

Procedure for managing allegations against staff and volunteers

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1.1 Application

The procedure applies to all staff, volunteers and those working for Blue Cabin as the primary employer/volunteering provider or has engaged the services of a freelance worker.

If Blue Cabin is not the primary employer (e.g. as in the case of agency employees) the Designated Safeguarding Officer (DSO) will notify the primary employer about the allegation and they will be responsible for the case management of the allegation.

1.2 Criteria for a safeguarding allegation

The safeguarding allegations management procedure will be used in cases where it is alleged that any Blue Cabin staff, volunteer or sub-contractor has:

- behaved in a way that has harmed a child/adult, or may have harmed a child/adult; or
- possibly committed a criminal offence against or related to a child/adult; or
- behaved towards a child/adult in a way that indicates that they would pose a risk of harm to other children and/or adults; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children/adults.

Allegations may arise in several ways, for example a report from a child or adult, a complaint or a concern raised by another child or adult. An allegation may concern someone's behaviour or actions within their job or a voluntary activity, or within their family or private life. The concerns may be about any form of abuse or neglect. This will include concerns about inappropriate relationships between adults and children. For example;

- aggression or physical assault
- a sexual relationship between a child aged 16 or 17 years with an adult in a position of trust with them, even if the relationship may appear to be consensual
- grooming behaviour with the intent to sexually exploit someone
- non-recent or historical allegation of abuse
- other behaviour that gives rise to concerns, such as possession of abusive images of children or inappropriate contact through texts or social media, gift giving or socialising with children or adults outside of work-related activity
- concern about a colleague's posts on their personal social networks
- serious or repeated breaches of the Blue Cabin Safeguarding Code of Conduct

If Blue Cabin are notified about an allegation or concern about Blue Cabin staff or volunteers outside of the work environment, then this may present a risk to children or adults for whom the employee is responsible and the general principles outlined in these procedures will therefore apply.

1.3 Initial action by the person noticing concerns or receiving an allegation first

You should:

- Treat the matter seriously and keep an open mind.
- Do not make assumptions or offer alternative explanations.
- Do not investigate or ask leading questions, if seeking clarification.
- Do not promise confidentiality.
- Make a written record of the information on the Safeguarding Report Form. Where possible, record the exact words of the person making the allegation. Record the time, date and place and names of people present when the allegation was made or concerning behaviour was observed.
- Immediately report the matter to the DSO on the same working day. In their absence, or if a DSO is the subject of the allegation, concerns must be reported to the Deputy DSO or another member of the Safeguarding Team (as detailed in the Blue Cabin Safeguarding Policy). This information is also detailed on the Blue Cabin safeguarding key card.
- If the allegation requires immediate attention but is received out of office hours, contact the local authority Emergency Duty Team or the police and then inform the Local Authority Designated Officer (LADO) or adult social care as soon as possible.

Emergency Duty Team contact details:

- [Gateshead](#) - 0191 477 0844
- [South Tyneside](#) - 0191 456 2093
- [Darlington, Hartlepool, Middlesbrough, Redcar & Cleveland, Stockton-on-Tees](#) - 01642 524552
- [North Tyneside](#) - 0191 200 6800
- [Newcastle](#) - 0191 278 7878
- [Durham](#) - 03000 267 979
- [Northumberland](#) - 0345 600 5252
- [Sunderland](#) - 0191 520 5560

The DSO should notify the other Blue Cabin Safeguarding Leads unless the matter is definitely not a safeguarding allegation and has another explanation. A record of all decision making must be kept.

The allegation will then be managed by the Blue Cabin Safeguarding Team which includes the Blue Cabin Director, Coordinator and Safeguarding Trustee.

Arrangements for managing an allegation will vary in the following circumstances if the allegation is made against:

- **DSO** - the Safeguarding Trustees will manage the process
- **Safeguarding Trustee**- the DSO and the Board chair will manage the allegation
- **Company Director** – a board member and the Safeguarding Trustee

1.4 Initial response to a safeguarding allegation:

The DSO or other member of the Safeguarding Team should:

- Obtain details of the concern or allegation by the person reporting it. Record any decisions made and the rationale. Complete the Safeguarding Report Form (Appendix 1 of the Blue Cabin Safeguarding Policy) if it has not already been done.
- Contact the police if it is thought someone is in immediate danger or a crime may have been committed.

- Decide if any further clarifying information is needed or advice from a relevant authority but do not do an investigation.
- Decide if access to Blue Cabin's social media channels must be suspended.
- Contact:
 - the Local Authority designated officer (LADO)¹ immediately to report the allegation if it meets one or more of the criteria as described in 3.2 or to consult with them if uncertain as to how to proceed; *or*,
 - adult social care if the alleged victim is aged 18 years and above (as they do not have the LADO role) to report the allegation if it meets one or more of the criteria regarding an adult as described in 1.2 or to consult with them if uncertain as to how to proceed.
- If a potentially criminal offence has been committed then discuss this with the LADO and agree who will contact the police.
- Decide whether the criteria are met for a serious incident report to be made to the Charity Commission.
- Refer allegations against any former Blue Cabin staff or contractor to the LADO and discuss with them who will notify the police if it is agreed that a crime may have been committed.
- If the allegation does not meet the criteria described in 3.2 then consider if the matter is one of poor practice and needs to be addressed through other employment/volunteering processes such as disciplinary.
- Disciplinary procedure should wait until after the outcome of any police investigation.

1.5 Child victim of the allegation

If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or likely to suffer significant harm, the LADO will refer the case to children's social care and ask them to convene a strategy meeting to share information and determine an action plan.

If an investigation by children's social care or the police is deemed as not necessary after they have made further enquiries, then the Company Director and Safeguarding Team will discuss if any actions are required internally. The options will depend on the nature of the allegation and the evidence available. This will range from taking no further action, training, disciplinary procedure or a decision not to use the person's services in the future.

If the initial evaluation leads to no further action against the member of staff or contractor concerned, the decision and justification should be recorded. Agreement should be reached on what information should be put in writing to the individual who was subject to the allegation and what action should follow, including informing the person who made the allegation originally (but maintaining confidentiality about the full case details).

¹ *The Local Authority Designated Officer is involved in the overall management and oversight of individual cases in respect of children only In England only. They will provide advice and guidance to (name), 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. If the victim of the alleged abuse is aged 18 years or over then the LADO is not involved, rather adult social care services should be informed and they will advise.*

1.6 Adult victim of the allegation

The same process applies as a child victim except it will not be initiated by a LADO rather it will be the responsibility of the adult social care safeguarding team.

1.7 Persons to be notified

- After consultation with the LADO or adult social care, the Company Director should inform the accused person about the allegation as soon as possible. The exact nature of what is said to the accused person should be agreed with the LADO.
- However, if a strategy discussion is needed, or the police or children's social care need to be involved, the Company Director should not inform the accused person until those agencies have been consulted and have agreed what information can be disclosed to the individual.
- In principle, the Company Director should inform the child's parents/carers if known about the allegation. The LADO/adult social care should be consulted first to ensure that this will not impede any investigation or disciplinary process. In some cases, the parents/carers may need to be informed right away, e.g. if a child is injured and needs medical attention.
- The parents/carers and the child, if sufficiently mature (usually around secondary school aged however there is a need to take into account any additional needs or disabilities that a child may have when judging whether they have sufficient maturity to be able to benefit from this information), should be helped to understand the process and kept informed about the progress of the case and the outcome if no criminal prosecution will take place. Similarly, the adult at risk should be helped to understand the process too and their carers too if this is relevant.

1.8 Confidentiality

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated. Information sharing should be restricted to those who need to know in order to protect the child or adults concerned, carry out the enquiries and manage the disciplinary process, if applicable.

The Company Director and PR Consultant should consider how best to manage speculation and press interest, if it arises.

1.9 Support

The Company Director together with children's social care/adult social care and the police, if they are involved, will consider the impact on the child or adult at risk concerned and provide support as appropriate. In some cases, there may be no known victim e.g. if the concern is about the distribution of obscene images of children.

The Company Director will appoint a named representative to keep the staff member or contractor updated on the progress of the investigation; this will continue during any investigation or disciplinary process.

1.10 Managing risk during the investigation

Based on an assessment of risk, the Company Director and relevant HR person will

determine what action to take with regards to the employment/engagement of the person – whether it is appropriate to suspend them, cease to use their services or redeploy them into another role without child/adult at risk contact, provide another person to be present when the individual has contact with children or adults, whilst the investigation is carried out. Suspension should not be the default position: an individual should be suspended only if there is no reasonable alternative.

If immediate suspension or ceasing of services is considered necessary, the rationale and justification for such a course of action should be agreed and recorded. This should also include what alternatives to suspension have been considered and why they were rejected.

Possible risks to the child or adult involved and any children in the accused's home, work or community life will be evaluated and managed by the LADO or adult social care and the police.

1.11 Timescales

Cases will be resolved as quickly as possible, consistent with a thorough and fair investigation.

- It is expected that the investigations by the authorities in most cases should be resolved within one month and all but exceptional cases should be resolved within 12 months.
- However, the timing will depend on the nature, seriousness and complexity of the case and the right outcome is far more important than meeting timescales.
- Disciplinary action should normally not be taken until the outcome of any external investigation has been completed. The decision to take such action lies with Blue Cabin.

1.12 Resignations and compromise agreements

Every effort will be made to reach a conclusion to the case should the staff member or contractor refuse to cooperate, having been given a full opportunity to answer the allegation and make representation. Although it would not be possible to apply disciplinary sanctions if the period of notice expires before the conclusion of the investigation, the outcome of any disciplinary process will be recorded.

Blue Cabin will not use 'compromise/settlement agreements' where there has been a safeguarding allegation, for example where the employee agrees to resign provided that disciplinary action is not taken and that a future reference is agreed.

1.13 Outcomes of an investigation

The following categories should be used in recording the outcome:

- **Substantiated** – there is sufficient evidence to prove the allegation
- **Malicious** – there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
- **False** – there is sufficient evidence to disprove the allegation

- **Unsubstantiated** – there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Unfounded** - there is no evidence or proper basis which supports the allegation being made

1.14 Malicious or unsubstantiated allegations

If an allegation is determined to be unsubstantiated or malicious, the LADO should refer the matter to children’s social care services to determine whether the child needs services or may have been abused by someone else. Similarly, adult social care will consider this in terms of the adult who made such an allegation.

1.15 Disciplinary or suitability process and investigations

The Company Director and HR consultant will discuss whether disciplinary action or formal resolution is appropriate in cases where:

- it is clear at the outset, or decided by a strategy discussion, that a police investigation or social care enquiry is not necessary: or
- the police or the Crown Prosecution Service informs that the criminal investigation and subsequent trial is complete, or that an investigation is to be closed without charge, or prosecution is discontinued.

The discussion will consider any potential misconduct or gross misconduct by the employee, any concerning conduct or behaviour by the volunteer, and consider:

- the information provided by the police and children’s or adult social care
- the result of any investigation or trial; and
- the different standards of proof in civil and criminal proceedings.

In the case of contractors, the LADO/adult social care and Company Director will work with the providing agency where applicable in deciding whether to continue using the person’s services.

1.16 Record keeping

The Company Director and Safeguarding Team will keep a clear and comprehensive summary of the case record and provide a copy to the staff member or contractor. The record will include details of how the allegation was managed and resolved and the decisions reached.

Details of allegations that are found to be malicious, false or unsubstantiated should be removed from personnel records but kept in the safeguarding record with a cross reference from the HR record to the safeguarding record. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how it 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.

1.17 References

If the allegation was proven to be malicious, false, or unsubstantiated, it will not be included in any employer reference. A history of repeated concerns or allegations which have all been found to be malicious, false, or unsubstantiated will also not be included in any references.

1.18 Action following the conclusion of the investigative process

The options depend on the circumstances of the case and the result of any police investigation or trial, any investigations in respect of the child/adult victim as well as the different standard of proof required in civil and criminal proceedings. Options include:

- reintegration of the employee.
- reinstate the services of the volunteer or contractor.
- instigate the disciplinary process in respect of employees or resolution process in respect of volunteers.
- alert other known employers of the individual concerned (which is a responsibility of the LADO/adult social care to do if necessary).
- alert the Charity Commission of the outcome as per the serious incident reporting requirements if applicable.
- make a referral to the Disclosure and Barring Service (DBS) for consideration to bar the person from working with children or adults. The legal duty to refer only applies if Blue Cabin removes an individual from working in 'regulated activity' with children or adults and they pose a risk to children/adults due to:
 - relevant conduct
 - risk of harm
 - receiving a criminal caution or conviction for a relevant offence
 - the person has resigned or left that post in circumstances where they may have been removed

1.19 Learning lessons

At the conclusion of a case in which an allegation is substantiated, the Company Director and DSO and safeguarding trustee, in conjunction with the LADO or adult social care should review the circumstances of the case to determine whether any improvements could be made to Blue Cabin's safeguarding procedures or practice to help prevent similar incidents in future.