

**Managing Allegations**

**Original: September 2024**

These procedures apply to all staff and volunteers, regardless of position or role within the Alternative Provision.

The aim of these procedures is:

• To ensure that children and adults at risk are protected and supported following an allegation that they may have been abused.

• To ensure that there is a fair, consistent and robust response to any safeguarding allegation made, so that any risk posed to other children or adults at risk by an abusive individual is managed effectively.

• To ensure that an appropriate level of investigation into concerns or allegations takes place when the allegation is recent.

• To ensure that we continue to fulfil its responsibilities towards members of staff, or volunteers who may be subject to such investigations.

• To ensure TOL acts in accordance with legislation and guidance.

The Directors of TOL expect to receive on the same day information that relates to:

• In Children’s Services – a death or serious abuse or neglect in an open or recently closed case

• In National Services – a death or serious abuse or neglect in a contemporaneous or recent telephone or online contact and any

• Death or serious abuse or neglect likely to trigger a Child Safeguarding Case Review or equivalent, and/or likely to trigger media interest (imminently)

• Obvious or apparent serious systems failure e.g. recording system, or serious performance or conduct breach

• Death or serious incident that is very distressing to the practitioners/manager and to whom the Directors might offer a word of support.

This information can be brief rather than a comprehensive report, with further information to follow if and as necessary, making a judgement about what needs to be shared. Same day alerts are the priority. The Directors will then make a timely alert to all trustees.

**Roles and responsibilities**

In the Tree of Life, the responsibility for overseeing Safeguarding Allegations and appointing an investigating manager lies with the Safeguarding Lead. If they are unavailable the Director of TOL will nominate another senior manager to undertake this role. If the Safeguarding Lead decides that independence is necessary to undertake an investigation, an independent person, external to TOL will be identified by the Safeguarding Lead to carry this out. The Investigating Manager will be a person not directly involved in the allegation and someone who has completed the training on this procedure. Further written guidance on the role of the investigating manager and that of line management will be provided.

**What is a safeguarding allegation?**

Where it is alleged that any person working for or volunteering within TOL has:

• Behaved in a way that has harmed a child, may have harmed a child, or might lead to a child being harmed

• Possibly committed or is planning to commit a criminal offence against a child or related to a child

• Behaved towards a child, children or adult at risk in a way that indicates s/he is or would be unsuitable to work with children

• Behaved in a way that has harmed, or may have harmed, an adult at risk

• This applies if the allegation is about a current incident or has occurred historically.

A child is a person up to the age of 18 years (16 years in Scotland). The allegation may concern one or more children. The allegation can be about any child/adult at risk, for example a child/adult at risk:

• That a member of staff or volunteer has contact within their community/home life

• Is the son or daughter or family member of the employee or volunteer

The allegation may:

• Not directly identify a known child victim. For example, if a staff member or volunteer is accessing abusive images of children online or using the internet to groom children with the intent to harm in future

• Be about any type of abuse – physical, emotional, sexual or neglect

• Concern a breach of the TOL’s Safeguarding code of conduct and Policy on appropriate professional conduct

• Relate to TOL staff and volunteers who have behaved in a way that may have harmed an adult at risk

• Allegations of abuse that come to TOL’s attention more than twelve months prior to the initial allegation being made are regarded as ‘non-recent’ abuse, also known as historic abuse. Following a strategy meeting it may be necessary for a referral to Operation Hydrant to be made.

Also consider:

• The importance of referring the allegation onward, the timescales and who to involve

• Understand your responsibilities and limitations for each referral process

• Remember the 4 R’s:

- Recognise concerns that a child is being harmed or might be at risk of harm

- Respond appropriately to a child who is telling you what is happening to him or her

- Refer the concerns, police or children’s social care

- Record the concerns appropriately and any subsequent action taken; no delay in passing on concerns.

Timescales are in place to ensure that matters are resolved in a timely way but these are the maximum allowed and nothing should prevent a speedy response if this is required. There may be a need for resolution and escalation – TOL has a responsibility to ensure that appropriate protective action is taken by the police or children’s social care and, if not, to escalate the concern to establish the right protective action is taken to ensure the child is safe.

**What to do if an allegation is made?**

If a child or adult at risk, is at risk of immediate harm or needs emergency medical attention, the emergency services must be contacted and the parents/carers informed that immediate steps are being taken to get help.

If the allegation does not relate to a TOL employee or volunteer, all actions taken should follow the “What to Do If You Have Concerns about a Child” or “The Safeguarding Adults at Risk Policy and Procedure”.

The person who receives a safeguarding allegation must make a note of the basic details of the allegation, to include the:

• Name of the individual who the allegation is about and any other identifying information, including location

• Name of any children/adult at risk involved

• Date and time of the allegation arising

• Name and contact details of the person making the allegation

• Key information about the nature of the safeguarding allegation.

The person should then inform their line manager in the first instance and agree next steps to safeguard a child/ren or adult at risk. If the concern is about the line manager then the person should inform the second line manager. Alternatively, if the person feels unable to do this, they can seek advice and guidance from the helpline. The line manager, helpline duty manager or supervisor must complete the allegation log form and pass on the information about the allegations within 24 hours to the Safeguarding Lead. If the allegation involves a specifically named child or adult at risk, the Safeguarding Lead will ensure a search of all TOL records is completed, to ascertain whether any records need to be secured or ‘locked down’ or any equipment removed from the individual.

Where records are identified, the following process will be followed:

• Where a record relates to an open case, the Safeguarding Lead will action the case to be ‘locked down’ on the relevant recording system, so that previous records cannot be altered, but new information can be added

• Where a record relates to a closed case (not archived), the Safeguarding Lead will ensure the case is “locked down”

• Where a record relates to National Services, the Safeguarding Lead will liaise with the Head of Helpline to request that a PDF summary and a recording of the call is secured

• All records will remain secure for the duration of the process of managing an allegation

There may be up to four strands when considering any child protection concern or allegation against a staff member or volunteer, as follows:

• Enquiries and assessment by children’s social care (or equivalent in other nations) about whether a child needs protection and/or services

• A police investigation of a possible criminal offence

• Consideration by TOL of suspension/disciplinary action in respect of the individual

• Volunteers will be suspended from any role with the provision

• Referral for ‘consideration to bar’ a person from working with children/adults at risk (for example, referral to the Disclosure and Barring Service (or equivalent) and/or referral to a professional registration body for professional misconduct.

**Initial considerations about managing a safeguarding allegation**

The Safeguarding Lead will oversee the co-ordination and management of all allegations and must be notified of every allegation. They will have oversight of the investigative strategy and process, the reporting mechanisms to be adopted and will agree who the investigating manager is with the relevant Head of Service. The investigative task and responsibilities will be delegated to an Investigating Manager unless there are exceptional circumstances, for example where there is a conflict of interest.

If the Safeguarding Lead confirms the information as a safeguarding allegation, an initial plan will be agreed with the relevant Head of Service, Investigating Manager and People Director within 24 hours, which includes:

• The actions to be taken to address any immediate safety of any relevant child/ren or adult at risk involved, for example those that are the subject of the safeguarding allegation or other children that the individual has contact with through work or family

• The criteria for referral to children’s social care, adult social care and/or the police

• What information, if any, to share with the individual who is the subject of the safeguarding allegation, and when to do so

• Whether any immediate decision must be taken about suspension of the individual subject to the allegation, pending further enquiries and/or investigation

• What further information may be required for clarification

• Identifying who else is aware of the safeguarding allegation and who has been spoken to

• Identifying whether any advice should be sought from a consultant within People Directorate

• Consideration of support arrangements for the child/ren, adult at risk and family members concerned

• Arrangements for support for the person who is the subject of the safeguarding allegation and the person who raised the allegation

• Additional advice from the Legal Department may need to be considered If after the initial assessment the Safeguarding Lead does not consider the matter constitutes a safeguarding allegation then they must decide in consultation with the relevant managers if an internal investigation is required to determine if the behaviour/incident was related to poor practice or misconduct in which case the disciplinary policy will be instigated by the line manager.

All decisions and the reasons for them must be recorded. If the matter constitutes a safeguarding allegation then the Investigating Manager must make a referral to the Designated Officer for the Local Authority or equivalent in the devolved nations within 24 hours of the allegation coming to light. Should an external child protection investigation and/or police investigation be required then this will be undertaken before any internal TOL procedures are actioned. The Investigating Manager must also refer to and follow the relevant Safeguarding Board procedures to understand and ensure compliance wherever possible with local arrangements for the management of safeguarding allegations, including timelines.

**Action following initial consideration**

Where the allegation meets the criteria outlined in section 3 (above), the Investigating Manager and Designated Officer for the Local Authority will discuss and agree the next steps, including informing parents/carers of the child or adult at risk concerned (if applicable) about the allegation if they are not already aware of it.

The Designated Officer for the LA (or equivalent) will:

• Discuss with the Investigating Manager the allegation and obtain further details of the allegation and the circumstances in which it was made

• Discuss whether there is evidence/information that establishes the likelihood that the allegation is false or unfounded

• Convene a strategy discussion within procedural timelines in order to plan any actions such as a police investigation and/or protective action in respect of the child or adult at risk if there is reason to suspect a child or adult at risk is suffering or likely to suffer significant harm, and/or a criminal offence may have been committed.

The member of staff/volunteer subject to the allegation should be informed by an appropriate manager that an allegation has been made and the Managing Safeguarding Allegations Information Letter with the additional documents identified within it sent out to him/her. However, where a strategy discussion is required with the authorities, or the police or children’s social care (or equivalent) may need to be involved, information about the allegation should not be shared until those agencies have agreed what information can be disclosed to the person who is the subject of the allegation.

**Allegations against Senior Managers**

If a safeguarding allegation is made against a Senior Manager, the Safeguarding Lead should immediately be informed, and the above procedure will be followed. If an allegation is made against the CEO or a trustee, it is the responsibility of the chair of trustees, the lead trustee for safeguarding, and the CEO for agreeing an initial plan of how to proceed. If one of them is the subject of the allegation their place will be taken by a vice chair of trustees, or another trustee, respectively. The Safeguarding Lead will confirm that the information before them is a safeguarding allegation. The safeguarding allegation may be in respect of the person’s employment, voluntary activity or behaviour towards any children including their own. If after the initial assessment, the chair (or vice chair), the lead trustee and the CEO (or other trustees) decide that the matter does not constitute a safeguarding allegation then they must decide if an internal investigation is required to determine if the behaviour/incident was related to poor practice or misconduct. If it is agreed that the safeguarding allegation meets the criteria in section 3 (above), then the delegated Investigating Manager must make a referral to the Designated Officer for the Local Authority or equivalent in the devolved nations within one working day.

Some safeguarding allegations are clearly so serious that they require immediate referral to children’s social care/police. Other allegations that appear to meet the criteria may seem less serious; it is important that they are followed up and examined objectively by the external authorities who may hold other relevant information about the individual that is unknown to the TOL. All decisions and the evidence upon which they are based must be recorded.

**Suspension**

In some cases, TOL will decide to suspend the employee who is the subject of the allegation or cease to use the services of a volunteer on a temporary basis. The act of suspension does not indicate a person’s guilt, it is a neutral act. An individual must not be suspended automatically when there has been an allegation or without careful thought.

Suspension should be considered in any case where:

• There is reason to suspect a child is at risk of significant and the allegation warrants investigation by the police

• The allegation is so serious that if substantiated might be grounds for dismissal

• There are concerns that the person about whom the allegations are made may put pressure on or interfere with potential witnesses

• The person by carrying out their normal duties may pose a risk to others and where this risk cannot be reasonably mitigated against through increased supervision or a temporary change of duties.

The power to suspend a member of staff or dispense/suspend the services of a volunteer because of an allegation is vested in the TOL alone. In making this decision the Investigating Manager in conjunction with the Safeguarding Lead and People Director will need to take into consideration the views of the police and the Designated Officer for the LA. The Investigating Manager should also consult with the Head of Service of the staff member or volunteer. The Investigating Manager, in consultation with the above persons, will be responsible for deciding how and when to feedback to the person who made or received the allegation, and what information to give to relevant others who may know the accused individual concerned.

Advice and consultation on this may be sought from the Safeguarding Lead and Director. If it is decided to proceed with a suspension the guidance for Managing the Reporting Process to Regulatory Bodies for Social Workers in the UK Guidance must be referred to and the Fitness to Practice (FTP) of the employee assessed in line with this guidance. Other regulatory bodies may need to be considered

**Action following the conclusion of the external investigative process**

At the conclusion of any external investigations, the Safeguarding Lead and the Designated Officer for the LA, will formally review the outcome and determine any further action required. Following completion of the internal investigation the Investigating Manager will complete a report detailing the relevant information, their actions and any recommendations.

The line manager of the staff member or volunteer and People Director will need to be party to any decision. Options include:

• Reintegration of the staff member or volunteer

• Performance management or capability processes invoked

• Disciplinary process invoked, following the Disciplinary policy

• Referral to the Disclosure and Barring Service (DBS) (equivalents in the other nations) for consideration to be barred from working with children

• Referral to a professional registration/regulatory body, for example the Health Care Professions Council (HCPC), on the grounds of misconduct

The following definitions will be used by the Investigating Manager when recording the outcome:

• 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 that there has been a deliberate act to deceive and the allegation is entirely false

• Unfounded: there is no evidence or proper basis that 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 the alleged behaviour occurred. Every effort should be made to reach a conclusion in all cases even if:

• The individual refuses to cooperate, although s/he should be given a full opportunity to answer the allegation and make representations

• It is difficult to reach a conclusion

• The staff member is no longer employed or the volunteer has withdrawn his/her services

The Investigating Manager must determine who needs feedback following the conclusion of any investigations and the nature of that feedback in accordance with the principles of data protection and confidentiality. This might include feedback to the child, adult at risk, his/her parents/carers, and/or the person who raised the concern initially, and the line manager of the staff member or volunteer. The Investigating Manager must provide in writing feedback to the person who has been subject to the investigation, clarifying the outcome and any implications for their employment/volunteering. This should normally be provided within five working days of the conclusion of the investigation.

**Action in Respect of Unfounded or Malicious Allegations**

If an allegation is determined to be unfounded or malicious, the Investigating Manager must consider if any further action is required to include:

• If the safeguarding allegation was made by a child then there is a need to consider if a referral to children’s social care is required to determine if that child is in need of services, or may have been abused by someone else

• If the safeguarding allegation was deliberately invented or raised maliciously by an adult then this could be discussed with the police and advice sought

• Whether disciplinary action is required; If the person making the malicious or unfounded allegation is a member of staff

• The support needs of the person that was the subject of the safeguarding allegation