties concerned.

Care must be taken to ensure that all contact with the volunteer on suspension remains confidential at all times. It must not be assumed that any family member, partner or friend knows about the volunteer's suspension. Contact arrangements should be agreed with the volunteer in advance.

Wilful, malicious or negligent disclosure of details of unfounded allegations against staff by other members staff may constitute misconduct under the Disciplinary Procedure.

Return to Work

Being the subject of any allegation can be very stressful. There can be loss of confidence at both a personal and professional level. Individuals react differently and the level of support required to help staff continue or resume their careers will vary. Support information is provided in Section 9.

When a volunteer returns to work, a support plan will be agreed with the volunteer and their Trade Union representative and should cover professional and emotional needs (for example provision of counselling). The support plan will be reviewed in consultation with the volunteer.

The volunteer should have an opportunity to discuss their options with the Chief Executive Officer or the Chair of Trustees in the case of the Chief Executive Officer.

Depending on the individual circumstances of a case, a phased return and/or provision of a mentor to provide assistance and support in the short term may be appropriate.

When a volunteer returns to work, the charity should consider (where applicable) how an volunteer's contact with a child who made an allegation can best be managed and what support (if appropriate) the volunteer will need for this.

Statutory Referral

Depending on the nature of the allegation and the outcome of the case, a referral may need to be made to the Disclosure and Barring Service (DBS).

A referral must be made to the DBS where it is found that the person has harmed or posed/poses a risk of harm to children or vulnerable adults. Further information regarding a DBS referral can be found at <http://www.homeoffice.gov.uk/agencies-publicbodies/dbs/>

A referral may occur as an outcome of a dismissal. A referral may also be made if a volunteer resigns and the charity believes that the volunteer may have been dismissed if the procedure had been concluded.

Where applicable, the volunteer should be made aware of the statutory duty to refer.

Where applicable, the volunteer should be informed in the invite to a disciplinary hearing letter, of the possible referral which may be subject to the outcome of the hearing. This is so that the volunteer is made fully aware of the possibility. If a referral is going to occur, it should be confirmed to the volunteer in the outcome letter.

The Designated Safeguarding Lead will discuss the referral with the HR Team. Any referral will be made by the Designated Safeguarding Lead within one month of conclusion of the case.

Record Keeping

When an allegation in connection with a safeguarding issue is initially raised, a log of key events, decisions and actions taken should be commenced by the Designated Safeguarding Lead and maintained throughout the procedure.

If a volunteer is suspended, a record should be made of the rationale and justification for suspension, who was involved in making the decision, and details of action taken. It should also include what alternatives to suspension had been considered and why they were rejected.

The charity should remove from personal files details of allegations that have been determined to have been malicious. For all other allegations (false, unfounded, unsubstantiated or substantiated), 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 volunteer's personal file and a copy provided to the person concerned.

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

Further information regarding record keeping for a disciplinary can be found in the disciplinary policy.

In the case of allegations in connection with a safeguarding issue, the record and volunteer personal file should be retained until at least the person has reached Normal Retirement Age or for 10 years after termination of appointment depending on which period is longer.

All records and minutes should be treated as confidential and be kept in accordance with the Data Protection Act 2018.

Timescales

Timescales for suspension should be kept as short as possible but are dependent on various factors. The length of suspension may be determined for example by external enquiries. Police and social care enquiries will take priority over internal procedures such as the disciplinary procedure, which would normally be held in abeyance pending confirmation from the police/social care that charity enquiries can precede.

Appendix 1

INFORMATION FOR EMPLOYEES FACING ALLEGATIONS IN CONNECTION WITH A SAFEGUARDING ISSUE

This information should be read in conjunction with the full management of allegations of abuse document, a copy of which will be provided to you.

The charity will act to manage and minimise the stress that is inherent in any allegation

KEEPING YOU INFORMED

You will be given a named contact at the charity who will keep you or your trade union representative up to date on the progress of the case.

If you are suspended, a colleague contact should also be provided in order to give information about developments at the charity in general but not to discuss the allegation(s) or process.

SUPPORT

You are strongly advised to contact a representative from your Trade Union or a work colleague for support.

As the process can be very stressful you are advised that it may be appropriate for you to seek advice from your GP if you feel your health is being affected.

If you have a disability, reasonable adjustments will be made

Appendix 2

GUIDANCE – DEFINITIONS WHEN DETERMINING THE OUTCOME OF ALLEGATION INVESTIGATIONS

This information should be read in conjunction with the full Management of Allegations of Abuse document.

Section 8 of the DfE statutory guidance – “Dealing with allegations of abuse against teachers and other staff” states that the following definitions should be used when determining the outcome of allegation investigations.

Substantiated: There is sufficient identifiable evidence to prove the allegation;

False: There is sufficient evidence to disprove the allegation;

Malicious: There is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;

Unfounded: 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;

Unsubstantiated: This is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence

Appendix 4

Action to be taken upon receiving a safeguarding allegation against a member of staff

