

Managing Allegations of Abuse against Staff Policy

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Protected

Policy Lead + Job Title:	Kim Orange – Senior HR Operations Manager
Company Lead (if different to above)	Jennifer Lovett- Associate Director of People
Priority Level: Red - within 1 year; Amber – within 2 years; green - within 3 years	Red
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Whom applicable to:	All Futures Staff and Volunteers

Approval of policy (including revisions if required)

Name	Position	Signature (if required)	Policy Version No.	Date
Annette Temple	Futures Policy Lead	N/A		
Dominic Dhillon	Minor formatting changes.	N/A		June 2021
Karenza Morgan	Updates on KCSIE 2022	N/A		Sept 2022

All policies are located in the policy zone of the intranet.

1. Policy Context/ Statement.

- 1.1. All allegations of abuse of children, young people and adults at risk of harm must be taken seriously. Allegations against a person who works with children, young people or adults at risk, whether in a paid or unpaid capacity, cover a wide range of circumstances.
- 1.2. This policy has two sections covering the two levels of concerns and allegations:
 - 1.2.1. Concerns / allegations that may meet the harm threshold.
 - 1.2.2. Concerns / allegations that do not meet the harm threshold – referred to for the purposes of this policy as ‘low-level concerns’.
- 1.3. This policy will be used in respect of all cases in which it is alleged that a member of staff, volunteer or contractor has:
 - 1.3.1. Behaved in a way that has harmed, or may have harmed a child, young person or adults at risk in regard to allegations or low level concerns.
 - 1.3.2. Possibly committed a criminal offence against or related to a child, young person or adults at risk
 - 1.3.3. Behaved towards a child, young person or adults at risk in a way that indicates he or she may pose a risk of harm if they work regularly or closely with children, young people or adults at risk or are an active member in a customer group where children, young people or adults at risk are present
 - 1.3.4. Behaved or may have behaved in a way that indicates they may not be suitable to work with children, young people or adults at risk. This includes behaviour outside of work that might make the individual unsuitable to work with children, young people and adults at risk (known as transferable risk).
 - 1.3.5. Contravened a duty of care
- 1.4. This policy will be enforced in cases of allegations that might indicate that a person is unsuitable to continue to work with our customer group or employee in their present position, or in any capacity.
- 1.5. In the case of transferrable risk and assessment will be made with support from the Local Authority Designated Officer (LADO) where appropriate.

2. Overall Aim and Objectives

- 2.1. It is essential that any allegation of abuse made against a member of staff is dealt with quickly and in a fair and consistent way that provides effective protection for the customer, learner or staff member and at the same time supports the person who is the subject of the allegation and any person making the allegation.
- 2.2. All staff and volunteers should know how to recognise and report concerns or allegations and should understand what to do if they receive an expression of concern or allegation against another member of staff or they themselves have

concerns about the behaviour of another member of staff. All allegations and concerns must be reported straight away to the appropriate Designated Safeguarding Officer (DSO). See Safeguarding Zone on the intranet for further detail.

- 2.3. The DSO has a duty to make a referral to the Local Authority Designated Officer (LADO).
- 2.4. These behaviours should be considered within the context of the five categories of abuse (i.e. physical, sexual, emotional abuse, neglect and coercive control). These also include concerns relating to inappropriate relationships between members of staff and the company customer group
- 2.5. If a related allegation or concern arises about a member of staff outside of their work, this may present a risk of harm to the client group for whom the member of staff is responsible, the general principles outlined in these procedures still apply.
- 2.6. In some cases, an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family or other household member) may present a risk of harm to the client group the staff is responsible for. In these circumstances, a meeting/discussion should be convened to consider:
 - a) the ability and/or willingness of the member of staff to adequately protect/work with the client group;
 - b) whether measures need to be put in place to ensure their protection;
 - c) whether the role of the member of staff is compromised.
- 2.7. Low-level concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken.
- 2.8. It is crucial that all low-level concerns are shared responsibly with the right person and recorded and dealt with appropriately. Ensuring they are dealt with effectively should also protect those working in or on behalf of Futures from becoming the subject of potential false low-level concerns or misunderstandings.

3. Definitions

- 3.1. All references in this document to staff or members of staff should be interpreted as meaning all paid staff/professionals and volunteers including agency staff, associates. It also applies to any person who manages or facilitates access to an establishment where children, young people or adults at risk are present.
- 3.2. Inappropriate relationships should be interpreted as:
 - a) Having a sexual relationship with a child under 18 is in a position of trust in respect of that child, even it claimed to be consensual
 - b) Grooming i.e. meeting a child under the age of 16 with intent to commit a relevant offence
 - c) Other grooming behaviour which may not meet the criminal threshold but gives rise to concerns of a broader child protection nature (e.g. inappropriate text/email message or images, gifts, socialising etc.); Possession of indecent photographs/pseudo-photographs of children.

3.3. The term 'low-level' concern does not mean that it is insignificant. A low-level concern is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working with children, and young people may have acted in a way that:

- a) is inconsistent with the staff code of conduct, including inappropriate conduct outside of work and
- b) does not meet the harm threshold or is otherwise not serious enough to consider a referral to the LADO. Examples of such behaviour could include, but are not limited to:
 - c) being over friendly with children and young people
 - d) having favourites
 - e) Taking photographs of children and young on their mobile phone, contrary to Futures policy
 - f) engaging with a child on a one-to-one basis in a secluded area or behind a closed door, or
 - g) humiliating children or young people.

3.4. The definitions to determine the outcome of an allegation are:

- a) Substantiated: there is sufficient evidence to prove the allegation
- b) Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation
- c) False: there is sufficient evidence to disprove the allegation
- d) Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence, or
- e) Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made.

4. Roles, Responsibilities and Structure

4.1. The Designated Safeguarding Officer (DSO):

- a) is the first point of contact for all staff to go to for advice if they are concerned about a safeguarding situation;
- b) has a higher level of safeguarding training and knowledge than other employees;
- c) has responsibility for ensuring that the company's safeguarding policy and procedures are kept up to date;
- d) ensures the company comply with safe recruitment procedures;
- e) ensures that concerns are acted on, logged and stored securely;
- f) makes any required referral to the Local Authority Designated Officer (LADO).

4.2. The Local Authority Designated Officer (LADO):

- a) provides advice and guidance to employers and voluntary organisations;
- b) liaises with the Police and other agencies;
- c) monitors the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough process.

5. Procedures: Concerns or allegations that may meet the harm threshold

- 5.1. If you have a concern about any adult who works with children, young people or adults at risk this must be immediately reported to the relevant operational DSO.
- 5.2. There are two separate aspects to consider when an allegation is made:
- a) Looking after the welfare of the child, young person or adult at risk – the DSO (or deputy) is responsible for making sure that the child, young person or adult is not at risk and referring cases of suspected abuse to the local authority children's or adult's social care.
 - b) Investigating and supporting the person(s) subject to the allegation
- 5.3. Concerns for children and young people will be passed on to the relevant LADO via the Human Resources DSO. With a view to discussing:
- c) Whether it is a matter that can be dealt with under an agency's disciplinary procedures or
 - d) whether the Police and/or Children's Social Care might need to be involved
 - e) how and by whom the parents or carers of a child/young person should be informed.
- 5.4. Individuals should not:
- a) Investigate the allegations;
 - b) Promise confidentiality to the victim – but do offer assurance that information will only be shared on a need to know basis.
- 5.5. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by the company, they should report the matter to the LADO directly.
- 5.6. There may be up to three strands within the consideration of any concern or allegation:
- a) A police investigation of a possible criminal offence;
 - b) Enquiries and assessment by children's and/or adult social care about whether a child or adult at risk is in need of protection or in need of services;
 - c) Consideration by the company of disciplinary action in respect of the individual subject of the allegation.
- 5.7. As a matter of urgency, once allegations are known to management the following support steps will be implemented as appropriate:
- a) Contact to be made with the member of staff who has the allegation against

them to inform them of the nature of the allegation and advise them of support services available to them.

- b) Agreement of how formal written and verbal contact and communications are maintained.
- c) An outline of the process to manage expectations.

5.8. Where Futures are not the employer of staff, contractors, or volunteers, they will ensure allegations are dealt with properly. In no circumstances would Futures decide to cease to use a service of the person due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome.

Supporting those involved

- 5.9. Our procedures will be managed taking into account the steps above. Many cases may not require either a police investigation or further enquiries by the local authority's children's and/or adult social services. In such situations, we will resolve the matter as quickly as possible. Where more appropriate, we may use the company's complaints procedure instead.
- 5.10. As an employer, we have a duty of care to our employees and our customers. We provide effective support for anyone facing an allegation and will provide our staff members with a named contact if they are suspended. Social contact with colleagues and friends will not be prevented unless there is evidence to suggest that it is likely to be prejudicial to the gathering and presentation of evidence.
- 5.11. If required a programme of support will be instigated for the member of staff who makes a safeguarding allegation. The support package will be agreed between the instigator of the allegation and the DSO (HR) or appropriate Line Manager.
- 5.12. Any staff member facing a safeguarding allegation will be sign posted to Westfield Health Care for support with legal matters and health needs/facilities.
- 5.13. If the employee is a member of a union or professional association s/he will be advised to contact that body for support at the outset.
- 5.14. In the case of supply, contract and volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the LADO and company should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services or provide future work with the client group and if not, whether to make a report for consideration of barring or other action.
- 5.15. Some allegations may be so serious that we may need to ask for immediate intervention by children's and/or adult's social care and/or police. If this is the case and we believe the above criteria are likely to be met; the Safeguarding Lead will inform the LADO of such allegations immediately and keep the Chief Executive fully informed.
- 5.16. Where it is necessary to suspend an employee whilst investigations into allegations are conducted. Consideration will be given to placing the employee in another area of the business whilst investigations are conducted, subject to the nature and severity of the allegation and availability of reasonable alternative work. In cases of suspension, reasons and justification would be recorded and the suspended notified of the reasons.

- 5.17. As an employer, we have a duty of care to support any member of staff who makes a safeguarding allegation. The principles of whistleblowing as outlined in the Malpractice Policy and Practice will apply.
- 5.18. If required a programme of support will be instigated for the member of staff who makes a safeguarding allegation. The support package will be agreed between the instigator of the allegation and the DSO (HR) or appropriate Line Manager.
- 5.19. In cases where a client may have suffered significant harm, or there may be a criminal prosecution, children's and/or adult's social care, or the police, as appropriate, will be consulted by the Safeguarding Lead to consider what support the child, children or adults at risk involved may need. The Safeguarding Lead will also keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate for them.
- 5.20. Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered and to fulfil our obligations under the Data Protection Act 2018 and General Data Protection Act 2018
- 5.21. Where the employee tenders his or her resignation, or ceases to provide their services, this action will not prevent an allegation being followed up in accordance with these procedures.
- 5.22. Every effort will be made to reach a conclusion in all cases of allegations, bearing in mind the safety or welfare of children and adults at risk, including where the person concerned refuses to cooperate with the process.
- 5.23. Wherever possible the employee will be given a full opportunity to answer the allegation and make representations about it. The process of investigating the allegation and reaching a judgment about whether it is substantiated will continue, even if the person does not cooperate.
- 5.24. Settlement agreements will not be used in these cases. In any event, such an agreement would not prevent a thorough police investigation where that is appropriate. Furthermore, it will not override the statutory duty to make a referral to the Disclosure and Barring Service (DBS) where circumstances require.

Action for allegations found to be malicious/false/unsubstantiated/unfounded

- 5.25. Allegations which are found to have been malicious will be removed from all records .
- 5.26. An allegation which was proven to be false, unsubstantiated, unfounded or malicious will not be included in employer references.
- 5.27. Every effort will be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the client or the employee about whom the allegation has been made (in cases when this would not place the client at further risk) up to date with progress of the case, information should be restricted to those who have a need to know in order to protect those concerned.

Timescales

- 5.28. It is in everyone's interest to resolve cases as quickly as possible, through a fair and thorough investigation. All allegations must be investigated as a priority, to ensure a quick and efficient resolution.
- 5.29. The majority of investigations should be completed and resolved within three weeks of the allegation or concern being raised.
- 5.30. Where formal disciplinary action is not required, an appropriate Director will institute appropriate action within three working days. Where it is proving difficult to do so in exceptional circumstances for extraneous reasons such as the nature, seriousness and complexity of the allegation, everyone should be kept informed of the expected timeframe.
- 5.31. If a disciplinary hearing is required, the hearing will be held according to the disciplinary policy. However, where it is clear immediately that the allegation or concern is unfounded or malicious; the investigation will be resolved within one week.

Initial considerations

- 5.32. The nominated DSO will inform the staff member about the allegation as soon as possible after he/she has been informed by the LADO, who must be informed of all allegations or concerns that come to the attention of the Company Safeguarding Leads.
- 5.33. Where a strategy discussion is needed, police or children's and/or adult's social care may need to be involved, full information will not be provided until those agencies have been consulted and have agreed what information can be disclosed to the person. However, if the person is a member of a union or professional association they will be advised to contact that organisation at the outset.

Suspension

- 5.32 Suspension will be considered in any case where there is cause to suspect a client or employee is at risk of significant harm, the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. **However, a person will not be suspended automatically, or without careful consideration of the circumstances.**
- 5.33 The power to suspend an employee is vested at Director and HR level. However, they will first consult the police and LADO about whether the member of staff about whom the allegation has been made needs to be suspended from contact with the client group.
- 5.34 Consideration will always be given as to whether the same result can be considered by alternative arrangements, based on assessment of risk; for example, redeployment, supervision, removing access to direct and indirect contact with the, client group. This can allow time for a more informed decision to be made
- 5.35 The potential for permanent professional reputational damage, which can result from suspension, will always be considered.
- 5.36 Where suspension is used, a clear record of the decision and justification or rationale is always taken.

Action on conclusion of a case

- 5.37 In cases where it is decided on the conclusion of the case that an employee who has been suspended can return to work, the company will consider how best to facilitate this. It appreciates that most people would benefit from some help and support when returning to work after a very stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The company will also consider how the person's contact with the instigator of the allegation can appropriately managed if they are working for the company/a client of the company.
- 5.38 Reporting restrictions will be in place to prevent the publication of any material that may lead to the identification of the staff member who has been falsely accused. These restrictions cease to apply in cases where the individual waives his/her rights to anonymity by going public or giving written consent for another person to do so, or if a judge lifts the restriction.

Action in respect of false allegations

- 5.39 If an allegation is determined to be false, the Safeguarding Lead may refer the matter to the relevant social care area to determine whether the client concerned is in need of services, or may have been abused by someone else.
- 5.40 If the instigator of the allegations is a staff member and it is evidenced that the allegation is shown to have been deliberately invented or malicious, the relevant Director will consider whether any disciplinary action is appropriate.

6. Procedures: Concerns or allegations that do not meet the harm threshold

- 6.1. It is important that all organisations working with children, young people and adults at risk have procedures in place to manage and record low level concerns in order to take appropriate action to safeguard.
- 6.2. Futures has a culture in which all concerns about adults are shared responsibly and with the right person, recorded and dealt with appropriately
- 6.3. Low-level concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken.
- 6.4. Where a low-level concern has been identified, this should be reported as soon as possible to The people and Culture team who will speak to the Designated Safeguarding Lead or their Deputy
- 6.5. Low-level concerns should always be reported as soon as possible, however if time has elapsed there is still a need to make sure reporting takes place.
- 6.6. A record of the concern should be written down, signed, timed, dated with the name of the person bringing the information forward and should include any action taken.
- 6.7. Where the person raising the concerns wants to remain anonymous, this will be respected as far as reasonably practicable. However, there may be circumstances where this is not possible, for example, where a disciplinary investigation or a

criminal investigation is required.

- 6.8. Staff can self-report instances if they find themselves in a situation which could have been misinterpreted, or might appear compromising to others, or they may have behaved in a manner which on reflection they consider falls below the standard set out in the Employee Standards and Code of Conduct. This policy will enable a potentially difficult situation to be addressed at an early opportunity.

Responding to Low-Level Concerns

- 6.9. Where a low-level concern has been raised, this will be taken seriously and dealt with promptly. Any unprofessional or concerning behaviour will be addressed, and support provided to the individual to correct it, at an early stage.
- 6.10. The Designated Safeguarding Officer will arrange for a nominated person to:
- a) Speak to the person raising the concerns to gather all the relevant information
 - b) Speak to the individual who the concerns are about to ascertain their response
 - c) where necessary, investigate the matter further, which may involve speaking to witnesses
- 6.11. The information gathered will be reviewed by the Designated Safeguarding Officer or their Deputy in order to ensure that any response is sensitive and proportionate. They will determine whether the behaviour:
- a) is consistent with the standards of behaviour set out in Futures 'Employee Standards and Code of Conduct': no further action will be required.
 - b) constitutes a low-level concern:
 - no further action will be required due to mitigating circumstances. The concerns and outcome are recorded and filed accordingly, or
 - additional training/guidance/support may be required to remedy the behaviour, or
 - management processes, for example, Disciplinary action or Capability Procedures may be considered if appropriate.
 - c) is serious enough to consult with or refer to the LADO: a referral should be made to the LADO and advice sought from the Safeguarding Lead.
- 6.12. If low-level concerns have been raised previously about the same individual, and if a concerning pattern of behaviour is identified, they will be re-classified as an allegation and advice will be sought from the LADO and DSO for People and Culture Team which may result in disciplinary action.
- 6.13. Reports about agency staff or contractors should be notified to their employers, so that any potential patterns of behaviour can be identified.
- 6.14. Records of low-level concerns will be kept confidential by People and Culture team, held securely, and in line with the Data Protection Act 2018. Records will be

retained in line with the Records Retention Policy.

- 6.15. Records will be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified.
- 6.16. Low level concerns will not be included in references unless a low-level concern, or a group of concerns, have met the threshold for referral to the LADO and found to be substantiated or disciplinary action or a sanction is live.

7. Related Training and continuous professional development

- 7.1. All staff will have access to safeguarding cpd which includes safe recruitment for HR staff and managers.
- 7.2. All staff will receive regular updates on local arrangements via the Intranet or Extranet through staff meeting and have the opportunity to discuss case studies during team meetings
- 7.3. Managers and those responsible for referrals will receive training on the application of the Company's policy and procedures, understand how referrals are made, be familiar with the requisite record keeping procedures and undertake safeguarding training at the appropriate level.

8. Policy Monitoring and Evaluation

- 8.1. The Designated Persons and Operations Managers will conduct an annual review of our Safeguarding systems and Policies. This will include consideration of specific cases dealt with by staff in the last year. The resulting information, including feedback from staff, will be used by the designated person to inform any improvements necessary. Quarterly Safeguarding reports will be reviewed at Futures Board level.
- 8.2. Futures Safeguarding Policy and procedures will be clearly communicated to staff, volunteers, subcontractors, Board Members and Service Users through the use of the company, intranet and extranet and our communications department. The Designated Safeguarding Officer: Policy and Procedures named person will be responsible for ensuring this is done.

9. List of related strategies, policies and procedures

- 9.1. The policy should be read in conjunction with related strategies, policies and procedures (all located in the [Policy Zone](#))
 - d) Safeguarding strategy
 - e) Safeguarding Impact Plan
 - f) Prevent strategy
 - g) Prevent Impact Plan
 - h) HR Policies
 - i) E-safety policy
 - j) Harassment and bullying policy
 - k) Recruitment, Disclosure and Barring Service Checks, Ex-Offender, Whistleblowing, prayer room policy.
 - l) CPD Policy and Training Plan
 - m) IT and Cyber Security
 - n) Information Sharing/Disclosure of Information, Data Protection

- o) Equality and Diversity
- p) Health and Safety
- q) Events Policy
- r) Complaints Policy and Procedures.

SAFEGUARDING PROCESS - IF YOU HAVE CONCERNS ABOUT STAFF - (4 R'S)

(IF YOU ARE CONCERNED THAT THE BEHAVIOUR OF A MEMBER OF STAFF OR OTHER PERSON IS THREATENING, OR POTENTIALLY THREATENING, THE WELL BEING OF A CHILD OR VULNERABLE ADULT)

