

# Managing Safeguarding Allegations

Concerns Regarding Staff or Volunteers policy, procedure and guidance.

## 1. About This Document

This document sets out how to manage safeguarding concerns or allegations about staff or volunteers of TRM Technology T/A Simply Great Education (SGE). This is when allegations or concerns are raised, from any source, that a member of staff or volunteer is behaving in such a way as to present a risk to children, young people or 'adults at risk', or maybe abusing them.

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

## 2. Policy

### Our Values

2.1 SGE will always take concerns and allegations about staff and volunteers seriously and will respond in a way that places the protection and needs of children, young people and adults at risk first.

2.2 This policy and procedure will always be followed when there are safeguarding concerns about staff or volunteers at SGE. It should be used in respect of all cases where it is alleged that an employee or a volunteer has:

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

2.3 SGE will always inform the police if information is received that indicates that the law has been, or may have been, broken.

2.4 SGE will work openly and transparently with all agencies as required within Working Together 2015.

2.5 The Designated Safeguarding Officer will fully oversee any allegations against staff or volunteers who work with children, young people or adults at risk. The directors of SGE will also be informed at each stage of any concern. The directorate within which the allegation or problem arises will hold management responsibility. The relevant HR business partner will hold responsibility for advising on all aspects of the HR processes.

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

occasions, safeguarding concerns must be addressed using this policy and procedure and may require suspending other processes.

2.7 SGE recognises that children, young people, adults at risk, and some staff may have disabilities that require reasonable adjustments to the procedure following The Equality Act 2010.

### **3. Procedures**

#### **Reporting a safeguarding concern**

3.1 Safeguarding concerns concerning staff or volunteers at SGE (*detailed in section 2.2*) must be reported to the Designated Safeguarding Officer (DSO) directly or by phone **within one hour**. If the DSO is unavailable, the allegation must be reported to a Senior Leadership Team (SLT) member.

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

3.3 Where the concern relates to the conduct and behaviour of a staff member's immediate line manager, the staff or volunteer should report the concerns directly to the relevant SLT member or the DSO.

#### **Our Response**

##### **3.4 Initial response after a concern has been raised**

Within one working day of the safeguarding concern or allegation, the DSO will take the following steps:

- Guide the person to make, without delay, a record of what they have heard or seen.
- Inform the local authority designated officer (LADO) within **one working day** when an allegation is made and before further investigation occurs.
- Inform the Parents/Carers of the child ONLY IF informed to do so by (LADO) if the child is injured and needs medical attention.
- Share the concerns, discuss potential immediate risks, and take appropriate steps to mitigate such risks. This includes consideration of reporting matters to the police.
- Brief the directors of SGE.
- Contact the relevant HR business partner and inform them of the concerns.
- Convene an initial planning meeting/teleconference that includes Directors, SLT, and the DSO to agree on the next steps.

##### **3.5 Planning meetings**

**The agenda for planning meetings includes the following:**

- The safety and welfare of the child, young person, or adult at risk.
- Support for the child or young person, or adult at risk.
- Support for the person making the allegation.
- Consideration of the need to suspend without prejudice the staff member or volunteer from duties, including:

- a) Evaluating the risk of ongoing harm to children, young people or adults at risk from the employee or volunteer under investigation. A decision will be made jointly by the Directors, SLT, and the DSO as to whether the employee or volunteer can have continued contact with children, young people, and adults at risk, or their families or whether they should be suspended without prejudice following SGE's Disciplinary Policy.
- b) Considering how the employee or volunteer with the allegation or concern raised against them is supported. HR will guide managers on how this is provided. **Initial fact-finding and securing evidence:**
- c) The DSO will guide how initial fact-finding can be carried out to establish basic facts and, if required, secure evidence.
- d) The DSO will hold all paper and digital records securely.
- e) The DSO will liaise with the IT Director to ensure other electronic data is secured. This could include locking files, securing paper records and notes, or locking email accounts. It may also mean the employee or volunteer is required to return SGE IT equipment and phones.

#### **Planning consultation with the Designated Officer (LADO):**

- f) Each local authority LSCB area has a Designated Officer (previously known as the LADO) who must manage and oversee allegations against people working with children.
- g) SGE must report all safeguarding allegations or concerns to the Designated Officer within one working day, including those that have been made directly to the police by anyone who uses SGE's services.
- h) A decision must be made at the initial planning meeting/teleconference about who should contact the Designated Officer.

#### **What happens next: Investigations**

##### **3.6 Police investigations**

If the allegation or concern, or any evidence seen at any stage in the process, indicates that the law concerning safeguarding has (or may have been) broken, SGE will report it to the police without delay. For concerns relating to staff or volunteers within SGE, the DSO will conduct liaison with the police.

SGE will fully cooperate with the police in any investigation. Requests for access to data will be coordinated through the Director of IT.

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

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

Whilst it is rare for the Designated Officer, Children's Services or Adult Social Care to carry out an inquiry into concerns or allegations, they can choose to do this. Should an inquiry occur, SGE will fully cooperate. Requests for access to data will be coordinated through the Director of IT.

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

### **3.8 Internal investigations**

Where there is no police investigation or investigation by the Designated Officer or Children's Services, there may be a need for an internal investigation led by SGE's SLT. The Designated Officer will be informed if new information comes to light of additional safeguarding concerns. They must also be informed of the final outcome.

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

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

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

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

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

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

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

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

The outcome of the internal investigation, including any disciplinary outcome, must be shared with the Designated Officer. Any advised follow-up actions from the Designated Officer must then be

prioritised. The reports and outcomes of these processes must also be shared with the safeguarding team.

Where an employee or volunteer resigns before the conclusion of a safeguarding investigation or disciplinary action relating to a safeguarding issue or is dismissed due to a safeguarding concern, the investigation must be completed, and the findings recorded on their personnel file and referred to the DBS. In such cases, a compromise agreement will not be offered.

## What happens next: Outcomes

### 3.9 Types of outcome

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

**Substantiated allegations:** This is when there is sufficient evidence to prove the allegation or concern that a child has been harmed or there was a risk of harm from the actions of an employee or volunteer. In such cases, the police will likely need to be notified. The Designated Officer should be informed of what actions have been taken. Investigating officers should make any organisational learning recommendations.

**Malicious allegations:** This is when there is sufficient evidence to disprove the allegation, and there has been a deliberate act to deceive. In these circumstances, the police should be asked to consider appropriate action.

- **False allegations:** This is when there is sufficient evidence to disprove the allegation; however, there is no evidence to suggest there was a deliberate intention to deceive. The Designated Officer should be advised of the outcome, and if necessary, the investigating officers may make organisational learning recommendations.
- **Unsubstantiated allegations:** There is insufficient evidence to prove or disprove the allegation; therefore, the term does not imply guilt or innocence. The Designated Officer should be advised of the outcome; with such cases investigating officers may highlight other matters that need consideration and any organisational learning recommendations.
- **Unfounded allegations:** This is an additional definition used where there is no evidence or proper basis to support the allegation being made. It may indicate that the person making the allegation misinterpreted the incident, was mistaken about what they saw, or may not have been aware of all the circumstances.

Cases where an allegation was proven to be false, unsubstantiated, or malicious should not be included in employer references. This includes a history of repeated concerns about allegations that have all been found to be false, unsubstantiated or malicious.

### 3.10 Settlement agreements

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

## **Record Keeping**

### **3.11 Record keeping obligations**

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

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

## **Who should be notified**

### **3.12 Notifying local authorities where children are in care**

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

### **3.13 Informing the appropriate professional bodies**

If a staff member is suspended without prejudice whilst facing allegations or concerns, some professional bodies require that they be informed or consulted by an employer. This must be a consideration at the time of suspension. Any decision to inform a professional body must include the staff or volunteer being notified by SGE that this is happening.

Professional bodies require that they are informed if there is a police investigation into allegations or concerns. They will also require notification if a staff member is dismissed or the service of a volunteer is no longer used following an investigation. Any decision to inform a professional body must include the staff or volunteer being notified by SGE that this is happening.

### **3.14 Notifying the Disclosure and Barring Service**

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

If staff or volunteers are concerned about management responses to the concerns or allegations raised, then they should use the process outlined within the Whistleblowing policy and procedure.

If staff or a volunteer is concerned that an allegation is not being dealt with appropriately by SGE, they can report the matter directly to the Designated Officer.

## 4. Guidance

### 4.1 Supporting someone who has raised a concern

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

- The service they were being provided with is maintained by another staff member wherever possible if the child wants this, young person or adult at risk.
- A discussion is had about what makes them feel safe and unsafe to enable positive future contact between SGE and the service user.
- If appropriate, support is provided to make a complaint via SGE's policy.
- Support is provided to allow the service user to access their records if they wish.
- An explanation is given of the steps taken to mitigate the risk of this happening again in the future and the development of safeguarding measures within the organisation.
- An individual plan is made with children, young persons, adults at risk, and their families, about how they want to be kept informed about outcomes.
- A referral is made to appropriate external or internal services for support.

### 4.2 Timescales for safeguarding investigations

It is in everyone's interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. The time taken to investigate and resolve individual cases depends on various factors, including the allegation's nature, seriousness and complexity. However, the following timescale targets should be achieved in all truly exceptional cases:

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

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**TPM**