

## Safeguarding Children and Vulnerable Adults Policy & Procedures

### CONTENTS

<b>Safeguarding Children &amp; Vulnerable Adults Policy</b>	<b>1</b>
• Introduction	1
• Our Ethos	1
• Scope	1
• Roles and Responsibilities	1
• Child protection and safeguarding procedure	1
• Safer workforce and managing allegations against staff and volunteers	2
• Staff induction, training and development	2
• Confidentiality, consent and information sharing	2
• Contractors, service and activity providers and work placement providers	3
• Whistleblowing and complaints	3
• Site security	3
• Photo consent	3
• Key contacts	4
• Policy review	4
<b>Appendix A: The role of the Designated Safeguarding Lead</b>	<b>5</b>
• Managing referrals	5
• Record keeping	5
• Inter-agency working and information sharing	5
• Training	5
• Awareness raising	5
<b>Appendix B: Child and Vulnerable Adult Safeguarding Procedures</b>	<b>6</b>
• Definitions	6
• Categories of abuse	6
• What action to take if you have concerns about a child	8
• Dealing with a disclosure made by a child or vulnerable adult	
- advice for all members of staff	8
• Safer recruitment	9
• Procedure for managing allegations of abuse made against Phoenix staff members	9
<b>Appendix C: Linked Policies</b>	<b>14</b>

# Safeguarding Children & Vulnerable Adults Policy

## 1 INTRODUCTION

- 1.1. Safeguarding children and vulnerable adults is everyone's responsibility. Everyone who comes into contact with children, families and vulnerable adults has a role to play.
- 1.2. Phoenix is committed to practice which safeguards and promotes the welfare of children and vulnerable adults.
- 1.3. All staff members, volunteers, trustees, and resident artists have an essential role to play in making it safe and secure.

## 2 OUR ETHOS

- 2.1 We believe that Phoenix should provide a caring, positive, safe and stimulating environment.

## 3 SCOPE

- 3.1 In line with the law, this policy defines a child as anyone under the age of 18 years.
- 3.2 This policy applies to all members of staff in our organisation, including all permanent, temporary and freelance staff, trustees, volunteers, contractors and external service or activity providers.

## 4 ROLES AND RESPONSIBILITIES

- 4.1 The organisation's lead person with overall responsibility for child protection and safeguarding is the **Designated Safeguarding Lead**. We have a Deputy Designated Safeguarding Lead to ensure there is appropriate cover for this role at all times. The Designated Safeguarding Lead's responsibilities are described in Appendix A.
- 4.2 The **case manager for dealing with allegations** of abuse made against Phoenix staff and volunteers is the Designated Safeguarding Lead. The case manager for dealing with allegations against the Designated Safeguarding Lead is the Chair of Trustees.

The procedure for managing allegations is detailed in Appendix B.

- 4.3 The **board of trustees** is collectively responsible for ensuring that safeguarding arrangements are fully embedded within the organisation's ethos and reflected in the day-to-day practice.
- 4.4 **All staff members, volunteers and external providers** know how to recognise signs and symptoms of abuse, how to respond to children and vulnerable adults who disclose abuse and what to do if they are concerned about a child or a vulnerable adult.

## 5 CHILD PROTECTION AND SAFEGUARDING PROCEDURE

- 5.1 We have developed a structured procedure in line with [Pan-Sussex Child Protection and Safeguarding Procedures](#) which will be followed by all members of the organisation in cases of suspected abuse. This is detailed in Appendix B.
- 5.2 In line with the procedures, the **Front Door for Families** will be notified as soon as there is a significant concern.

- 5.3 The name of the Designated Safeguarding Lead and Deputy Designated Safeguarding Lead will be clearly and publicly advertised.
- 5.4 We will ensure all parents and carers are aware of the responsibilities of staff members to safeguard and promote the welfare of children and act in the best interests of children by publishing the policy and procedures on our website.

## **6 SAFER WORKFORCE AND MANAGING ALLEGATIONS AGAINST STAFF AND VOLUNTEERS**

- 6.1 People who are working directly with children and vulnerable adults will be subjected to safeguarding checks in line with the statutory guidance from the Disclosure and Barring Service (DBS).
- 6.2 We will ensure that third parties supplying staff provide us with evidence that they have made the appropriate level of safeguarding check on individuals working with children and vulnerable adults on Phoenix's premises.
- 6.3 We have a procedure in place to handle allegations against members of staff and volunteers.

## **7 STAFF INDUCTION, TRAINING AND DEVELOPMENT**

- 7.1 All new members of staff will be given an induction which includes safeguarding and child protection training on how to recognise signs of abuse, how to respond to any concerns, e-safety and familiarisation with the safeguarding policy, and the role of the Designated Safeguarding Lead. We will ensure that staff understand the difference between a safeguarding concern and a child in immediate danger or at risk of significant harm.
- 7.2 The induction will be proportionate to staff members' roles and responsibilities.
- 7.3 The Designated Safeguarding Lead will undergo safeguarding and child protection training, when appointed to post and then refreshed every two years.
- 7.4 We will ensure that staff members provided by other agencies and third parties, e.g. freelance tutors, have received appropriate safeguarding and child protection training commensurate with their roles before starting work.
- 7.5 The Designated Safeguarding Lead will provide an annual briefing to the Board of Trustees and Senior Management Team on any changes to child protection legislation and procedures and relevant learning from local and national serious case reviews.

## **8 CONFIDENTIALITY, CONSENT AND INFORMATION SHARING**

- 8.1 We recognise that all matters relating to child protection and protecting vulnerable adults are confidential.
- 8.2 The Designated Safeguarding Lead will disclose any information about a child or vulnerable adult to other members of staff on a need-to-know basis, and in the best interests of the child or vulnerable adult.
- 8.3 All staff members must be aware that they cannot promise a child or vulnerable adult to keep secrets which might compromise the individual's safety or well-being.

- 8.4 All staff members have a professional responsibility to share information with other agencies in order to safeguard children and vulnerable adults.
- 8.5 All our staff members who come into contact with children and vulnerable adults will be given appropriate training to understand the purpose of information sharing in order to safeguard and promote the child or vulnerable adult's welfare.

## **9 CONTRACTORS, SERVICE AND ACTIVITY PROVIDERS AND WORK PLACEMENT PROVIDERS**

- 9.1 We will ensure that contractors and providers are aware of our organisation's safeguarding policy and procedures. We will require that employees and volunteers provided by these organisations use our procedure to report concerns.
- 9.2 We will seek assurance that employees and volunteers provided by these organisations and working with our children and vulnerable adults have been subjected to the appropriate level of safeguarding check. If assurance is not obtained, permission to use our premises may be refused.
- 9.3 Risk assessments will be completed by all contractors, service and activity providers before an event, course or workshop take place. These will include specific actions that will be put in place to safeguard children and protect them from harm.

## **10 WHISTLE-BLOWING AND COMPLAINTS**

- 10.1 We recognise that children and vulnerable adults cannot be expected to raise concerns in an environment where staff members fail to do so.
- 10.2 We will ensure that all staff members are aware of their duty to raise concerns, where they exist, about safeguarding, which may include the attitude or actions of colleagues. If necessary, they will speak with the chair of trustees. Should staff not feel able to raise concerns they can call the NSPCC whistleblowing helpline on 0800 028 0285.
- 10.3 We have a clear reporting procedure for children, parents and other people to report concerns or complaints, including abusive or poor practice.

## **11 SITE SECURITY**

- 11.1 All staff members have a responsibility to ensure our buildings and grounds are secure and for reporting concerns that may come to light.
- 11.2 The ground floor of the building is accessible to the public every day during café opening hours. Workshop spaces (green, white and red rooms) are only accessible to key holders. A record of key holders is kept in the office. The upper and lower floors are only accessible by swipe card holders; studio members, staff team and regular contractors. Any individual who is not known or identifiable will be challenged for clarification and reassurance.
- 11.3 The organisation will not accept the behaviour of any individual, parent or anyone else, that threatens security or leads others to feel unsafe. Such behaviour will be treated as a serious concern and may result in a decision to refuse the person access to the building.

## **12 PHOTO CONSENT**

- 12.1 We will not permit photographs, videos or other images of children to be taken without the consent of the parents/carers.

- 12.2 We will follow the guidance for the use of photographs and videos outlined in our photography and filming policy.

### 13 KEY CONTACTS

Role	Name	Contact details
Designated Safeguarding Lead	Chloe Hoare	01273 603700 07812 701169
Deputy Designated Safeguarding Lead	Belinda Greenhalgh	01273 603700
Chair of Trustees	Beth Burgess and Sian Prime	01273 603700
Local Area Designated Officer – for reporting allegations against a member of staff	Darrell Clews	<b>Tel:</b> 01273295643 <b>Mobile:</b> 07795335879
Adult Social Care – for reporting concerns	Access Point	01273 295555
Children's Social Care – for reporting concerns	Front Door for Families	01273 290400
	Emergency Duty Service – after hours, weekends and public holidays	01273 335905 or 335906

### 14 POLICY REVIEW

- 14.1 This policy and the procedures will be reviewed every year. All other linked policies will be reviewed in line with the policy review cycle.
- 14.2 The Designated Safeguarding Lead will ensure that staff members are made aware of any amendments to policies and procedures.
- 14.3 Date reviewed: 2022  
Due for review: 2023

## APPENDIX A

# The role of the Designated Safeguarding Lead

### 1 MANAGING REFERRALS

- 1.1 Refer all cases of suspected abuse to the Front Door for Families and to the Police if a crime may have been committed
- 1.2 The Disclosure and Barring Service will also be informed where a person is dismissed or left the organisation due to posing a risk or harm to a child or vulnerable adult.
- 1.3 Act as a source of support, advice and expertise to staff members on matters of child protection and safeguarding.
- 1.4 Refer cases to the Channel programme where there is a radicalisation concern as required.

### 2 RECORD KEEPING

- 2.1 Keep detailed, accurate, secure written records of child protection and welfare concerns and referrals

### 3 INTER-AGENCY WORKING AND INFORMATION SHARING

- 3.1 Cooperate with Children's Social Work Services and Adult Social Work Services, as appropriate.

### 4 TRAINING

- 4.1 Undertake appropriate safeguarding training, **updated every two years**.
- 4.2 Undertake Prevent awareness training.
- 4.3 Ensure each member of staff has access to and understands the safeguarding policy and procedures, including providing induction on these matters to new and part-time staff members.
- 4.4 Encourage a culture of listening to children and taking account of their wishes and feelings in any action the organisation takes to protect them.
- 4.5 Maintain accurate records of staff induction and training.

### 5 AWARENESS RAISING

- 5.1 Review the safeguarding policy and procedures annually.
- 5.2 Make the safeguarding policy and procedures available publicly and raise awareness of parents that referrals about suspected abuse may be made and the role of Phoenix in any investigations that ensue.
- 5.3 Provide an annual briefing to the staff on any changes to child protection legislation and procedures and relevant learning from local and national serious case reviews.

## APPENDIX B

# Child and Vulnerable Adult Safeguarding Procedures

## 1 DEFINITIONS

- 1.1 **Abuse**, including neglect, is a form of maltreatment. A person may abuse a child or vulnerable adult by inflicting harm or by failing to prevent harm. Children or vulnerable adults may be abused within their family, in an institutional or community setting, by those known to them, or, more rarely, by a stranger.
- 1.2 **Children** are any people who have not yet reached their 18<sup>th</sup> birthday; a 16-year-old, whether living independently, in further education, in the armed forces or in hospital, is a child and is entitled to the same protection and services as anyone younger.
- 1.3 **Vulnerable adults** are adults who are or may be for any reason unable to take care of themselves, or unable to protect themselves against significant harm or exploitation.
- 1.4 **Harm** is ill treatment or impairment of health and development, including impairment suffered from seeing or hearing the ill treatment of another.
- 1.5 **Significant harm** is the threshold that justifies compulsory intervention in the family in the best interests of the child. Section 31 of the Children Act 1989 states 'where the question of whether harm suffered by a child is significant turns on the child's health or development, his health or development shall be compared with that which could reasonably be expected of a similar child.'
- 1.6 For more definitions, see [Pan-Sussex Child Protection and Safeguarding Procedures](#).

## 2 CATEGORIES OF ABUSE

- 2.1 **Emotional abuse** is the persistent emotional maltreatment of a child or vulnerable adult such that it causes severe and persistent adverse effects on the individual's emotional development. It may involve:
- making a child or vulnerable adult feel worthless, unloved or inadequate
  - only there to meet another's needs
  - inappropriate age or developmental expectations
  - overprotection and limitation of exploration, learning and social interaction
  - seeing or hearing the ill treatment of another, e.g. domestic abuse
  - making the child feel worthless and unloved - high criticism and low warmth
  - serious bullying (including cyber bullying)
  - exploitation or corruption

Some level of emotional abuse is involved in all types of maltreatment of a child or vulnerable adult although it may occur alone.

- 2.2 **Neglect** is the persistent failure to meet a child or vulnerable adult's basic physical or psychological needs, likely to result in the serious impairment of the child or vulnerable adult's health or development. Neglect may occur during pregnancy as a result of maternal substance misuse. Once a child is born, it may involve a parent failing to:
- provide adequate food, clothing and shelter, including exclusion from home or abandonment
  - protect a child or vulnerable adult from physical and emotional harm or danger
  - ensure adequate supervision, including the use of inadequate care givers
  - ensure access to appropriate medical care or treatment

It may also include neglect of, or unresponsiveness to, a child or vulnerable adult's basic emotional needs.

- 2.3 **Physical abuse** may involve hitting, shaking, throwing, poisoning, burning, scalding, drowning, suffocating, or otherwise causing physical harm to a child or vulnerable adult. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child or vulnerable adult.
- 2.4 **Sexual abuse** involves forcing or enticing a child or young person or vulnerable adult to take part in sexual activities, including prostitution, whether or not the child or vulnerable adult is aware of what is happening. Activities may involve physical contact, including penetration of any part of the body, or non-penetrative acts. They may include non-contact activities, such as involving children or vulnerable adults looking at or in the production of sexual images, including on the internet, watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

Child sexual exploitation is also sexual abuse; it involves children and young people receiving something, for example accommodation, drugs, gifts or affection, as a result of them performing sexual activities, or having others perform sexual activities on them. It could take the form of grooming of children, e.g. to take part in sexual activities or to post sexual images of themselves on the internet.

Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children / vulnerable adults.



### 3 WHAT ACTION TO TAKE IF YOU HAVE CONCERNS ABOUT A CHILD

Staff member	What action to take if you have concerns
Any member of staff, governor, volunteer, contractor or activity provider	<ul style="list-style-type: none"> <li>Discuss your concerns with the Designated Safeguarding Lead, or in their absence, with the Deputy Designated Safeguarding Lead <b>as soon as possible, before the child leaves for the day</b>. It is important that the child is not sent home at the end of the day without taking the right protective action.</li> <li>Complete the <b>child/vulnerable adult protection record of concern form</b> and pass it to the Designated Safeguarding Lead.</li> <li>If the Designated Safeguarding Lead or their deputy is not available, you should contact the <b>Front Door for Families</b> (for children) or <b>Access Point</b> (for vulnerable adults) yourself. Inform the Designated Safeguarding Lead about what actions you have taken.</li> </ul>
Designated Safeguarding Lead	<p><b>You are concerned that the child or vulnerable adult is at risk of significant harm</b></p> <ul style="list-style-type: none"> <li>Contact the <b>Front Door for Families</b> or <b>Access Point</b> immediately.</li> <li>If you believe that the child is in immediate danger, or you suspect a crime has been committed, you must also contact the police immediately.</li> </ul>

### 4 DEALING WITH A DISCLOSURE MADE BY A CHILD OR VULNERABLE ADULT – ADVICE FOR ALL MEMBERS OF STAFF

- 4.1 If a child / vulnerable adult discloses that he or she has been abused in some way, the member of staff or volunteer should follow this guidance.
- Listen to what is being said without displaying shock or disbelief.
  - Only ask questions when necessary to clarify, and without suggesting what the answer might be.
  - Accept what is being said.
  - Allow the child to talk freely – do not put words in the child's mouth.
  - Reassure the child that what has happened is not his or her fault.
  - Do not make promises that you may not be able to keep.
  - Do not promise confidentiality – it may be necessary to refer the child to Children's or Adult's Social Care.
  - Stress that it was the right thing to tell.
  - Do not criticise the alleged perpetrator.
  - Explain what has to be done next and who has to be told.
  - Inform the Designated Safeguarding Lead without delay.
  - Complete the **child/vulnerable adult protection record of concern form** and pass it to the Designated Safeguarding Lead.
  - Dealing with a disclosure from a child and safeguarding issues can be stressful. Consider seeking support for yourself and discuss this with the Designated Safeguarding Lead.

## 5 SAFER RECRUITMENT

- 5.1 Phoenix has robust recruitment and vetting procedures to help prevent unsuitable people from working with children and vulnerable adults.
- 5.2 All staff members, including volunteers, who have contact with children, young people and families, and vulnerable adults, will have appropriate pre-employment checks.
- 5.3 For jobs involving significant contact with children / vulnerable adults, at least one member on every short listing and interview panel will have completed safer recruitment training.

## 6 PROCEDURE FOR MANAGING ALLEGATIONS OF ABUSE MADE AGAINST PHOENIX STAFF MEMBERS

- 6.1 Phoenix takes seriously all allegations of abuse made against staff members, including volunteers, and will investigate them in line with the statutory guidance.
- 6.2 The process described below is a summary of the procedure.
- 6.3 **The procedure applies to all adults working in Phoenix or providing a service on behalf of the organisation to children / vulnerable adults either on or outside organisation premises,** i.e. all permanent, temporary and ancillary staff, trustees, volunteers, contractors and external service or activity providers (**collectively referred to as staff or staff members** in this procedure).
- 6.4 The allegations management procedure will be used in all cases where it is alleged that a staff member, has:
  - behaved in a way that has harmed a child or vulnerable adult, or may have harmed a child or vulnerable adult; or
  - possibly committed a criminal offence against or related to a child or vulnerable adult; or
  - behaved towards a child or vulnerable adult in a way that indicates that they would pose a risk of harm if they work regularly or closely with children or vulnerable adults.
- 6.5 Allegations may arise in a number of ways, for example a report from a child or vulnerable adult, a complaint from a parent, or a concern raised by another adult within the organisation. An allegation may concern someone's behaviour or actions within their job or a voluntary activity, or within their family or private life.
- 6.6 **Any concerns will be considered in the context of the four types of abuse**
- 6.7 Concerns include inappropriate relationships. For example:
  - a sexual relationship between a child under 18 or a vulnerable adult and an adult in a position of trust with them, even if the relationship may appear to be consensual;
  - grooming, i.e. meeting a child under 16 with intent to commit a relevant offence (section 15 of the Sexual Offences Act 2003); or
  - other behaviour that gives rise to concerns, such as possession of abusive images of children or inappropriate contact through texts or online, inappropriate messages, gifts or socialising with children.
- 6.8 If an allegation or concern arises about a staff member outside of their work with children, and this may present a risk to children for whom the staff member is responsible, the general principles outlined in these procedures will still apply.
- 6.9 **Roles and responsibilities:**

- **Anyone who has concerns** about, or has received an allegation about, the behaviour of a staff member **needs to report the concerns immediately to the designated safeguarding lead, and in their absence, the chair of trustees**, who will act as **case manager** for the allegation.

#### **6.10 Initial action by the person noticing concerns or receiving an allegation first:**

- 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, but give assurance that the information will only be shared on a need-to-know basis.
- Act quickly.
- Make a written record of the information. Where possible, record the exact words of the person making the allegation or the child's own words.
- Record the time, date and place and names of people present when the allegation was made or concerning behaviour was observed. Record the time, date and place of alleged incidents, persons present and what was said, if these were mentioned by the person making the allegation.
- Sign and date the written record.
- Immediately report the matter to the designated safeguarding lead or the chair of governors, as in 6.9 above and give them the written record.

#### **6.11 Initial response by the case manager:**

- Do not investigate the matter immediately or interview the staff member or the child/vulnerable adult concerned.
- Obtain written details of the concern or allegation, signed and dated by the person reporting it. Countersign and date the written details and record the decisions made and the reasons for those decisions.
- Contact the LADO immediately to report the allegation and for a consultation. The allegation must be reported within one day at the most.
- If the allegation requires immediate attention but is received out of hours, contact the Adult or Children's Services Emergency Duty Team or the police and inform the LADO as soon as possible.
- Refer allegations against a staff member who is no longer working in the organisation to the police in the first instance and then inform the LADO.

#### **6.12 Initial consideration of the allegation by the case manager and the LADO:**

- The case manager and the LADO will consider the nature, content and context of the allegation and agree a course of action, including whether further information is needed.
- The case manager may need to obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations in the past and the staff member's current contact with children.
- 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 Work Services and ask them to convene a strategy discussion.
- The LADO will consult the police if a criminal offence may have been committed. If the threshold for significant harm is not reached but a police investigation may be needed, the LADO will immediately inform the police.
- If an investigation by Children's Social Work Services or the police is not necessary, the case manager and the LADO will discuss the options open to the organisation depending on the nature of the allegation and the evidence available. This will range from taking no further action to dismissal or a decision not to use the staff member's services in the future.

- If the initial evaluation leads to no further action against the staff member concerned, the decision and justification should be recorded by both the case manager and the LADO. Agreement should be reached on what information should be put in writing to the individual and what action should follow, including informing the person who made the allegation originally.

#### 6.13 Persons to be notified:

- After consultation with the LADO, the case manager should inform the accused person about the allegation as soon as possible.
- **However, if a strategy discussion is needed, or the police or Children's Social Work Services need to be involved, the case manager 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 case manager should inform the parents or carers of the children involved about the allegation. The LADO should be consulted first to ensure that this will not impede any investigation or disciplinary process. In some cases, the parents or carers may need to be informed right away, e.g. if a child is injured and needs medical attention.
- The parents or carers and the child, if sufficiently mature, 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.

#### 6.14 Confidentiality:

- Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated. Information should be restricted to only those who need to know in order to protect the children concerned, carry out the investigation and manage the disciplinary process.
- The case manager should discuss with the LADO how best to manage speculation, leaks and gossip within the organisation and the community at large, and press interest, if it arises.

#### 6.15 Supporting people:

- The organisation together with Children's Social Work Services and the police, if they are involved, will consider the impact on the child concerned and provide support as appropriate.
- The designated safeguarding lead will ensure that the child and family are kept informed of the progress of the investigation.
- The staff member who is the subject of the allegation will be advised to contact their union, professional association or a colleague for support.
- The trustees will be consulted at the earliest opportunity to ensure that the staff member is provided with appropriate support, if necessary, through occupational health or welfare arrangements.
- The designated safeguarding lead will appoint a named representative to keep the staff member updated on the progress of the investigation; this will continue during any police or section 47 investigation or disciplinary investigation.

#### 6.16 Managing risk during the investigation:

- The perceived level of risk during the investigation needs to be considered and managed. In some situations the level of risk may require the staff member not to be working with specific children or all children in the organisation until the investigation is completed.
- There are several options open to the employer, including:
  - redeployment so as not to come into direct contact with one or more children;
  - or

- refraining (agreeing that the person will not work with children during the investigation); or
- suspension.
- Refraining and suspension should be considered as neutral acts and should not be automatic. Suspension should be considered only in cases where there is cause to believe children in the organisation are at risk of harm or the allegation is so serious that it might be grounds for dismissal.
- Decisions about risk are best made in a multi-agency forum such as the strategy discussion. The LADO will canvass the views of the agencies participating and inform the case manager. However, only the employer has the power to refrain or suspend.
- Possible risks to the children involved and any children in the accused staff member's home, work or community life will be evaluated and managed.

#### 6.17 Timescales:

- Cases will be resolved as quickly as possible, consistent with a thorough and fair investigation.
- It is expected that the majority of cases should be resolved within one month and all but the most 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.
- Cases where it is immediately apparent that the allegation is unsubstantiated or malicious should be resolved within one week.
- The organisation should discuss the timing of actions with the LADO for all allegations that do not require police involvement but for which there are child protection concerns.
- If the nature of the allegation does not require formal disciplinary action, the organisation should start appropriate action 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.

#### 6.18 Resignations and compromise agreements:

- The allegation will be investigated according to procedure, even if the accused staff member resigns or ceases to provide their services.
- Every effort will be made to reach a conclusion to the case should the staff member 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 the disciplinary process will be recorded.
- The organisation will not use 'compromise/settlement agreements', for example where the staff member agrees to resign provided that disciplinary action is not taken and that a future reference is agreed.

#### 6.19 Outcomes of investigations of allegations:

- **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.

#### 6.20 Disciplinary or suitability process and investigations:

- The LADO and the case manager will discuss whether disciplinary action is appropriate in all cases where:

- it is clear at the outset, or decided by a strategy discussion, that a police investigation or section 47 enquiry is not necessary; or
- the police or the Crown Prosecution Service informs that the criminal investigation and subsequent trial are 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 staff member, and take into account:
  - the information provided by the police and Children's Services;
  - the result of any investigation or trial; and
  - the different standards of proof in disciplinary and criminal proceedings.
- In the case of supply, contract or volunteer workers, the LADO and the case manager will work with the providing agency in deciding whether to continue using the person's services or whether they can provide future work with children or whether to report them for barring considerations.

#### **6.21 Record keeping:**

- The case manager will keep a clear and comprehensive summary of the case record and provide a copy to the accused staff member. A copy of the record should also be given to the LADO.
- The record will include details of how the allegation was investigated and resolved and the decisions reached. It will be completed in collaboration with the LADO.
- Details of allegations that are found to be malicious will be removed from personnel records.
- In the case of all other allegations, the summary will be placed in the staff member's personnel file and kept until the person reaches retirement age or for a period of 10 years from the date of the allegation, if that is longer.

#### **6.22 References:**

- If the allegation was proven to be malicious, false or unsubstantiated, it will not be included in any references for the staff member.
- 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.

#### **6.23 Informing the Disclosure and Barring Service (DBS):**

- The LADO will discuss with the case manager whether the organisation will refer the staff member to the DBS and, in the case of a teacher to the National College for Teaching and Leadership (NCTL), if the allegation is substantiated and the person is dismissed or the organisation ceases to use the person's services, or the person resigns or ceases to provide their services.
- **It is a legal requirement for organisations to refer to the DBS anyone:**
  - **who has harmed, or is likely to harm, or poses a risk of harm to a child; or**
  - **if there is reason to believe that they have committed one of a number of listed offences (as set out in the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009), and have been removed from working in paid or unpaid regulated activity or would have been removed had they not left.**

## APPENDIX C

### Linked Policies

- Complaints procedure
- Equalities Policy
- Health and Safety Policy and other linked policies and risk assessments
- Data Protection policy
- Recruitment and Selection Policy and procedures
- Staff code of conduct/behaviour policy
- Whistleblowing Policy
- Photography and Filming Policy