



H & F Mencap

Allegations against staff or volunteers, who work with children Policy and Procedure

Policy statement

Despite all efforts to recruit safely there may be occasions when allegations are made of abuse by staff or volunteers against children. Therefore it is key as HF Mencap has up to date policies and procedures consistent with current legislation. This document will explain clearly what should happen should allegations about behaviour of a member of staff occur. HF Mencap has appointed a designated safeguarding lead that such allegations should be reported too. It is then the responsibility of such lead to report allegations to and liaise with the appropriate local authority designated officer (**LADO**) who has the responsibility to manage and oversee allegations against people who work with children. All of our staff, paid or unpaid receive Safeguarding training which is refreshed regularly and are made aware of how they can report a concern.

This document should be cross referenced with: *HF Mencap's Safeguarding Children and Adults at Risk Policy and Procedure 2018*

Aims

This policy aims to ensure:

- Safeguarding is embedded in all aspects of HF Mencap's work.
- All staff at HF Mencap understand the importance of safeguarding and know how to respond appropriately with concerns.
- The organisation understands and fulfils its role of working with other agencies to safeguard and promote the welfare of children.
- The organisation complies with legal, regulatory and contractual responsibilities in relation to allegations of abuse against staff.

1. Definitions

1.1 "child" or "children" refers to someone aged under 18 (as defined in the United Nations convention on the Rights of a Child)

1.2 “staff and staff members” all HF Mencap employees, bank workers and volunteers (including trustees)

1.3 “abuse” a selfish act of oppression and injustice, exploitation and manipulation, caused by inflicting harm or failing to act to prevent harm, and can take a number of forms including (but not limited to) physical, sexual, emotional, financial, bullying, neglect, and institutional.

1.4 Context of Allegations in which this policy refers to:

A individual may have be suspected of one or more of the following:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child;
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children
- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual
- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text / e-mail messages or images, gifts, socialising etc;
- Possession of indecent photographs / pseudo-photographs of children

In addition, these procedures should be applied when there is an allegation that any person who works with children:

- Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon;
- As a parent or carer, has become subject to child protection procedures;
- Is closely associated with someone in their personal lives (e.g. partner, member of the family or other household member) who may present a risk of harm to child/ren for whom the member of staff is responsible in their employment/volunteering.

2. Responsibilities

2.1 Trustees

- To take reasonable steps to satisfy themselves that the policy is being implemented.

2.2 Named Senior Manager – Dean Ashby (Director of Business Development and Operations)

- Ensuring that the organisation deals with allegations in accordance with these London Child Protection Procedures;
- Resolving any inter-agency issues;
- Making statutory notifications to professional bodies and the Disclosure and Barring Service (DBS);
- Liaising with the LSCB on the subject.

2.3 Designated safeguarding leads

(Dean Ashby, Amanda Davis, Rebecca Bone)

To whom allegations or concerns should be reported.

They should:

- Seek advice from the LADO regarding incidents where it is unclear whether it is an allegation or a concern;
- Report all allegations of harm to the LADO.
- A deputy to whom reports should be made in the absence of the designated safeguarding lead or where that person is the subject of the allegation or concern.

2.4 Senior staff

- To act in accordance with the policy.
- To communicate the policy to other staff and volunteers and to ensure it is being implemented correctly.
- To monitor the performance of the policy and report to trustees
- To approve and review the policy on a regular basis

2.5 All Staff and volunteers

- To act in accordance with the policy

3. Additional key Legislation and guidance that this policy is based upon

- **Working together to safeguard children 2015**
- **Making barring referrals to the DBS 2016**
- **Sexual Offences Act 2003**

- Children & Families Act 2014
- Care Act 2014
- Protection of Freedoms Act 2012
- Children Act 2004
- Data Protection Act 1998
- United Convention of the Rights of the Child 1991
- **London Child Protection Procedures and Practice Guidance – Please refer to this guide for additional information**

4. How we can protect ourselves?

- If a child sustains an injury whilst in our care, we will record it in the accident book as soon as possible. When the child is collected, we will inform whoever picks the child up about the injury and ensure that they also sign the accident book.
- If a child arrives with an injury sustained elsewhere we will ask for an explanation and again record this in the accident book and ask whoever has brought in the child to sign the record.
- We will ensure that all staff undertake regular child protection training.
- We will ensure that all parents understand our role and responsibility in child protection.
- No physical punishment will be used and we will ensure that everyone complies with this in the setting.
- We will try to avoid situations where an adult is left alone in a room with a child. If this does occur, we will make sure that the door is left open and there are other people around.
- We will avoid engaging in rough physical play with children as this may be misconstrued and could cause accidental injury to a child.
- We will avoid doing things of a personal nature for children that they can do for themselves.
- We will encourage an open door ethos to enable staff to talk to senior managers if they have concerns about the conduct of any of their colleagues.

5. What happens if an allegation of abuse is made against a member of staff or volunteer?

- If anyone makes an allegation of abuse against a member of staff or volunteer, the appropriate Designated Safeguarding Lead (DSL) will be informed immediately and will contact the appropriate LADO Team.
- In the event of allegations of abuse being made against a DSL then the Strategic Safeguarding Lead (SSL) or the Chair of the Board must be informed. Staff are advised to speak directly to the LADO if an allegation is made against the SSL or any member of the Board.
- They will assess whether the allegation reaches the threshold for referral to Police/Children's Social Services and advise accordingly regarding further action to be taken in respect of the child and the member of staff.
- The DSL will complete the attached form for recording allegations or complaints made against staff.
- The DSL will not discuss the allegation with the member of staff concerned, unless advised to do so by Children's Social Services.
- All staff need to be aware that it is a disciplinary offence not to report concerns about the conduct of a colleague that could place a child at risk. When in doubt – consult.
- If Children's Social Services and/or the police decide to carry out an investigation, it may be possible that we will be advised to suspend the member of staff, whilst enquiries are carried out. We may also invoke our disciplinary procedure.
- We will not carry out an investigation ourselves unless Children's Social Services and the Police decide it is not necessary for them to do so. We understand that Ofsted may wish to undertake further investigations in some circumstances

6. Guidance for the person receiving or identifying an allegation or concern

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind. They should not:

- Investigate or ask leading questions;
- Make assumptions or offer alternative explanations;
- Promise confidentiality.

They should follow their organisation's procedures, which should include the following:

- Making a written record of the information (where possible in the child / adult's own words), including the time, date and place of incident/s, persons present and what was said;
- Signing and dating the written record;
- Immediately reporting the matter to the designated safeguarding lead, or the deputy in their absence or; where the designated safeguarding lead is the subject of the allegation report to the deputy or other appropriate senior manager.

Some, very serious allegations, should be immediately reported to the police – this will also enable prompt action to be taken to gather evidence from mobile phones etc.

7. Guidance for action to be taken by designate safeguarding lead

When informed of a concern or allegation, the designated safeguarding lead should not investigate the matter but they should continue to gather factual information in regards to the incident and ensure any evidence is preserved. This fact-finding should be a neutral process and should not amount to an investigation of the incident.

They should:

- Obtain written details of the concern / allegation, signed and dated by the person receiving it (not the child / adult making the allegation);
- Approve and date the written details;
- Record any information about times, dates and location of incident/s and names of any potential witnesses;
- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

The designated safeguarding lead must inform their LADO within one working day when an allegation is made and prior to any further investigation taking place. A failure to report an allegation in accordance with procedures is a potential disciplinary matter.

- If it is outside of normal working hours and there is an immediate risk to a child, the local authority emergency duty team for children's social care. The LADO should be informed as soon as possible;
- An immediate risk assessment should be carried out;
- If appropriate the police should also should also be notified within one working day – or immediately if necessary;

- It is important to note that information gathering is distinct from investigation. Employers should continue to gather information about the facts of the case, for example, checking if there is any evidence and taking

8. Record keeping and future references

- Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.
- Details of allegations that are found to have been malicious should be removed from personnel records.
- For all other allegations, it is key that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.
- The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.
- The record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

9. Additional Guidance

- Allegations of non-recent abuse should be responded to and reported in the same way as contemporary allegations. In cases of non-recent abuse, the person against whom the allegation is made may still be working with children and it will be important to investigate whether this is the case.
- All staff should be aware of the HF Mencap's Whistle-blowing policy and feel confident to voice concerns about the attitude or actions of co-workers. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the appropriate LADO.



Checklist for handling and recording allegations or complaints of abuse made against a member of staff

1. Name and position of staff who is the subject of allegations/complaint:

2. Is the complaint: Written or verbal? (delete as necessary)

3. Complaint made by: _____ Relationship to child _____

4. Name of child _____ Age and date of birth _____

5. Parent's/carers name(s) and address

6. Date of alleged incident/s

7. Did the child attend on this/these date/s:

8. Nature of complaint (if received in writing see guidance)

9. Other relevant information (continue on a separate sheet if needed):

10. Social
Services _____

11. Further actions advised by Social Services
Department _____

Your name and position

Signature

Today's date and time

LADO Contact information



Tri-Borough LADO and Safer Organisations Manager: Kembra Healy

London Borough of Hammersmith and Fulham: 0208 753 5125 /
LADO@lbhf.gov.uk

Royal Borough of Kensington and Chelsea: 0207 361 3013 /
KCLADO.Enquiries@rbkc.gov.uk

City of Westminster: 0207 641 7668 / LADO@westminster.gov.uk

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Education Officer, Direct line: 07817 365 519, Hilary.Shaw@rbkc.gov.uk