



Fair Ways Education

Allegations and Disclosure Policy

(Organisational Policy rebranded)

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Fair Ways Vision, Mission and Values

Our vision

To build an institution that makes a difference to society and leaves a legacy greater than ourselves and our contributions.

Our mission

To make a difference through passionate care, support and education.

Our values

Our values form the heart of the work we do, defined by Fair Ways people, for Fair Ways people. These are the values by which we operate, by which we are governed, and to which we are held accountable.

We therefore expect every individual within the organisation to *play their part*:

P ROFESSIONAL	A CCEPTING	R EFLECTIVE	T RANSSPARENT
<ul style="list-style-type: none"> · We do what we say we will · We approach challenges with optimism and enthusiasm · We don't judge, we notice · We put the needs of the service before our own personal gains 	<ul style="list-style-type: none"> · We don't give up on people · We value all individuals and are willing to challenge them · We embrace each other's differences as much as our similarities · We accept responsibility for our actions 	<ul style="list-style-type: none"> · We give feedback, we invite feedback, we listen to feedback · We look inward before we look outward · We learn as much from our mistakes as from our successes · We listen to each other, learn from each other and grow together 	<ul style="list-style-type: none"> · We are always willing to explain why · We have the courage to be open and honest · We earn trust through our transparency · We live by our values even when no-one is watching

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1 Scope

- 1.1 This policy outlines the key responsibilities/procedures that must be followed when an allegation is made against a member of staff/Manager in any of Fair Ways' homes or services.
- 1.2 Allegations could be received from the child / individual concerned, their parent / carer or friend, a member of staff working in the home or service or another professional. Allegations in relation to an employee's home or private life which may have implications for children or vulnerable adults with whom that person has contact at work or in the organisation should also be dealt with under these procedures.
- 1.3 This policy should be read in conjunction with the organisations Whistleblowing Policy [DOC REF OR35] and the Multi Agency Safeguarding Procedures.

2 Key Contacts for Safeguarding and Child Protection

Designated Safeguarding Lead

Registered Manager (DSL)

Deputy Designated Safeguarding Lead

Deputy Manager

Fair Ways Designated Safeguarding Officer

Stephanie Power

Stephanie.Power@Fairways.co

Local Authority Designated Lead (LADO)

Hampshire - Barbara Piddington / Fiona Armitage

Mobile Phone 07540 930 259 (Fiona)

Mobile: 07903 649503 (Barbara)

Land line: 01962 876364

Portsmouth

Phone 023 9268 8793

Email mash@portsmouthcc.gov.uk

Out of hours : 03005551373



Bournemouth Council

Phone: 01202 817 600

Email: LADO@bcpcouncil.gov.uk

Southampton City Council

Phone 023 80915535 / 0700 952 037

Email: lado@southampton.gov.uk

Police

Emergency 999

Non-Emergency 101

Website: www.police.uk

Should any allegation, concern or observation involving safeguarding about the Registered Manager, Designated Safeguarding Lead, then staff must inform the Responsible Individual and Fair Ways Designated Safeguarding Officer. If you do not feel that you are able to contact either, then you can contact: -

National Society for the Prevention of Cruelty to Children (NSPCC).

NSPCC help line 0808 800 5000

Children's Commissioner for England

Sanctuary Buildings

20 Great Smith Street

London

SW1P 3BT

Tel: 020 7783 8330

Email: info.request@childrenscommissioner.gov.uk

Website: www.childrenscommissioner.gov.uk

Ofsted:

Whistleblowing hotline on 0300 1233155 (8am to 6pm, Monday to Friday) email whistleblowing@ofsted.gov.uk write to: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD

CQC

LSAB

Emergency Duty Team (EDT), provides an emergency social care service for urgent situations which are out of normal office hours. If your call is not answered, please do leave a message and your contact details for someone to get back to you.

The service runs from

- 5.00pm to 8.30am on weekdays
- 4.30pm on Friday to 8.30am on Monday
- 24-hour cover on Bank Holidays

The evening and weekend team run on a rota basis to ensure that cover is provided around the clock.

Phone 0300 555 1373 (public and professionals)

Email out.of.hours@hants.gov.uk (professionals only). Please note that this is not a referral route or to be used to update OOH.

3 Overview of an allegation

- 3.1 **What is an allegation:** Allegations may relate to actual or potential harm caused to a service user i.e. physical, sexual, emotional or financial abuse, grooming or neglect.
- 3.2 **Who is involved in handling an allegation:** allegations against staff will be discussed with the service users' social worker and/or the adult safeguarding team and a Local Authority Designated Officer (LADO), as well as a Fair Ways manager, HR and the Quality, Safety and Governance team via safeguarding@fairways.co.
- 3.3 **What action is taken:** investigations into allegations will normally be led by the local authority and Fair Ways will take their guidance as to how to proceed. If the LADO wants the employee informed at this stage, HR will write to the employee within 72 hours of the meeting explaining the substance of the allegation (when possible), who will be involved in the investigation, contact details, the process and the timescales of the investigation. The letter should confirm any decisions about place of work restrictions / children in placement if necessary and should enclose information about support available, including any advocates available.
- 3.4 Unless there are exceptional circumstances or the LADO or police has advised otherwise, any employee who has an allegation made against them should be told verbally within 48 hours of the allegation being made. They should be told by either HR or an appropriate manager. The employee with an allegation made against them may be suspended whilst any investigation takes place.
- 3.5 Once any LADO / police investigation is concluded, the respective Head of Service and/or director will determine whether any further action is required, including whether use of the disciplinary procedure may be required (please refer to disciplinary procedure found on the intranet DOC REF HRP05). As with any complaint, a record of the outcome will be held in the employees' staff file (and the service users record if appropriate).

3.6 Further information on allegations can be found in the Safeguarding Children & Adults policies [DOC REF OR13 & 46].

4 The differences between an allegation and a concern

4.1 It might not be clear whether an incident constitutes an 'allegation'. It is important to remember that to be an allegation the alleged incident has to be sufficiently serious as to suggest that harm has or may have been caused to a child/ren or vulnerable adults, or that the alleged behaviour indicates that the individual may pose a risk of harm to children (or otherwise meet the criteria above).

4.2 Concerns that do not meet this threshold may constitute a conduct or disciplinary issue and should be addressed using the appropriate organisational procedures.

4.3 Incidents which fall short of the threshold could include an accusation that is made second or third hand and the facts are not clear, or the member of staff alleged to have done this was not there at the time; or there is confusion about the account.

4.4 If it is difficult to determine the level of risk associated with an incident the following should be considered:

- Was the incident a disproportionate or inappropriate response in the context of a challenging situation?
- Where the incident involved an inappropriate response to challenging behaviour, had the member of staff had training in managing this?
- Does the member of staff understand that their behaviour was inappropriate and express a wish to behave differently in the future? For example, are they willing to undergo training?
- Does the child or family want to report the incident to the police or would they prefer the matter to be dealt with by the employer?
- Have similar allegations previously been made against the employee – is there a pattern developing?

4.5 Whether an incident constitutes an allegation and hence needs to be dealt with through these procedures, may need to be discussed with the LADO by the manager or Responsible Individual. If it falls short of this threshold there may still be a role for the LADO to provide advice and support to the home. Where the matter constitutes a conduct or performance issue, the Manager should follow the appropriate disciplinary procedures and let the LADO know of the outcome.

- 4.6 If concerns do not meet the criteria set out above, the Senior Manager in the Home should speak to the child/young person/adult and staff member concerned with a view to resolving the issue and establishing if there are any underlying issues which need to be addressed. It is important in such cases to provide the child with information on the Home's Complaints Procedure and remind them of their right to access an independent Advocate, as well as being able to speak to their allocated social worker or Independent Reviewing Officer about any concerns they have.
- 4.7 Such matters should be fully reported on the child's file, including the actions of the Home.
- 4.8 Any allegation of abuse must be dealt with quickly and in a fair and consistent way which provides effective protection for the child / children concerned, while at the same time supporting the person who is the subject of the allegation.

5 Coordinating the Response to Concerns or Allegations

- 5.1 The Home's Registered, or through delegation a Senior Manager, is responsible for coordinating the response to any concerns or allegations against staff. (Note that this procedure will use the term 'Senior Manager' to reference the manager in the service who is responsible for responding to concerns or allegations).
- 5.2 Where there is a lack of clarity or the Senior Manager is uncertain, they should seek an independent view from the child's social worker or team manager or the LADO.

5.3 Initial action by person receiving or identifying an allegation or concern

- 5.3.1 The initial response to a child / person reporting an allegation or concern is important. Children are most likely to make a disclosure to someone they trust, so it is important that everyone working in the Home is clear about what they should do in the event of a disclosure.
- 5.3.2 The person to whom an allegation or concern is first reported should reassure the child / person that they have done the right thing in making a report and explain what they will do next, including who the information will be shared with.
- 5.3.3 It is important to:
- Listen carefully to the child / person making the report; do not ask leading questions, only prompt where necessary with open questions (where, when, what etc.);

- Be non-judgemental;
- Do not promise confidentiality; Explain what will happen next, including that the concern will have to be shared further, but only with the Senior Manager at this stage (who will decide whether the matter should be referred to the LADO);
- Write a record containing the facts as the child / person reporting the concern presented them; where possible use their own words;
- Sign and date the written record;
- Immediately report the matter to the Home's Senior Manager, or in their absence, the deputy. If the Senior Manager is the subject of the allegation, it should be reported to the deputy or another Senior Manager) (**Note:** If a member of staff has concerns about how the child/person's allegations will be dealt with by the Home, they should consider reporting the concern to Ofsted. See Ofsted, Reporting Concerns and Whistleblowing about Children's Social Care Services).

Do not:

- Investigate or ask leading questions if seeking clarification;
- Discuss the allegation with the alleged perpetrator;
- Make assumptions or offer alternative explanations;
- Promise confidentiality but give assurance that the information will only be shared on a 'need to know' basis.

5.4 Initial action by the Senior Manager

5.4.1 When informed of a concern or allegation, the Senior Manager should not, at this stage, investigate the matter or interview the member of staff, the child concerned or seek potential witnesses.

5.4.2 They should:

- Obtain written details of the concern / allegation, signed and dated by the person receiving (not the child / adult making the allegation);
- Approve and date the written details;
- Record any information about times, dates and location of incident/s and names of any potential witnesses;
- Record discussions about the child and/or member of staff, any initial decisions made, and the reasons for those decisions.

- 5.4.3 The Senior Manager should report the allegation to the designated officer in the local authority/LADO within 1 working day (Note the designated officer in the local authority will be further referenced as LADO). If it is outside normal working hours and there is an immediate risk to a child the Emergency Duty Team should be contacted, along with the Senior Manager on-call.
- 5.4.4 Referrals to the LADO should not be delayed in order to gather additional information. A failure to report an allegation or concern in accordance with this procedure is a potential disciplinary matter.
- 5.4.5 If the Senior Manager is concerned that there is an immediate risk to children, the Police should be contacted without delay.
- 5.4.6 Where a Strategy Discussion / Meeting is needed to consider the allegation in a multi-agency setting, the LADO, the Police and the child's social worker/ or Children's Social Care will agree what information should be disclosed to the alleged perpetrator. Otherwise, the Home's Senior Manager should inform the person concerned about the allegation as soon as possible after consulting with the LADO and inform them about the likely course of action.
- 5.4.7 Additionally, when there is going to be a Strategy Discussion/Meeting, the LADO, the Police and the child's social worker will advise on the information which can be shared with parents or carers.
- 5.4.8 The parents / carers and the child, should be helped to understand the processes involved and be kept informed about the progress of the investigation 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.

6 The Role of the Designated Officer in the Local Authority (LADO)

- 6.1 The role of the LADO is to manage and oversee allegations against people who work with children. This includes providing advice and guidance, liaising with the Police and other agencies, resolving any inter agency issues, monitoring the progress of cases to ensure they are dealt with as quickly as possible consistent with a fair process. The LADO will also provide advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS) and Ofsted (the Regulatory Authority) and liaise with the 3 safeguarding partners.
- 6.2 The initial discussion between the Senior Manager from the Home and the LADO will consider the nature, content and context of the allegation and agree a course of

action. The Senior Manager may be asked to provide additional information, such as previous history of the child or member of staff concerned.

- 6.3 The initial sharing of information and evaluation may lead to a decision that no further action is to be taken. In this instance, the decision and its reasons should be recorded by the Senior Manager in the Home and the LADO. Agreement should be reached about what the next steps should be, together with the information that will be provided - in writing - to the individuals concerned. Follow up support may need to be considered for both the subject of the allegation and the child / young person.
- 6.4 The LADO will consult with the Senior Manager from the Home and other relevant agencies (e.g. the placing authority and the area authority (if different), the Police, relevant social workers and Ofsted), in order to manage and coordinate decisions which will need to be taken in relation to the member of staff against who the allegation has been made. This will include:
- Whether it is necessary to move or suspend staff, or can they be moved to other duties which do not involve direct contact with children or vulnerable adults;
 - In relation to the child, whether they should move from the placement.
- 6.5 All other options should be considered before a decision is made to suspend a member of staff.

7 Confidentiality

- 7.1 The Home/service must maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, their parents / carers and accused person (where this would not place the child at further risk) up to date with progress of the matter, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, and manage related disciplinary or suitability processes.

8 Support for the child

- 8.1 The Home, the child's social worker and / or Police, where they are involved, should consider the impact on the child concerned and any other children in the Home and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are addressed. Note: it is important to ensure that providing children with the relevant support they need does not prejudice the outcome of any other related court proceedings, e.g. criminal charges. A careful balance should be maintained and further legal advice sought if required).

- 8.2 The home would usually inform the parents of the child/ren involved of the allegation and the process that is being followed unless this will be detrimental to the welfare of the child (where the council holds parental responsibility) or impede the disciplinary or investigative processes. The LADO can advise the employer whether or not the parents should be informed. However, in some circumstances, the parent/s may need to be told straight away (e.g. if a child is injured and requires medical treatment).
- 8.3 The parent/s and the child, if sufficiently mature, should be helped to understand the processes involved and be 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.

9 Support for the employee

- 9.1 Following consultation with the LADO, the accused member of staff should be provided with information about the allegation and the initial actions agreed. Employers have a duty of care and should provide effective support for anyone facing an allegation and act to manage and minimise the stress inherent in the allegations process. Any staff member who is suspended should be provided with a named contact person.
- 9.2 The person against whom the allegation is made should be advised to contact their union or professional association. Human Resources should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's Occupational Health or Employee Welfare Arrangements. They should be given access to welfare counselling or medical advice where this is provided by the employer.

10 Suspension

- 10.1 Suspension is a neutral act and it should not be an automatic response when an allegation is reported. All options to avoid suspension should be considered first.
- 10.2 Suspension should only be considered in those cases where:
- There is cause to suspect a child or other children are at risk of harm; or
 - The allegation is so serious that it might be grounds for dismissal.
- 10.3 The possible risk of harm to children should be evaluated and managed in respect of the child/children involved and any other children in the accused person's home, work or community life.

- 10.4 If an Allegations Strategy Meeting / Discussion is held, attendees should discuss whether suspension is appropriate and make a recommendation. However, only the employer, however, has the power to suspend an accused employee.
- 10.5 If a suspended person is to return to work, the employer should consider what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor), and also how best to manage the member of staff's contact with the child concerned, if they are still in the Home.

11 Record Keeping

- 11.1 Details of allegations that are found to be malicious should be removed from HR records.
- 11.2 Employers should keep a clear and comprehensive summary of the allegation, how it was followed up and resolved. A note of any action taken and decisions made should be kept in the person's confidential HR record. The record should be kept at least until the person reaches normal retirement age or for 10 years if longer.
- 11.3 The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification where a future DBS request reveals information from the Police about an allegation which did not result in conviction and will help to prevent unnecessary reinvestigation if an allegation re-surfaces after a period of time.
- 11.4 A separate record is held by the LADO.

12 Referrals to the Disclosure and Barring Service

- 12.1 If an allegation is substantiated and the Senior Manager removes the individual from work because they consider that they pose a risk of harm to children (or would have done had the person not left first) they must ensure a referral is made to the Disclosure and Barring Service (DBS).
- 12.2 It is an offence to fail to make a referral without good reason. If a referral is to be made; it should be submitted within 1 month of the allegation being substantiated.
- 12.3 For the latest guidance on Making Referrals to the Disclosure and Barring Service, please see the [GOV.UK website](https://www.gov.uk).
- 12.4 Where individual staff continue to have concerns about a colleague or in relation to conduct of an investigation made in response to an allegation, they should consider

the Home's Whistleblowing Procedure, Ofsted, Reporting Concerns and Whistleblowing about Children's Social Care Services or contact the child's social worker should be followed.

- 12.5 In cases where it is identified that no significant harm or offence has been committed, the Children's Home may still wish to consider disciplinary proceedings against staff.
- 12.6 Where the concerns have not warranted further investigation under these procedures, other routes may be identified as more appropriate at this stage, for example, the complaints process (Refer Complaints Policy [DOC REF OR86]).
- 12.7 Additional Training for the staff member should also be considered as appropriate.

13 Associate Documentation, Policies and Guidance

- Whistleblowing Policy [DOC REF OR35]
- Safeguarding Adults [DOC REF OR46]
- Safeguarding Children [DOC REF OR13]
- Complaints Policy [DOC REF OR86]
- Working Together to Safeguard Children 2018 (Statutory Guidance)
- Keeping Children Safe in Education 2022 (Statutory Guidance)
- Safeguarding Vulnerable Groups Act 2006
- Making Barring Referrals to the DBS
- The Care Act 2014

