

**Handling Safeguarding Allegations against a Member/Members of Staff**

Document Control



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**Allegations against a Member/Members of Staff**

The following procedure is designed to guide the Safeguarding team and HR in the event that an allegation of a safeguarding concern is made against a member or members of staff.

This relates to young people, vulnerable adults, staff members or visitors to the university.

Therefore, all allegations of abuse by a member of staff should be taken seriously.

**Criteria for Intervention**

All cases of alleged or suspected abuse must be investigated when the allegations involve:

* Sexual abuse
* Physical assault
* Repeated intimidation
* Financial Abuse

**Stage 1:** Procedure for Intervention

Where a member of staff becomes aware of an allegation of abuse against another member staff, or indeed against themselves, or they suspect abuse is taking place, they should follow the Procedure for Raising Safeguarding Concerns for Staff, Students and Third Parties.

Where the SC is the subject of the allegation or suspicion, the SC’s line manager should be informed instead.

The Safeguarding Co-ordinator or their line manager should:

* Ensure the immediate safety of the young person or vulnerable adult
* Inform Social Services, LADO and relevant authorities as appropriate
* Secure all records relating to the young person \ vulnerable adult or the investigation
* Record all actions taken
* Inform HR

**The member of staff must not be informed of the allegation and no action must be taken against them until the Safeguarding Co-ordinator has consulted with the relevant agencies (e.g. Police, Social Services and Human Resources), dependent on circumstances.**

**If the Safeguarding Co-ordinator is unavailable, a relevant Deputy Safeguarding Co-ordinator will be informed.**

**Stage 2:** Information gathering

* An account of the allegations;
* The subject’s details, this might also include their family details;
* The child’s details;
* If the Police have been informed, the crime reference number.

The LADO will discuss with the employer and agree what investigations are needed, by whom and how any actions are to be undertaken. They will also consult with the Police and Children’s Social Care as appropriate.

**Note:** Refer to Appendix 1 and 2

**Stage 3:** What are the possible next steps?

* 1. **No further action:** it is agreed that the threshold is not met and there is clear evidence that the allegation is not a safeguarding matter, or has not occurred at all.
  2. **Internal investigation by employer:** it is agreed this does not reach the threshold for a strategy meeting. This view may change once an investigation is completed. In some cases, the employer may wish to consider commissioning an independent investigator.
  3. **Multi agency strategy meeting:** it is agreed the threshold for safeguarding is met and agencies need to formally bring together information and make a plan to agree a course

**Stage 4:** Outcome of LADO referral or Strategy meeting

The outcomes of any LADO referral or strategy meeting will be one of the following:

* **Substantiated:** sufficient identifiable evidence to prove the allegation;
* **False:** sufficient evidence to disprove the allegation;
* **Malicious:** clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false. Refer to Staff and Student Disciplinary Procedures;
* **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disapprove the allegation. The term therefore does not imply guilt or innocence.

**Note:** Refer to Appendix 1

**Stage 5:** Next steps

Most staff return to the workplace and support should be offered support and guidance to enable this effectively.

Affected staff may be offered advice, training, increased supervision or alternative duties. However if it is concluded that someone working with children has harmed a child, or is unsuitable to work with children, it is possible that they should be dismissed.

If the allegation is substantiated and the person is dismissed or the University ceases to use the person’s services, or the person resigns or otherwise ceases to provide his or her services, the case must be referred to the Disclosure and Barring Service (DBS) for consideration of inclusion on the barred lists and refer to any professional body.

**Stage 6:** Supporting those involved

The University has a duty of care to their employees and they should act to manage and minimise the stress of the allegations process. Supporting the subject is key to fulfilling this duty.

This aspect of the procedures will be led by Human Resources

**Note:** Refer to Appendix 3

**Appendix 1:** Strategy Meeting

The relevant Social Services, Service Manager will consult with key personnel and arrange a Local Authority Designated Officer (LADO) Strategy Meeting.

The following should be invited to the meeting, except where it may be prejudicial to the investigation:

* Senior representatives from key agencies (Education, Health, Social Services, Police as appropriate).
* An advocate \ attorney acting for the young person or vulnerable adult
* Representative from Local Authority Legal Department as appropriate.
* A Manager from the University.

It may be appropriate to invite other professionals/agencies from other authorities.

The investigation process will normally have precedence over disciplinary procedures and the timing of any disciplinary actions will be subject to discussion and agreement in the Strategy Meeting.

The Strategy Meeting will need to determine whether the criteria are met for a safeguarding as opposed to a disciplinary or complaints investigation. If the criteria are met, the following issues should be addressed:

* The paramount responsibility for the safety and welfare of the student and other children and young person’s\vulnerable adults
* The medical, police and social work elements of the safeguarding investigation clarified
* Requirements relating to confidentiality and access to records
* Who is to provide support for the student, including advocacy where appropriate
* Who is to notify the parents/carers about the concerns, and advise on the process to follow
* The immediate action to be taken in relation to the member of staff subject to the allegations or concerns
* Who is to keep the member of staff informed of the progress and timescale of the investigation
* Outside support, consultation and supervision for other staff members including the alleged perpetrator
* Possible staff professional association or trade union involvement for support and consultation
* Whether the staff behaviour is of sufficient concern to warrant an enquiry into the welfare of children \ vulnerable adults within their own family
* If the Police are not investigating, then someone must be designated to interview the member(s) of staff involved. This may, for example, involve a combination of the University and Social Services personnel. In all circumstances, the university process should involve a manager external to the university, to ensure independence

If criteria are not met, the meeting will refer the matter back to the University to consider any remaining personnel issues.

**Appendix 2:** Investigation

The investigation may have three related, but independent strands:

* Safeguarding enquiries relating to the safety and welfare of any children or vulnerable adults, who are, or may have been involved.
* A Police investigation into a possible offence.
* Disciplinary procedure, where it appears that the allegation may amount to misconduct or gross misconduct on the part of staff should be considered by the university.

The University investigation should include, though is not limited to:

* Identifying a named member of staff to undertake the investigation (this should usually be an independent senior member of staff or Safeguarding Coordinator depending on the context)
* An interview with the member of staff facing the allegations
* An interview or statement from other relevant parties or individuals
* A summary of the allegations

**Appendix 3:** Human Resources Responsibilities

On completion of investigation, a resolution meeting will be convened by the relevant LADO Manager, including key personnel involved in the investigation.

The resolution meeting will:

* Make a judgement as to whether the behaviour was abusive. Where there is a perceived need for a safeguarding plan, a conference will be held
* Address ‘safety issues’ in terms of contact between the person and member of staff
* Ensure staff have knowledge and skills to handle challenging behaviour or difficult situations
* Identity ongoing staff support needs
* If appropriate, arrange a debriefing meeting between those people involved to resolve any training, policy or procedure issues
* Parents/Carers of affected children or vulnerable adults should be given information about the concerns, advised on the process to be followed and the outcomes reached. The provision of information and advice must take place in a manner that does not impede the proper exercise of enquiry, disciplinary and investigative processes
* Identify if any other children or vulnerable adults, including the member of staff’s own family, who may be at risk, and make recommendations as appropriate
* Determine the need to refer a person to the Disclosure & Barring Service (DBS)

The University will:

* Be responsible for making adequate arrangements for supporting staff who are subject to allegations
* Disclose information they judge to be relevant to safeguarding for use in any disciplinary proceedings
* Take full account of the nature of the allegation and of any ongoing Police investigation and any risk of harm to children or vulnerable adults before deciding to:
* suspend an employee
* move an employee to a different post
* allow the employee to remain in their present position
* In cases where a member of staff is to be suspended, act in accordance with the University’s disciplinary procedures
* Ensure that records concerning investigation into staff members will be subject to secure storage, retention and destruction procedures, which take account of particular confidentiality issues for employees in relation to colleagues
* Ensure that it has clear procedures for notifying the DfE barring list, the DOH (Consultancy Index), UKCC and GMC where appropriate
* Ensure that it has clear procedures for referring staff members to the DBS where relevant.
* Feedback to the Resolution Meeting to inform on the action taken, where appropriate.

**Further Reading:**

* Recognising Abuse Guidance
* Procedure for Raising Safeguarding Concerns – for Staff, Students and Third Parties
* Procedure for Safeguarding Co-ordinator and Deputy Team
* External Speakers Policy (University of Derby)
* External Speakers Policy (Buxton & Leek College)
* Derby and Derbyshire (DSCB):

W: [www.derbyshirescb.org.uk/useful-documents/default.asp](http://www.derbyshirescb.org.uk/useful-documents/default.asp)

* Stoke-on-Trent/Staffordshire Joint LSCB Child Sexual Abuse Strategy:

W: [www.staffsscb.org.uk/Aboutus/Priorites-2012-2013/Child-sexual-abuse/Joint-LSCB-CSA-Strategy-FINAL-July-2016-v7.docx](http://www.staffsscb.org.uk/Aboutus/Priorites-2012-2013/Child-sexual-abuse/Joint-LSCB-CSA-Strategy-FINAL-July-2016-v7.docx)