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Community
Legal Service



Help Point



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**“Working to Empower the Community”
in Lancashire and Cumbria**

Pamela Beswick - Chief Executive Officer

ALLEGATIONS AGAINST STAFF POLICY

(this policy should be read in conjunction with the Confidentiality and Safeguarding Children and Vulnerable Adults Policy)

ALLEGATION PROCEDURE FOR FRONT LINE STAFF

Staff members must report **any** allegations made against other staff to the Safeguarding Lead within 24 hours with as much detail surrounding the incident and context that is possible and relevant (unless that person is the subject of the allegations in which case it should be reported to a designated alternative) that suggest that staff have:

- Behaved in a way that has harmed or may harm a child, young person or vulnerable adult.
- Possibly committed a criminal offence related to a child, young person or vulnerable adult.
- Behaved in a way that indicates that he/she is unsuitable to work with children, young people or vulnerable adults.

The Safeguarding Lead will take responsibility from this point forward.

Out of hours - The making of a referral to the Police or Social Services should not be delayed if the Safeguarding Lead, their deputy or any other senior member of Signposts cannot be contacted and there is evidence that a crime has been committed which may require urgent police investigation. Any action must be reported to the relevant Signposts staff first thing the next working day.

ALLEGATION PROCEDURE FOR SAFEGUARDING LEAD

After the concern has been raised the Safeguarding Lead will consider the following in relation to any allegation:

- Has there been a possible criminal offence which will require investigation by the police?

Charity Registration Number: 1117645

Member of AdviceUK (previously FIAC)

Company Limited by Guarantee: 5990592

Registered in England and Wales



North Lancashire
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INVESTOR IN PEOPLE

Additional major funding from Preston City Council, the FC Scott Charitable Trust and Tudor Trust

- Do Children's or Adult's Social Care need to conduct enquiries and/or an assessment as to whether the child, young person or vulnerable adult is in need of protection or in need of services?
- The need for disciplinary action in respect of the individual staff member.

The Safeguarding Lead will keep detailed records of any allegation made and will inform the Local Authority Designated Officer (LADO) and potentially the Child and Adult Protection Unit of Lancashire or Cumbria Police of all allegations which meet the criteria specified above within one working day. This includes checking to see if the Threshold for Referral to Children's Services is met.

They will then take responsibility from this point in terms of collecting more information, liaising with the LADO, recording all information and directing the process internally in terms of making decisions surrounding staffing, temporary suspension, informing staff, parents and any others.

Informing the member of staff - The Safeguarding Lead (after consultation with the LADO) will discuss the situation with the relevant Signposts Line Manager who in turn will inform the staff member against whom the allegation has been made at the earliest possible opportunity. It is acknowledged that this process is likely to be stressful for the staff member who will be advised as to possible avenues of support via their union, professional association or other relevant independent agencies. The staff member will be kept advised as to the process of the investigation as far as possible.

Supporting the child, young person or vulnerable adult - The allegation should not be discussed further with the child if it has been established following initial discussions by staff that the threshold for referral has been met as this will be then taken over by Social Services.

However, Signposts staff must consider the need for support for the child or vulnerable adult who may have suffered abuse by a member of staff at every stage of the subsequent process.

Timescales - Signposts will endeavour to complete enquiries and investigations as speedily as possible from the date the allegation is referred to the LADO in order that the position of the staff member can be resolved as soon as possible.

- If the allegation does not require formal disciplinary action, appropriate action should be instituted within three working days.
- If a disciplinary hearing is required, and can be held without further investigation, the hearing should be held within 15 working days.
- Where a further investigation is required the Safeguarding Lead will consult with the LADO regarding the appointment of someone who is independent of the employer or the persons line management to ensure objectivity. On receipt of the report Signposts will decide if whether a disciplinary hearing is required within 2 working days and if a disciplinary hearing is required it should be held within 15 working days.
- If the strategy discussion decides that a police investigation is required the police should also set a target date for reviewing the progress of the

investigation and consulting the Crown Prosecution Service whether to charge the person, continue to investigate or close the investigation.

Support to Staff on Return to Work - If it is decided that the person who is suspended can return the Safeguarding Lead will work with the Line Manager to consider how best to facilitate this to reflect that the staff member will benefit from some kind of help and support to return to work after a very stressful experience.

- A phased return to work and/or provision of a mentor in the short term may be appropriate.
- It will also be considered how the person's contact with the child or children who made the allegation will be managed.

Record Keeping - The Safeguarding Lead must keep a clear and comprehensive summary of any allegations made, details of how they were followed up and resolved and any action taken and decisions reached. They should be kept in a confidential personnel file and a copy given to the individual. This information should be kept on file, including for people who leave the organisation at least until the person reaches normal retirement age or for ten years if that will be longer.

Review - At the conclusion of the case in which an allegation is substantiated the Safeguarding Lead will review the case to determine whether there are any improvements to be made in the organisational procedures or practice to help prevent similar events in the future.

PROCEDURE FOR THE LOCAL AUTHORITY DESIGNATED OFFICER

Lancashire and Cumbria County Councils will identify a 'Local Authority Designated Officer' (LADO) who will be involved in the management and oversight of individual cases; provide advice and guidance to employers and voluntary organisations; liaise with the police and other agencies; and monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.

The LADO will give advice as to the process and timing regarding the sharing of information with the parent/guardian or carer and the member of staff against whom the allegation is made through the Safeguarding Lead. Parents, guardians and carers should normally be informed at the earliest possible stage by the Safeguarding Lead that an allegation has been made and informed of the action taken to date.

They should be advised not to discuss the allegation directly with the staff member concerned in order not to prejudice any subsequent and criminal or disciplinary investigation.

POTENTIAL OUTCOMES

A strategy meeting may be held with relevant attendees including the Safeguarding Lead, the LADO, Children's Social Care and the Police. If it is agreed that the threshold for further action by police and/or social care **is met** then the strategy meeting will also advise on whether there are grounds to consider

suspension or restricted duties taking into account the seriousness of the allegation and the circumstances surrounding it.

It is acknowledged that this decision rests with Signposts and will be made by the CEO on the advice of the Safeguarding Lead and the LADO.

- Suspension or placing a staff member on restricted duties will not be an automatic step but may be considered in any case where there is cause to believe that a child is at risk of significant harm, the allegation warrants investigation by the police or is so serious that it might be grounds for dismissal.

If it is agreed that the thresholds for further action by the Police and Social Care **are not met**, but the incident raises concerns about possible inappropriate action by the responsible staff member then the matter will be taken forward within Signposts's procedures regarding conduct and discipline.

WHISTLE BLOWING

In order to meet the terms of the 1998 Public Interest Disclosure Act Signposts is committed to the following in terms of 'whistle blowing':

- Staff should be able to voice concerns made in good faith, without repercussion. This will be ensured by professional handling of all cases of allegation in accordance to other Signposts policies and procedures ranging from disciplinary and grievance to confidentiality.
- Staff should be very clear of **their responsibility** to highlight issues that may put young people at risk.

CONFIDENTIALITY AND CONSENT

Children, young people under the age of 16 years are entitled to the same duty of confidence as adults if it appears they have the ability to understand choices and their consequences.

The Mental Capacity Act 2005 provides a statutory framework to empower and protect vulnerable adults who are not able to make their own decisions. The Act is underpinned by the following key principles which all have a bearing on decision making in adult protection cases:

1. A presumption of capacity - every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise.
2. The right for individuals to be supported to make their own decisions - people must be given all appropriate help before anyone concludes that they cannot make their own decisions.
3. That individuals must retain the right to make what might be seen as eccentric or unwise decisions.
4. Best interests – anything done for or on behalf of people without capacity must be in their best interests.

5. Least restrictive intervention- anything done for or on behalf of people without capacity should be the least restrictive of their basic rights and freedoms.

However there are certain situations where it is not in the best interest of a child, young person or vulnerable adult to maintain confidentiality.

The law permits the disclosure of confidential information to safeguard children, young people and vulnerable adults if the person to whom a duty of confidence is owed has the mental capacity to give consent and in fact consents to the disclosure.

Signposts expects that any issue related to a member of staff by a child/young person under the age of 16 years which indicates there is a safeguarding issue must be shared with the CEO who will take the matter forward.

If a young person of 16-18 years request that information shared remains confidential Signposts staff should respect that. However, where other, younger children may be at risk staff should inform the young person that they may need to take action.

Wherever possible, Signposts staff should aim to seek consent before disclosing confidential information.

CONFIDENTIALITY WHEN SHARING INFORMATION

If a staff member shares information with appropriate personnel (Safeguarding Lead, Area Designated Person, Social Services/Police) in good faith they are exempt from civil action as long as they maintain high levels of confidentiality.

Where there are concerns about a child/young person, this information should be a proportionate response to the need to protect the individual and only be shared on a "need to know" basis and should not be widely shared with other colleagues or members of the Board of Trustees for example.

If the person's identity does not need to be disclosed then the information should be used anonymously.

If in doubt check with a senior member of staff before sharing any information.

CONFIDENTIALITY WHEN RECORDING AND STORING INFORMATION

- Signposts's Data Protection Policy gives clear guidance on the recording and storing of sensitive information. General records kept by Signposts staff and projects include:
- Name, address, doctor, phone number and details of parent/guardians/carers and/or emergency contact numbers. Medical details form with parental/guardian consent if under 18.
- Attendance records of youth work sessions. Young people and or parent/guardian can see these details if requested.
- It is important to store any safeguarding information in a separate secure place away from general records, in a place accessible only to nominated personnel.

**Chief Executive
December 2009**