

Allegations Procedure

These procedures should be applied when there is an allegation or concern that any person who works with children, in connection with his/her employment or voluntary activity, has: 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; or Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children.

The procedure should provide a clear direction to staff and trustees who are called upon to deal with such allegations and to manage investigations that may result from them.

These behaviours should be considered within the context of the four categories of abuse: Physical Abuse, Sexual Abuse, Emotional Abuse and Neglect.

These include concerns relating to inappropriate relationships between adults and children or young people, e.g. having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (Sections 16-19 Sexual Offences Act 2003; 'grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (Section 15 Sexual Offences Act 2003); 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. and possession of abusive images of children.

All references in this document to 'members of staff' should be interpreted as meaning all staff, whether they are in a paid or unpaid capacity (including Trustees).

The aims of this procedure are:

- to ensure that children who attend Time 4 Children, 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 Time 4 Children
- 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 Time 4 Children, or prior to the person's involvement with Time 4 Children
- to ensure that Time 4 Children 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 to whom an allegation of abuse has been made, that involves another member of staff, volunteer or trustee

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- any individual in a managerial position (including the named person for child protection, 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 Time 4 Children include:

- a child or parent/carer making a direct allegation against a member of staff or trustee
- a child or parent/carer expressing discomfort with the behaviour of a member of staff or trustee that falls short of a specific allegation
- another member of staff or volunteer directly observing behaviour that is a cause for concern
- the group/organisation 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 Time 4 Children
- a staff member, 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

Persons to be notified

In principle, as soon as possible after an allegation is made, the employer should inform the parent(s) or carer(s) of the child(ren) involved. The LADO should be consulted first to ensure that this does not impede the disciplinary or investigative processes. In some circumstances, however, the parent(s)/carer(s) may need to be told straight away, e.g. if a child is injured and requires medical treatment.

The responsibility for carrying out the LADO duties rests with the LADO for the area where the person works. Where a person works in more than one area, a discussion should take place between the relevant LADOs to determine who should take the lead in managing the case.

The parent(s)/carer(s) and the child, if sufficiently mature, should be helped to understand the processes involved and kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

In principle Time 4 Children should, as soon as possible, inform the person who is subject to the allegation or the concern relates to about the nature of the allegation, how enquiries will be conducted and the possible outcome e.g. disciplinary action. Advice should first be sought from the

LADO as the Police and/or Children's Social Care may want to impose restrictions on the information that can be provided.

The member of staff should:

- Be treated fairly and honestly and helped to understand the concerns expressed and processes involved;
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process; and
- If suspended, be kept up to date about events in the workplace.

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 supervisor/manager or named person for Safeguarding Children / 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.

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 manager of the group/organisation and the named person for child protection. One of these (either the manager or named person) 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 trades 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 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 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.

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 staff member's supervisor/manager and the named person for Safeguarding Children / Child Protection; Time 4 Children's lead on handling the allegation.

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 (Trustee).

If the person who is the subject of the concern is a named person for Safeguarding Children / Child Protection, the matter should be reported to the named person's manager /Trustee.

When to involve the local authority designated officer

The named person for Safeguarding Children / Child Protection 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 Time 4 Children 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 Time 4 Children's named person for Safeguarding Children / Child Protection 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 Time 4 Children, 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 for Safeguarding Children / Child Protection will take part in the strategy discussion. The named person for Safeguarding Children / Child Protection and any other representative from Time 4 Children 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 Time 4 Children 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 Safeguarding Children / Child Protection.

The named person for Safeguarding Children / Child Protection and any other representative from Time 4 Children 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 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 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 for Safeguarding Children / Child Protection 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 for Safeguarding Children / Child Protection 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 for Safeguarding Children / Child Protection 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 Time 4 Children decides that further investigation is needed in order to make a decision about formal disciplinary action, the named person for child protection 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 for Safeguarding Children / Child Protection within 10 working days.
- Having received the report of the disciplinary investigation, the named person for Safeguarding Children / Child Protection 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 named person for Safeguarding Children / Child Protection 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 for Safeguarding Children / Child Protection 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 for Safeguarding Children / Child Protection should contact the LADO to discuss the issue of disciplinary proceedings.

If the allegation is substantiated and if, once the case is concluded, Time 4 Children dismisses the person or ceases to use their services, or the person ceases to provide his/her services, the named person for Safeguarding Children / Child Protection should consult with the LADO about referral of the incident to the Independent Safeguarding Authority (ISA). This should take place within a month.

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

The first priority of Time 4 Children 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-judgemental 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 will 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 trades 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 on-going 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 Time 4 Children 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 for Safeguarding Children / Child Protection, the individual's manager/supervisor 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 for Safeguarding Children / Child Protection and the manager/supervisor 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 Independent Safeguarding Authority (ISA) and/or to any professional body to which the person may belong. Time 4 Children 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, Time 4 Children 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, Time 4 Children 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.

Any records generated in respect of an allegation will be kept securely, accessed only by those who require doing so for legitimate investigation/safeguarding/review purposes.

Any records will be kept separate from any other personal file relating to that staff / volunteer member.

Any records will not be kept in any child's file.

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.

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.

In England, information should be retained on file, including for people who leave Time 4 Children at least until the person reaches normal retirement age, or for 10 years if that is longer. The purpose of

the record is to enable accurate information to be given in response to any future request for a reference.

Time 4 Children Contact details

Designated Safeguarding Leads

Vicky Chalmers

Mon/Thurs/Fri - 01444 413893 - Mob: 07985 649486

Kate Sapara

Tues/Wed - 01444 440547 - Mob: 07919257990

Trustee for safeguarding

Janet Brailey

01444 232223

Local police:

Sussex Police

Haywards Heath Police Station

Bolnore Road,

Haywards Heath, RH16 4BA.

01273 470101

West Sussex Multi-Agency Safeguarding Hub (MASH):

Tel: 01403 229900

(Out of Hours – 0330 222 6664)

MASH@westsussex.gov.uk

Local authority designated officer (LADO)

The LADO's for West Sussex area:

- Miriam Williams
- Donna Tomlinson

Assistant LADO:

- Sally Arbuckle

LADO Contact Details

LADO should be contacted either by email: LADO@westsussex.gov.uk or by phone, LADO Consultation Contact No. 0330 222 6450 (Mon – Fri 9.00am – 5.00pm)

Out of hours contact

Alternative Contact Safeguarding Unit 01243 642420/ 642523

Out of Hours Emergency Service 01903 694422

NSPCC Helpline:

0808 800 5000

help@nspcc.org.uk

ChildLine: 0800 1111 (textphone 0800 400 222)

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