

	Policy
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LEAD EXECUTIVE DIRECTOR DGM	Director of HR & OD
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TARGET AUDIENCE:	All Trust Personnel
DOCUMENT PURPOSE:	<p>This procedure sets out how to deal with allegations where there is reasonable cause to believe a child or vulnerable adult is suffering, or is likely to suffer, significant harm.</p> <p>It also caters for cases of allegations that might indicate that the alleged perpetrator is unsuitable to continue to work with, or come into contact with children or vulnerable adults in his or her present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a person who works with or comes into contact with children or a vulnerable adults</p>

To be read in conjunction with	
SUPPORTING REFERENCES	<ul style="list-style-type: none"> • ELHT HR20 Concerns at Work Policy (Whistle Blowing) • ELHT CO34 Safeguarding Children Policy, Procedures and Guidelines • ELHT CO67 Policy and Practise Guidelines for Dealing with Suspected or Actual Abuse of Vulnerable Adults • Managing allegations against people who work with children: Summary of procedures (England) NSPCC 2010 • Working Together to Safeguard Children 2013 – HM Government

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	Table of Contents	Page
1	Introduction	5
2	Initial Considerations	6
3	Action for person receiving initial report of allegation	7
4	Oversight and monitoring	8
5	Multi-Agency Collaboration	9
6	Information Sharing	10
7	Supporting those involved	10
8	Allegation/s made to the police or social services	11
9	Suspension	11
10	Action following initial consideration	11
11	Confidentiality	12
12	Timescales	12
13	Resignations and 'Settlement Agreements'	13
14	Monitoring Progress	13
15	Action following a criminal investigation or a prosecution	14
16	Action on conclusion of a case	14
17	Action in respect of false or unfounded allegations	14
18	Referral to Protection of Children Act List or regulatory body	15
19	Record Keeping	15
20	Learning Lessons	15
	Appendix 1 – Flow Chart	16
	Appendix 2 – Key Contacts	17

Key:

LADO: Local Area Designated Officer

LCSB: Lancashire Children Safeguarding Board

LSAB: Lancashire Safeguarding Adults Board

SAPS Board: Lancashire Safeguarding Adults Partnership Strategic Board

BwD LSCB: Blackburn with Darwin Lancashire Safeguarding Children Board

BwD LSAB: Blackburn with Darwin Lancashire Safeguarding Adults Board

CPS: Crown Prosecution Service

ACPO: Association of Chief Police Officers

PoCA list: Protection of Children Act

1. **Introduction**

- 1.1 Safeguarding vulnerable adults and children is the responsibility of all ELHT staff whether permanent or temporary, workers, independent contractors and volunteers. This procedure specifically outlines steps to take when serious allegations are raised against ELHT members of staff, volunteer, bank and agency workers.
- 1.2 The following policy should be read in conjunction with the Trust's policies on Safeguarding Children (CO34) and Safeguarding Vulnerable Adults (CO67). The Trust is a member of:

Lancashire Safeguarding Adults Partnership Strategic Board (SAPS Board).

Lancashire Safeguarding Adults Board (LSAB)

Lancashire Safeguarding Children Board (LCSB)

Blackburn with Darwin Lancashire Safeguarding Children Board (BwD LSCB)

Blackburn with Darwin Lancashire Safeguarding Adults Board (BwD LSAB)

The Boards are responsible for ensuring that there are effective inter agency procedures in place for dealing with allegations against people who work with children or vulnerable adults respectively. This Policy ensures allegations are treated in accordance with the all the children and adults' safeguarding boards.

- 1.3 The framework for managing cases set out in this procedure applies to a wider range of allegations than those in which there is reasonable cause to believe a child or vulnerable adult is suffering, or is likely to suffer, significant harm. It also caters for cases of allegations that might indicate that the alleged perpetrator is unsuitable to continue to work with, or come into contact with children or vulnerable adults in his or her present position, or in any capacity. This is also set out in *Working Together to Safeguard Children 2010*. It should be used in respect of all cases in which it is alleged that a person who works with or comes into contact with children or a vulnerable adult has:

- behaved in a way that has harmed, or may have harmed, a child or vulnerable adult

- possibly committed a criminal offence against, or related to, a child or vulnerable adult; or

- Behaved towards a child or children or vulnerable adult in a way that indicates s/he is unsuitable to work with children or vulnerable adults.

1.4 There are 7 forms of abuse as listed below and we have a duty to protect patients.

- Physical
- Sexual
- Psychological
- Financial / Material
- Neglect / Acts of omission
- Discriminatory Abuse
- Institutional Abuse

1.5 There may be up to three strands in the consideration of an allegation that will need to be coordinated:

- A police investigation of a possible criminal offence
- Enquiries and assessment by social services about whether a child or vulnerable adult is in need of protection or in need of services
- Consideration by the Trust of disciplinary action in respect of the individual.

Where allegations are raised, these should be reported immediately to a Senior Manager and the Head of HR. In the absence of a senior manager and Head of HR, allegations should be reported to the Director of HR. Managers will need to ensure staff and volunteers are aware of whom they can report allegations to (contact details in appendix 2). Where there is no alternative person, staff and volunteers will need to know that they can go straight to the local authority designated officer (LADO) to report their concerns (contact details in appendix 2).

2. Initial Considerations

2.1 Serious allegations can be reported by a number of sources:

- Referral from another agency or professional or regulatory body to the Trust as an employer
- A vulnerable child or vulnerable adult themselves
- A relative of a child or vulnerable adult
- A member of staff, worker or volunteer

- A member of the public or other witnesses not related to the vulnerable child or adult

2.2 Where allegations are raised consideration needs to be given to the serious nature and some are so serious as to require immediate referral to social care and the police for investigation. Others are much less serious, and at first sight may not seem to warrant consideration of a police investigation or enquiries by social services. However, it is important to ensure that even apparently less serious allegations are followed up, and that they are examined objectively by someone independent. This procedure will therefore require some common sense and judgement.

2.3 Any confusion about whether an allegation meets the criteria above should not result in a delay taking action. Where there is uncertainty; this should be discussed with the Director of HR/Head of HR and a senior manager. In the absence of the Director of HR/Head of HR; or where the allegations are about him/her, then the allegations should be made to the Deputy Chief Executive (see appendix 2 for contact details).

LSCB use NSPCC and Working Together 2010 as the standards and if the allegation meets any of the criteria the employer should report it to the LADO within one working day.

2.4 In cases of alleged abuse against children or vulnerable adults the following must be noted:

- the Trust should not investigate the matter by interviewing the accused person, the child or vulnerable adult or potential witnesses
- the allegations should not be discussed with the child or vulnerable adult involved as this may compromise any police or child protection investigation
- Under no circumstances should the child or vulnerable adult be interviewed or questioned by any persons other than members of the Children's Integrated Services, Adult Social Care Services and the Police investigation Team.

3. Action for person receiving initial report of allegation

3.1 The person whom the allegation or concern that is initially reported should not question the child or vulnerable adult or investigate the matter further. They should:

- treat the matter seriously
- reassure the individual raising the allegation they are right to report it
- avoid asking leading questions and keep an open mind

- Make a written record of the information. Where possible use the child/adults' own words including who and what is being alleged to have happened
 - when and where the alleged incident(s) took place including time, date and location
 - who was present and taking names of potential witnesses
 - sign and date the written record
 - report the matter immediately to their line manager. If their manager is subject of the allegation; they must report to a senior manager. In the absence of a senior manager, allegations must be reported to either the Head of HR/Director of HR.
 - the manager or most senior manager on duty is responsible for ensuring the immediate safety of children/vulnerable adults concerned
- 3.2 The manager will need to report allegation and details above to the Director of HR/ Head of HR immediately (see appendix 2 for contact details). If the allegations appear to meet criteria in section 1; they will then inform the Local Authority Designated Officer (LADO). **The LADO must be notified within 1 working day of allegations being raised (*Working together to Safeguard Children, March 2013*)**
- 3.3 The LADO will discuss the matter with the Director of HR/Head of HR and, where necessary, obtain further details of the allegation and the circumstances in which it was made. The discussion should also consider whether there is evidence/information that establishes if the allegation is false or unfounded.
- 3.4 If the allegation is not patently false and there is cause to suspect that a child or vulnerable adult is suffering, or is likely to suffer, significant harm, the LADO will immediately refer to social services and ask for a strategy discussion to be convened straightaway. In those circumstances, the strategy discussion would include the LADO and a representative of the Trust.

Where the vulnerable adults or children are suspected of being abused; ELHT Safeguarding leads should also be consulted (see appendix 2 for Key Contacts).

4. Oversight and Monitoring

- 4.1 The Local Authority designated officer (LADO) responsible for providing advice and liaison and monitoring the progress of cases, to ensure that cases are dealt with as quickly as possible, consistent with a fair and thorough process (see appendix 1 for contact details). The LADO is also responsible for liaising with the Head of HR/Director of HR and providing advice. They will also liaise directly with the police.

5. Multi-Agency Collaboration

- 5.1 Where there is reasonable cause to suspect that a child or vulnerable adult has suffered; or is likely to suffer significant harm; or where there is lack of clarity; a strategy discussion or joint evaluation will be held within 24 hours of the allegation being notified to the LADO.
- 5.2 The strategy discussion is initiated by the LADO and involves representatives from relevant agencies (Agencies include social Care, police, etc) and the Trust. In some circumstances there maybe good reasons not to have a representative from the Trust. In such situations, the strategy discussion should take account any information the Trust can provide about the circumstances or context of the allegation.
- 5.3 Agencies involved at the strategy discussion will agree what information can be disclosed to the person whom the allegations have been against. If the person is a member of a union or professional association, s/he should be advised to seek support from that organisation from the onset.
- 5.4 In cases where a formal strategy discussion is not considered appropriate – because the threshold of ‘significant harm’ is not reached – but a police investigation might be needed, the LADO should nevertheless conduct a similar discussion with the police, the Trust, and any other agencies involved with the child or vulnerable adult to evaluate the allegation and decide how it should be dealt with. (Note: the police must be consulted about any case in which a criminal offence may have been committed.)
- 5.5 Like a strategy discussion, that initial evaluation may not need to be a face-to-face meeting. It should share available information about the allegation, the child or vulnerable adult and the person against whom the allegation has been made, consider whether a police investigation is needed and, if so, agree the timing and conduct of that. In cases where a police investigation is necessary, the joint evaluation should also consider whether there are matters that can be taken forward in a disciplinary process in parallel with the criminal process, or whether any disciplinary action needs to wait for completion of the police enquiries and/or prosecution.
- 5.6 If the complaint or allegation is such that it is clear that investigations by police and/or enquiries by social care are not necessary, or the strategy discussion or initial evaluation decides that this is the case; the LADO should discuss next steps with the Director of HR/Head of HR.
- 5.7 In some cases, further investigation is needed to enable a decision about how to proceed. If so, the LADO should discuss with the Director of HR/Head of HR how and by whom the investigation will be undertaken. The investigation should normally be undertaken by the Trust. The Director of HR/Head of HR will delegate investigatory duties to a senior manager within the Trust as appropriate.

However, in some circumstances appropriate resources may not be available, or the nature and complexity of the allegation might point to the Trust commissioning an independent investigation.

6. Information Sharing

- 6.1 In the initial consideration at a strategy discussion or joint evaluation, all agencies concerned (including the Trust) share all relevant information they have about the person who is the subject of the allegation and about the alleged victim.
- 6.2 Wherever possible, the police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the Trust, and/or regulatory body, for disciplinary purposes. This should be done as the investigation proceeds rather than after it is concluded, to enable the police and Crown Prosecution Service (CPS) to share relevant information without delay at the conclusion of their investigation or any court case.
- 6.3 Social services should adopt a similar procedure when making enquiries to determine whether the child or vulnerable adult named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries that is relevant to a disciplinary case can be passed to the Trust or regulatory body without delay.

7. Supporting those involved

- 7.1 If the parents/carers of the child or vulnerable adult concerned are not already aware of the allegation, the LADO will also discuss how and by whom they should be informed. In circumstances in which the police or social care may need to be involved, the LADO should consult those colleagues about how best to inform parents/carers.
- 7.2 However, in some circumstances the investigating manager may need to advise parents of an incident involving their child or vulnerable adult straight away – e.g. if the child or vulnerable adult has been injured while in the organisation's care and requires medical treatment.
- 7.3 Parents/carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution. This includes **only** the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, **cannot** normally be disclosed.
- 7.4 In cases where a child or vulnerable adult may have suffered significant harm, or there may be a criminal prosecution; social services or the police, as appropriate, should consider what support the child or vulnerable adult involved may need.
- 7.5 The investigation manager from the Trust should also keep the person who is the subject of the allegations informed of the progress of the case, and arrange to

provide appropriate support to the individual while the case is ongoing. Support may be provided via occupational health or the employee counselling service as appropriate to the case. The investigating manager should make arrangements to keep the individual informed about developments in the workplace and likely completion date of investigation.

8. Allegation/s made to the police or social services

- 8.1 If an allegation is made to the police, they are expected to inform the LADO straightaway. Similarly, if the allegation is made to social services, the person who receives it should report it to the LADO without delay. The LADO in liaison with the police and Director of HR/Head of HR will decide if an investigation is appropriate if a criminal offense may have been committed.

9. Suspension

- 9.1 The possible risk of harm to children or vulnerable adults posed by an accused person needs to be evaluated and managed effectively – in respect of the children or vulnerable adults involved in the allegations, and any other children or vulnerable adults in the individual's home, work or community life. In some cases this requires the Trust to consider suspending the person. Suspension should be considered in any case where there is cause to suspect a child or vulnerable adult is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. People must not be suspended automatically or without careful thought.
- 9.2 The Trust must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children or vulnerable adults until the allegation is resolved. It is important to note that neither the LADO, nor the police, or social care can require the Trust to suspend a member of staff, bank worker or volunteer. The power to suspend is vested in the Trust as employer alone.
- 9.3 However, where a strategy discussion or initial evaluation discussion concludes that there should be enquiries by social care and/or an investigation by the police, the LADO will canvass police/social care views about whether the accused member of staff needs to be suspended from contact with children or vulnerable adults, to inform the Trust's consideration of suspension.

10. Action following initial consideration

- 10.1 Options open to the Trust range from taking no further action, to summary dismissal or a decision not to use the person's services in future. The nature and circumstances of the allegation and the evidence and information available determine which of the range of possible options is most appropriate.
- 10.2 Where the initial evaluation decides that the allegation does not involve a possible criminal offence; it is dealt with by the Trust. In such cases, if the nature

of the allegation does not require formal disciplinary action, appropriate action should be instituted **within 3 working days**. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held **within 10 working days** (Refer to the ELHT Disciplinary Policy HR09).

- 10.3 Where further investigation is required to inform consideration of disciplinary action, the Director of HR/Head of HR should discuss who will undertake that with the LADO. In some settings and circumstances, it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the Trust to ensure objectivity. In any case, the investigating officer should aim to provide a report to the Trust **within 10 working days**.
- 10.4 On receipt of the report of the disciplinary investigation, the Director of HR/Head of HR should decide whether a disciplinary hearing is needed **within two working days**, and if a hearing is needed it should be held **within 10 working days**.
- 10.5 In any case in which social services has undertaken enquiries to determine whether the child or vulnerable adult is in need of protection, the Director of HR/Head of HR should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.
- 10.6 The LADO should continue to liaise with the Trust to monitor progress of the case and provide advice/support when required or requested.

11. Confidentiality

- 11.1 Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated / considered. In accordance with Association of Chief Police Officers (ACPO) guidance, the police do not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases, where the police might depart from that rule – e.g. an appeal to trace a suspect – the reasons should be documented and partner agencies consulted beforehand.)
- 11.2 The system of self-regulation, overseen by the Press Complaints Commission, also provides safeguards against the publication of inaccurate or misleading information.

12. Timescales

- 12.1 It is in everyone's interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation. The time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness and complexity of the allegations. Every effort should be made to manage cases to avoid any unnecessary delay.

13. Resignations and ‘Settlement Agreements’

- 13.1 Allegations will continue to be investigated even in circumstances where an individual may tenders his or her resignation, or ceases to provide their services. It is important that every effort is made to reach a timely conclusion in all cases even if they refuse to co-operate with the process.
- 13.2 Individuals whom have allegations made against them will have full opportunity to respond and make representations. The process of recording the allegation, supporting evidence, and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available, should continue, even if that cannot be done or the person does not co-operate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person’s period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.
- 13.3 By the same token, ‘settlement agreements’ must not be used. This usually involves a person agreeing to resign and the employer agrees not to pursue disciplinary action. Both parties agree a form of words to be used in any future reference. In any event, such an agreement will not prevent a thorough police investigation where appropriate. Nor can this override the Trust’s statutory duty to make a referral to the Protection of Children Act List (PoCA list) or DfES List 99 where circumstances require it respectively.

14. Monitoring Progress

- 14.1 The LADO will regularly monitor the progress of cases, either via review strategy discussions, or by liaising with the police and/or social care colleagues or the Trust, as appropriate. Reviews will be conducted at fortnightly or monthly intervals, depending on the complexity of the case.
- 14.2 If the strategy discussion or initial evaluation decides that a police investigation is required, the police should set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) to consider whether to charge the individual, continue to investigate, or close the investigation. It is open to the police to consult the CPS about the evidence that will need to be obtained in order to charge a person with an offence at any stage. Wherever possible, that review should take place **no later than four weeks** after the initial action meeting. Dates for subsequent reviews, at fortnightly or monthly intervals, should be set at the meeting if the investigation continues.

15. Action following a criminal investigation or a prosecution

- 15.1 The police or the CPS should inform the Trust and LADO immediately and without delay when a criminal investigation and any subsequent trial is complete, if the person is convicted of an offense or if it is decided to close an investigation without charge, or not to prosecute after the person has been charged. In those circumstances, the LADO should discuss with the Director of HR/Head of HR whether any further action is appropriate and, if so, how to proceed. The information provided by the police and/or social services should inform that decision.
- 15.2 Action taken by the Trust, including dismissal, is not ruled out in any of those circumstances. The range of options open depends on the circumstances of the case, and the consideration needs to take into account the result of the police investigation or trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

16. Action on conclusion of a case

- 16.1 If the allegation is substantiated and the person is dismissed or the Trust ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the Director of HR whether a referral to the Protection of Children Act List (PoCA) or DfES List 99 is required or advisable, along with the form and content of a referral. Also, if the person is subject to registration or regulation by a professional body or regulator – e.g. by the General Medical Council, etc; the LADO should advise on whether a referral to that body is appropriate.
- 16.2 If it is decided on conclusion of the case that a person who has been suspended can return to work, the Director of HR/Head of HR will consider how best to facilitate that with a senior manager. Most people will benefit from some help and support to return to work after a very stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. Managers will also consider how the person's contact with the child or vulnerable adult who made the allegation can best be managed if they are still in the workplace.
- 16.3 In cases where no formal action is being pursued by the Police or Social Services, a senior manager will be responsible for providing feedback to the parents of the child or vulnerable adult who is the subject of the complaint.

17. Action in respect of false or unfounded allegations

- 17.1 If an allegation is determined to be unfounded, the Director of HR/Head of HR should refer the matter to social services to determine whether the child or vulnerable adult concerned is in need of services, or may have been abused by someone else. In the rare event that an allegation is shown to have been

deliberately invented or malicious, the police should be asked to consider whether any action might be appropriate against the person responsible.

18. Referral to Protection of Children Act List (PoCA list) or regulatory body

- 18.1 If the allegation is substantiated, and on conclusion of the case the Trust dismisses the person or ceases to use the person's services, or the person ceases to provide his/her services, the Director of HR /Head of HR will consult the LADO about whether a referral to the PoCA list and/or to a professional or regulatory body is required. If a referral is appropriate, the report should be made within one month.

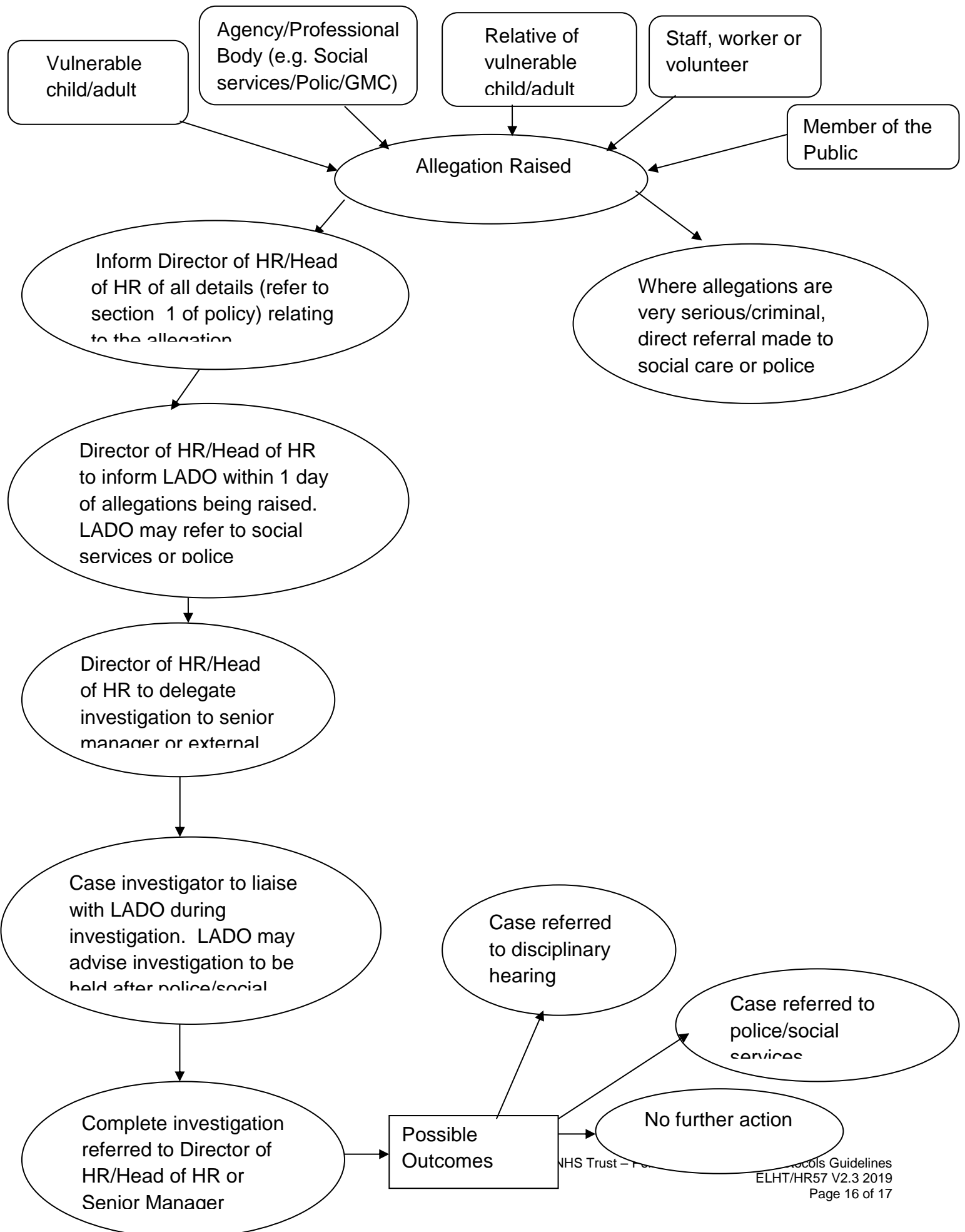
19. Record-keeping

- 19.1 It is important that the Trust keep a clear and comprehensive summary of any allegations made, details of how the allegations were followed up and resolved, and of any action taken and decisions reached. These should be kept in the individual's confidential personnel file.
- 19.2 Such information should be retained on file, including people who leave the organisation, at least until the person reaches normal retirement age, or for **10 years** if that is longer (in keeping with HM Government guidelines). 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 in cases where a future CRB Disclosure reveals information from the police that an allegation was made but did not result in a prosecution or a conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.

20. Learning Lessons

- 20.1 At the conclusion of a case in which an allegation is substantiated, the Trust should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice to help prevent similar events in the future.

Appendix 1 - Flow Chart



Appendix 2 - Key Contacts

<p>Head of HR 2 Floor, Park View Offices Royal Blackburn Hospital Haslingdon Road Blackburn T: 01254 732272</p>	<p>Director of HR & OD Trust Headquarters Royal Blackburn Hospital Haslingdon Road Blackburn T: 01254 732510</p>
<p>Local Authority Designator Office (LADO), Tim Booth Safeguarding Unit Lancashire County Council T: 01772 536694 or 07826 902 522 E: tim.booth@lancashire.gov.uk</p>	<p>Children's LADO: Megan Dumpleton LADO Safeguarding Unit Lower Ground Floor Old Town Hall Blackburn BB1 7DY E: Megan.dumpleton@blackburn.gov.uk T: 01254 585117</p>
<p>Chief Nurse Trust Headquarters Royal Blackburn Hospital Haslingdon Road Blackburn T: 01254 732715</p>	<p>Adult LADO: Tony Finnigan Operational Safeguarding Lead, Area Manager L Floor, Tower Block Town Hall Blackburn BB1 7DY T: 01254 585182 E: Tony.Finnigan@blackburn.gov.uk</p>
<p>ELHT Safeguarding Lead (Adults) Children's Out-Patients Department Burnley General Hospital Casterton Avenue Burnley T: 01282 803346</p>	<p>Safeguarding Lead (Children) Children's Out-Patients Department Burnley General Hospital Casterton Avenue Burnley T: 01282 803126</p>