

Handling Allegations

Procedure

Handling Allegations made against an Employee/Volunteer Procedure

This procedure outlines what you should do if a child protection allegation is made against an adult working for or involved in “**The Switch**”, the name under which Tower Hamlets Education Business Partnership is now trading as. The procedure provides a clear direction to **The Switch** Associates who are called upon to deal with such allegations and to manage investigations that may result from them.

The aims of this procedure are:

- To ensure that children who attend **The Switch** activities, 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 **The Switch**.
- 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/volunteered with **The Switch**, or prior to the person’s involvement with **The Switch**.
- To ensure that **The Switch** continues to fulfil its responsibilities towards members of staff, volunteers or trustees who may be subject to such investigations.
- To ensure that individuals are able to 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 (**The Switch** Associates) 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 named person for child protection (**The Director**), line managers, supervisors and trustees, who may be required to deal with such allegations and manage investigations that result from them.

How you might find out about a possible case of abuse

Ways that allegations might be made against an adult working for or involved with **The Switch** include:

- A child or parent/carer making a direct allegation against a member of staff or trustee or volunteer.

- A child or parent/carer expressing discomfort with the behaviour of a member of staff or trustee or volunteer that falls short of a specific allegation.
- Another member of staff or trustee or volunteer directly observing behaviour that is a cause for concern.
- **The Switch** being informed by the police or another statutory authority that a member of staff, volunteer or trustee is the subject of an investigation.
- Information emerging from the renewal of a DBS check that suggests that a member of staff, volunteer or trustee may have committed an offence, or been involved in an activity that could compromise the safety of the children they work with at **The Switch**.
- A staff member or volunteer or trustee telling the organisation that they have been the subject of allegations, have actually harmed a child, or committed an offence against (or related to) a child.

What to do if an allegation is made or information is received

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

1. Is a child in immediate danger or does she/he need emergency medical attention?

- If a child is in immediate danger and is with you, remain with him/her 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 manager or named person for child protection (**The Director**) 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.

2. 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 **The Switch**. S/he should then, in a sensitive manner, remove the staff member involved in the allegation from direct contact with children.

It should then be explained to the person, in private, that there has been a complaint made against him/her, 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. It may be best, under the circumstances, for the person to return home on the understanding that the manager or named person will telephone him/her later in the day.



The information provided to him/her at this stage will need to be very limited. This is because discussions need to take place first with other agencies who may need to be involved, such as the local authority Children's Social Care Department, the police or the Local Authority Designated Officer (LADO).

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

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 is in need of protection;
- Investigation by the 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.

Reporting an allegation or concern

If the allegation is made by a child or family member to a member of staff or volunteer, or if a member of staff observes concerning behaviour by a colleague at first hand, this should be reported immediately to the staff member's/volunteer's manager and the named person for child protection (**The Director**); **The Switch's** lead on handling the allegation.

If a staff member or volunteer has received an allegation or observed something of concern about their own manager, the staff member/volunteer 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 the named person for child protection (**The Director**), the matter should be reported to the Chair of Trustees.

When to involve the local authority designated officer

The named person should report the allegation to the local authority designated officer (LADO) 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/she may be unsuitable to work with children.



This should also happen if the individual has volunteered the information him/herself.

The LADO may be told of the allegation from another source. If this is the case, then the first information received by **The Switch** may be when the LADO makes contact in order to explain the situation.

Whoever initiates the contact, there will be discussion between the LADO and **The Switch's** named person (**The Director**) 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 be likely to suffer, significant harm and there are no obvious indications that the allegation is false, the LADO, in cooperation with **The Switch**, will make an immediate referral to the local authority Children's Social Care Department to ask for a strategy discussion.

The LADO and named person will take part in the strategy discussion. The named person (**The Director**) and any other representative from **The Switch** 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 **The Switch**, 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 LADO will contact the police and involve them in a similar strategy discussion, which will include the named person for child protection (**The Director**).

The named person (**The Director**) and any other representative from **The Switch** 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, the named person (**The Director**) and the LADO 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 LADO. However, if a strategy discussion with Children's Social Care Department 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.

The named person (**The Director**) will need to keep in close communication with the LADO and the other agencies involved in order to manage the disclosure of information appropriately.

Taking disciplinary action

If the initial allegation does not involve a possible criminal offence, the named person (**The Director**) and manager of the person at the centre of the allegation 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 named person (**The Director**) 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 3 working days.
- If disciplinary action is required, and can be progressed without further investigation, this should take place within 10 days.
- If **The Switch** decides that further investigation is needed in order to make a decision about formal disciplinary action, the named person for child protection (**The Director**) should discuss with the LADO 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 named person (**The Director**) within 10 working days.
- Having received the report of the disciplinary investigation, the named person (**The Director**) should decide within 2 working days whether a disciplinary hearing is needed.
- If a hearing is needed, it should be held within 15 working days.
- The named person (**The Director**) should continue to liaise with the LADO during the course of any investigation or disciplinary proceedings, and should continue to use the LADO 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 arrangements until this is concluded. The police are required to complete their work as soon as reasonably possible and to set review dates, so the named person (**The Director**) should either liaise with the



police directly or via the LADO 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 him/her with an offence or to administer a caution. In any eventuality, once the outcome is known, the named person (**The Director**) should contact the LADO to discuss the issue of disciplinary proceedings.

If the allegation is substantiated and if, once the case is concluded, **The Switch** dismisses the person or ceases to use their services, or the person ceases to provide his/her services, the named person should consult with the LADO about referral of the incident to the DBS. This should take place within a month.

Managing risk and supporting the person at the centre of the allegation

The first priority of **The Switch** must always be the safety and welfare of children and young people.

However, as an employee or volunteer, the person who is the subject of the allegation has a right to be treated in a fair, sensitive and non-judgmental manner and to have his or her privacy respected, as far as this ensures the safety of the child and other children.

Information about the allegation must only be shared on a need-to-know basis with those directly responsible for supervising and managing the staff member or volunteer. Any other information (for example, explanations to other staff members as to why the person is not at work or working to different arrangements) should be agreed and negotiated with the individual concerned.

If the person is a member of a trade union or a professional organisation, he/she should be advised to make contact with that body as soon as possible after being informed that he/she is the subject of an allegation. Arrangements should also be made for him/her to receive ongoing support and information about the progress of the investigation.

The possible risk of harm to children and young people presented by the person who is the subject of an allegation needs to be carefully managed, both during and after any conclusion to the investigation processes following the allegation. This means that **The Switch** may need to consider suspending the person if there is cause to suspect that a child may be at risk of significant harm, or if the allegation is serious enough to warrant investigation by the police, or if it is so serious that it could lead to dismissal. However, a decision to suspend should not be taken automatically, as there may be other ways of managing any risk presented by the person.

The situation should be discussed fully between the named person (**The Director**), the individual's manager and the LADO, who will seek the views of the police and the Children's Social Care Department on the question of possible suspension. The conclusions of the discussion should also be carefully documented. Grounds for suspension should be clearly set out if this is the conclusion. If suspension is not the conclusion, then a clear plan should be made as to how any possible risk posed by the individual is to be managed. This could involve, for example, changes to the person's duties so that they do not have direct contact with children, and/or increased levels of supervision whilst at work.



If it is decided, once the case has been concluded, that a person who has been suspended, or who has taken sick leave due to the stress induced by the allegation, is able to return to work, the named person (**The Director**) and the manager of the person who has been the subject of the allegations should consider how best to support the individual in this process. A plan to facilitate a return should be drawn up in consultation with the individual him/herself, and should take into account the need to manage any remaining child protection risks and also to support the person concerned after what will have been and will remain a very difficult experience.

If the decision is that the person cannot return to work and has to be dismissed or chooses to resign, the named person and the LADO should discuss the need for the matter to be referred to the DBS and/or to any professional body to which the person may belong. **The Switch** does not enter into compromise agreements with individuals who resign following the conclusion of investigations into allegations made against them, and will always comply with its statutory obligations to share information about the individual in the interests of protecting children and young people.

If the allegation is found to be without substance or fabricated, **The Switch** will consider referring the child in question to the Children's Social Care Department for them to assess whether he/she is in need of services or whether he/she may have been abused by someone else. If it is felt that there has been malicious intent behind the allegation, **The Switch** will discuss with the police whether there are grounds to pursue any action against the person responsible.

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 on the file of the person who is the subject of the allegation. Discussion should take place with the LADO 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 10-year period, whether or not the person remains with The Switch for this period.

ALL REFERENCES TO "THE SWITCH" IN THIS POLICY ARE THE "TRADING AS" NAME OF TOWER HAMLETS EDUCATION BUSINESS PARTNERSHIP.