|  |  |
| --- | --- |
|  | **Dealing with Allegations made against an Employee or Volunteer** |

|  |
| --- |
| **Arrangement of Sections** |

 1. Purpose of this procedure

 2. Types of abuse

 3. What to do if an allegation of abuse is made or information of abuse is received

 4. Conducting an investigation

 5. Reporting an allegation or concern

 6. Taking disciplinary action

 7. Keeping a record of the investigation

 8. Designated Safeguarding Officers (DSOs)

 9. Useful contacts

10. Other documents in this series

11. Document details

 Appendix 1: Notice of Suspension

|  |
| --- |
| **1. Purpose of this Procedure** |

This procedure provides a clear direction to Staff and Trustees who are called upon to deal with allegations and to manage investigations that may result from them.

The aims of this procedure are:

* To ensure that children who attend the Baby Equipment Loan Service & Toy Library (BELS & TL), and any other children who may come to our attention, are protected and supported following an allegation that they may have been abused by an adult from within BELS & TL.
* To ensure that there is a fair, consistent and robust response to any allegations made, so that the risk posed to other children by an abusive individual is managed effectively.
* To facilitate an appropriate level of investigation into allegations, whether they are said to have taken place recently, at any time the person in question has been employed by or volunteered with BELS & TL, or prior to the person’s involvement with BELS & TL.
* To ensure that BELS & TL continues to fulfil its responsibilities towards members of Staff, Volunteers or Trustees who may be subject to such investigations.
* To ensure that individuals can continue in their role if they have been at the centre of allegations that are unfounded or deemed to be malicious in origin.

This procedure applies to:

* Any member of Staff, Volunteer or Trustee to whom an allegation of abuse has been made, that involves another member of Staff, Volunteer or Trustee.
* Anyone in a managerial position, including the Designated Safeguarding Officers (DSOs) for children, line managers, supervisors and trustees, who may be required to deal with such allegations and manage investigations that result from them.

|  |
| --- |
| **2. Types of Abuse** |

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child.

Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

**Emotional abuse** is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child’s emotional development. It may involve conveying to children that they are worthless and unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them, ‘making fun’ of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child’s developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

**Sexual abuse** involves forcing or enticing a child or children to take part in sexual activities, not necessarily involving a high level of violence, whether the child is aware of what is happening or not. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts, such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

**Neglect** is the persistent failure to meet a child’s basic physical and /or psychological needs, likely to result in the serious impairment of the child’s health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born it may involve a parent or carer failing to provide adequate food, clothing, and shelter, including exclusion from home or abandonment; failure to protect a child from physical harm or danger; failure to ensure adequate supervision, including the use of adequate care takers; or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to a child’s basic emotional needs.

There are also emerging types and methods of child abuse, including:

* Sexual exploitation.
* Female genital mutilation (FGM).
* Trafficking of children in order to exploit them sexually, financially, via domestic servitude, or via the involvement in activity such as the production and sale of illegal drugs.
* Abuse linked to beliefs such as spirit possession or witchcraft.
* Radicalisation and the encouragement or coercion to become involved in terrorist activities.
* Abuse via online methods e.g. from adults seeking to develop sexual relationships with children or to use sexual or abusive images of them.
* Domestic violence (either witnessing violence between adults family members, or in the case of older young people, being subjected to coercion or violence in an intimate relationship in the same way as an older person).

|  |
| --- |
| **3. What to do if an allegation of abuse is made or information of abuse is received** |

There are potentially two issues that to be dealt with as a matter of urgency:

1. **Is a child in immediate danger or do they need emergency medical attention?**
* If a child is in immediate danger and is with you, remain with them and call the police.
* If the child is elsewhere, contact the police and explain the situation to them.
* If the child needs emergency medical attention, call an ambulance and, while you are waiting for it to arrive, get help from your first aider.
* If the first aider is not available, use any first aid knowledge that you may have yourself to help the child. You also need to contact your supervisor or manager, or the named person for child protection to let them know what is happening.

The member of staff or manager should also inform the child’s family if the child is in need of emergency medical attention and arrange to meet them at the hospital or medical centre. The parents / carers should be informed that an incident has occurred, that the child has been injured and that immediate steps have been taken to get help.

1. **Is the person at the centre of the allegation working with children now?**

If this is the case, the concern needs to be discussed immediately with their Line Manager at BELS & TL. the Designated Safeguarding Officers (DSOs) for children and the Lead Board Member for Safeguarding. One of these people should then, in a sensitive manner, remove the staff member involved in the allegation from direct contact with children. The Chairperson of the Trustees should be kept informed.

It should then be explained to the person, in private, that there has been a complaint made against them, although the details of the complaint should not be given at this stage. The person should be informed that further information will be provided as soon as possible but that, until consultation has taken place with the relevant agencies and within the organisation, they should not be working with children. The most senior manager must immediately suspend the staff member and advise them to return home and wait for further contact. It must be made clear that this is not because we believe the allegation, and does not indicate guilt, but is to protect all the parties involved. For example, we do not want an irate parent turning up and assaulting the staff member, and nor do we want any further allegations that the staff member has spoken to colleagues in an attempt to influence or pervert any subsequent investigation, or to destroy or hide evidence. A Notice of Suspension should be issued to the staff member as soon as is practicable (Appendix 1).

The information provided to him or her at this stage will need to be very limited. This is because discussions need to take placed first with other agencies who may need to be involved, such as the local authority children’s social care department or the police.

If the person is a member of a trade union or a professional organisation, they should be advised to contact that body. Arrangements should also be made for the member of staff or volunteer to receive ongoing support in line with the responsibilities the organisation has towards their welfare.

|  |
| --- |
| **4. Conducting an Investigation** |

Once any urgent necessary steps have been taken, attention can be given to dealing with the full implications of the allegations.

There are up to three possible lines of enquiry when an allegation is made:

* A police investigation of a possible criminal offence.
* Enquiries and an assessment by the local authority children’s social care department about whether a child needs protection.
* Investigation by an employer and possible disciplinary action being taken against the person in question. This includes implementing a plan to manage any risk posed by the individual to children and young people in the workplace until the outcome of the other investigations and enquiries is known. If the individual is a volunteer the organisation will need to consider whether the person can continue in their role and if so, what steps should be taken to manage any risk that they may pose.

|  |
| --- |
| **5. Reporting an Allegation or Concern** |

If the allegation is made by a child or family member to a member of staff, or if a member of staff observes concerning behaviour by a colleague at first hand, this should be reported immediately to the DSOs; BELS & TL’s lead on handling the allegation. In their absence the matter should be referred to the Lead Board member for Safeguarding In all instances an e-mail should be sent to the Line Manager as soon as practicable so the process can be formally recorded and time stamped.

If a staff member has received an allegation or observed something of concern about their own manager, the staff member should report the allegation or concern to the person more senior to their manager.

If the person who is the subject of the concern is a DSO the matter should be reported to the DSO’s manager.

Issues that will need to be considered are:

* The child’s wishes and feelings
* The parent’s right to know (unless this would place the child or someone else in danger, or would interfere with a criminal investigation)
* The impact of telling or not telling the parent
* The current assessment of the risk to the child and the source of that risk
* Any risk management plans that currently exist.

Once any immediate danger of emergency medical need has been dealt with, follow the steps set out in the flowchart at the end of this document.

The Chairperson of the Management Committee should be informed of all allegations made against a member of staff unless this would compromise the investigation.

**When to involve the Local Safeguarding Children Board (LSCB)**

The organisation’s DSOs should report the allegation to their Line Manager and / or the Lead Board Member for Safeguarding and to the local authority designated officer or team within one working day if the alleged behaviour suggests that the person in question:

* May have behaved in a way that has harmed or may have harmed a child.
* Has possibly committed a criminal offence against or related to a child.
* Has behaved towards a child in a way that suggests that he or she may be unsuitable to work with children.

This should also happen if the individual has volunteered the information themselves.

The local authority designated officer or team may be told of the allegation from another source. If this is the case, then the first information received by BELS & TL may be when the local authority makes contact in order to explain the situation.

Whoever initiates the contact, there will be discussion between the local authority designated officer or team and BELS & TL’s DSOs to share information about the nature and circumstances of the allegation, and to consider whether there is any evidence to suggest that it may be false or unfounded.

If there is any reason to suspect that a child has suffered, or is likely to suffer, significant harm and there are no obvious indications that the allegation is false, the local authority designated officer or team, in co-operation with BELS & TL will initiate a strategy discussion within the local authority children’s social care department.

The local authority designated officer or team and the organisation’s DSOs will take part in the strategy discussion. The DSOs and any other representative from BELS & TL should cooperate fully with this and any subsequent discussion with the children’s social care department.

It should be asked from the outset that the children’s social care department shares any information obtained during the course of their enquiries with BELS & TL if it has any relevance to the person’s employment.

**Dealing with a criminal offence**

If there is reason to suspect that a criminal offence may have been committed (whether or not the threshold of ‘significant harm’ is reached), the local authority designated officer or team will contact the police and involve them in a similar strategy discussion, which will include the organisation’s DSOs.

The DSOs and any other representative from BELS & TL should cooperate fully with any discussion involving the police and should ask for similar cooperation from the police in terms of the sharing of information relevant to the person’s employment.

Discussions with the police should also explore whether there are matters that can be acted on in a disciplinary process while the criminal investigation takes place, or whether disciplinary action must wait until the criminal process is completed.

**Talking to parents about the allegation or concern**

If the child’s parents / carers do not already know about the allegation, BELS & TL’s DSOs and the local authority’s designated officer or team need to discuss how they should be informed and by whom.

**Talking to the person who is the subject of the allegation**

The person at the centre of the allegation should be informed as soon as possible after the initial consultation with the local authority’s designated officer or team. However, if a strategy discussion within the local authority children’s social care team or the police is needed; this might have to take place before the person concerned can be spoken to in full. The police and children’s social care department may have views on what information can be disclosed to the person.

Only limited information should be given to the person in question, unless the investigating authorities have indicated that they are happy for all information to be disclosed or unless there is no need for involvement from these statutory agencies.

BELS & TL’s DSOs will need to keep in close communication with the local authority DSO or team and the other agencies involved in order to manage the disclosure of information appropriately.

|  |
| --- |
| **6. Taking Disciplinary Action** |

If the initial allegation does not involve a possible criminal offence, the Line Manager should still consider whether formal disciplinary action is needed.

If the local authority children’s social care department has undertaken any enquiries to determine whether a child or children are in need of protection, the Line Manager, in consultation with the Trustees, should take account of any relevant information from these enquiries when considering whether disciplinary action should be brought against the person at the centre of the allegations.

The following timings should be kept to wherever possible, depending on the nature of the investigation:

* If formal disciplinary action is not needed, other appropriate action should be taken within three working days.
* If disciplinary action is required, and can be progressed without further investigation, this should take place within 15 days.
* If BELS & TL decides that further investigation is needed in order to make a decision about formal disciplinary action, the DSOs should discuss with the local authority’s designated officer or team the possibility of this investigation being done by an independent person to ensure that the process is objective. Whether or not the investigation is handled internally or independently, the report should be presented to the DSOs within 10 working days.
* Having received the report of the disciplinary investigation, BELS & TL’s DSOs should discuss the report with the Line Manager who should decide within two working days whether a disciplinary hearing is needed.
* If a hearing is needed, it should be held within 15 working days.
* The DSOs should continue to liaise with the local authority designated officer or team as a source of advice and support.

If a criminal investigation is required, it may not have been possible to make decisions about initiating disciplinary proceedings or about the person’s future work arrangement until this is concluded. The police are required to complete their work as soon as reasonably possible and to set review dates, so the DSOs should either liaise with the police directly or via the local authority designated officer or team to check on the progress of the investigation and criminal process.

The police are also required to inform the employer straight away if the person is either convicted of an offence or acquitted or, alternatively, if a decision is made not to charge them with an offence or to administer a caution in any eventuality, once the outcome is known, the DSOs should contact the local authority designated officer or team to discuss the issue of disciplinary proceedings.

If the allegations are substantiated and if, once the case is concluded, BELS & TL dismisses the person or ceases to use their services, or the person ceases to provide their services, the DSOs should consult with the local authority designated officer or team about referral of the incident to the Disclosure and Barring Service (DBS). This should take place within a month.

|  |
| --- |
| **7. Keeping a Record of the Investigation** |

All those involved in dealing with the allegation should keep clear notes of the allegations made, how they were followed up, and any actions and decisions taken, together with the reasons for these.

These notes should be compiled gradually as the situation unfolds, with each entry being made as soon as possible after the event it describes. The notes should be signed and dated by the person making them, and the person’s name should be printed alongside.

The notes should be kept confidentially in the file of the person who is the subject of the allegation. If the person makes a request to see the notes a discussion should take place with the local authority designated officer or team to determine whether any aspects of the notes may not be shared with the person concerned. If there are no reasons not to do so, a copy of the records should be given to the individual.

The notes should be held on file for a period of 40 years in line with BELS & TL’s retention policy for the Employer’s Liability Certificates.

|  |
| --- |
| **8. Designated Safeguarding Officers (DSOs)** |

**Current Designated Safeguarding Officers**

**Katherine O’Donnell**

**Gemma Pinkney**

**Deb Walters**

**0191 2635770**

**team@belsnorthtyneside.org.uk**

**Management Committee Safeguarding Representative.**

**Charlotte Kennedy**

**0191 2635770**

**charlotte.e.osborne@gmail.com**

|  |
| --- |
| **9. Useful Contacts** |

|  |  |
| --- | --- |
| Local Police | Emergency: 999Non-emergency: 101 |
| North Tyneside CouncilOut of Hours Early Help and Coordination | Office hours: 0345 2000 10910191 20068000191 643 8178 |
| NSPCC Helpline | 0808 800 5000 help@nspcc.org.uk |
| Childline | 0800 1111[www.childline.org.uk](http://www.childline.org.uk) |
| Child Exploitation and Online Protection Centre (CEOP) | [www.ceop.police.uk](http://www.ceop.police.uk) |

|  |
| --- |
| **10. Other Documents in this Series** |

This document is one of a series of nine that detail BELS & TL’s strategy for protecting children and young people. The other documents are:

SG1 - Safeguarding Children and Young People

SG2 - Code of Conduct for Adults working with Children and Young People

SG3 - Code of Conduct for Young People

SG4 - Anti-Bullying Policy and Procedures

SG5 - Procedure for Protecting Children and Young People at possible risk of Abuse

SG7 - Dealing with Allegations made against another Child

SG8 - Guidelines for sharing Confidential Information

SG9 - Guidelines on the Storage and Retention of Records

In addition to the above this policy should be read alongside our policies and procedures on:

* Acceptable Access to and Use of Information and Communication Technologies (ICT)

e-safety Policy

* Communications Policy
* Complaints Procedure
* Disciplinary Policy and Procedure
* Equality and Diversity Policy
* GDPR Privacy Policy
* Grievance Policy and Procedure
* Health & Safety at Work Policy
* Recruitment & Selection Policy and Procedure
* Staff Induction Checklist
* Volunteer Policy and Procedure
* Whistleblowing Policy

|  |
| --- |
| **11. Document Details** |

Authors: Carol Dennison & Charlotte Kennedy.

Organisation: Baby Equipment Loan Service & Toy Library, Footprints Day Nursery & Children’s Centre, North Road, Wallsend, NE28 8RH

Registered Charity Number 1196768

Date Released: October 2019 and updated November 2020. (Change of DSOs) and updated January 2022 (change of DSOs and changing to a CIO).

Updated January 2023 (change of DSOs and minor changes)

Updated 30.1.2024

This document has been adapted with permission from:

VODA North Tyneside

|  |
| --- |
| **Appendix 1: Notice of Suspension** |

[DATE]

Dear [EMPLOYEE'S NAME],

Notice of Suspension

Following our meeting of [DATE] I am writing to confirm that, as of the date of this letter, you have been suspended from work until further notice pending investigation into an allegation made against you. At this stage we are unable to reveal details of the allegation.

Your suspension does not constitute disciplinary action and does not imply any assumption that you are guilty of any misconduct but is intended to protect all parties concerned, including yourself. We will keep the matter under review and will aim to make the period of suspension no longer than is necessary. Your suspension may be lifted at any time and with immediate effect.

During your suspension, we shall continue to pay your salary in the normal way. You are also entitled to your normal contractual benefits including accruing holiday, sick pay, pension contributions, etc.

You will continue to be employed by us throughout your suspension and you remain bound by your terms and conditions of employment.

You are required to co-operate in our investigations in full and may be required to attend the workplace for investigative interviews or disciplinary hearings. However, you are not otherwise required to carry out any of your duties and you should not attend the workplace unless authorised by the Chairperson to do so. You must not communicate with any of our employees, contractors or beneficiaries unless authorised by the Chairperson. However, you are required to be available to answer any work-related queries.

Your e-mail account has been suspended and you no longer have access to our computer network.

Any pre-arranged period of annual leave is unaffected by these arrangements, and you will not be required for disciplinary or work-related matters during that time.

Should you wish to take further annual leave during the period of suspension this must first be approved by the Chairperson. You must request annual leave if you wish to go on holiday or make yourself unavailable in any other way.

Please read and ensure you understand our Disciplinary Procedure which is enclosed. When we have carried out our investigation, we shall write to inform you whether we intend to hold a disciplinary hearing. If we consider that there are grounds for disciplinary action, we shall inform you of those grounds in writing and you will have the opportunity to state your case at the hearing, in accordance with the Disciplinary Procedure. If the allegation concerns criminal activity, then we may be obliged to turn this matter over to the police.

If you know of any documents, witnesses or information that you think will be relevant to the matters under investigation please let me know as soon as possible. If you require access to the premises or computer network for this purpose, please let me know as we may agree to arrange this under supervision.

If you have any queries about this matter or the terms of your suspension, please feel free to contact me.

Yours faithfully

Chairperson