



ALLEGATIONS POLICY

This policy provides clear instruction about what needs to be done when there is an allegation against a colleague, or an agency professional. The policy should be read in conjunction with our Safeguarding Policy and our Whistleblowing Policy.

APRIL 2024

INTRODUCTION

This policy is about how South West Intervention Services (“SWIS”) manage allegations against colleagues (i.e., employees/staff). It should be read in conjunction with our Safeguarding Policy, our Low-Level Concerns Policy, and our Whistleblowing Policy.

This policy aims to ensure there are robust procedures in place to manage any allegations or disclosures about SWIS colleagues, working in SWIS settings or in the community.



CONTEXT: ALLEGATIONS & DISCLOSURES

There is some debate around the difference between a disclosure and an allegation.

In the simplest of terms, a **disclosure** is usually used within the context of responding from a position of belief. Therefore, a disclosure has “sufficient factual content and specificity.” In contrast, an **allegation** is a claim that someone has committed a crime or perpetrated wrongdoing, though the person making the claim has not submitted any proof of the assertion.

For the avoidance of doubt, in both cases colleagues must take allegations and disclosures seriously and inform the relevant DSL or management on-call if out-of-hours. The following clarifies whom colleagues should contact in the event of an allegation or disclosure.

SAFEGUARDING LEADS

The overall safeguarding lead is Alison Moore (Managing Director). She is the Nominated Safeguarding Lead (NSL). Alison works closely with Donna Greep and Emily Lowman who are the Designated Safeguarding Leads (DSLs) for SWIS.

Name	Role	Telephone	Email
Alison Moore	NSL	07498 563361	alison.moore@southwestinterventionservices.com
Donna Greep	DSL	07958 331507	donna.greep@southwestinterventionservices.com
Emily Lowman	DSL	07398 843485	emily.lowman@southwestinterventionservices.com

Donna and Emily must inform Alison of any serious concerns. By working together, both with colleagues and external agencies, we seek to ensure that children and young people are consistently:

- Protected from any form of maltreatment, harm, or abuse.
- Provided with safe and effective support.

PLEASE NOTE: If an allegation or a disclosure is made by a child or young person, the procedures clarified in this policy must be followed. Any disclosure or allegation made against or about a colleague must be taken seriously and escalated as a priority. This means it will be referred to LADO and other relevant agencies, such as the Police.

DEFINITIONS

The following definitions should be used when determining the outcome of allegation investigations:

- **SUBSTANTIATED:** There is sufficient evidence to prove the allegation.
- **MALICIOUS:** There is sufficient evidence to disprove the allegation or 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.
- **UNFOUNDED:** To support cases where there is no evidence or proper basis which supports the allegation being made.

Details of allegations that are found to have been malicious should be removed from personnel records. For all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action and decisions reached, is kept on the confidential personnel file of the accused person. A copy of which must be provided to the person concerned.

ALLEGATIONS & DISCLOSURES: PROCEDURES

MANAGING ALLEGATIONS

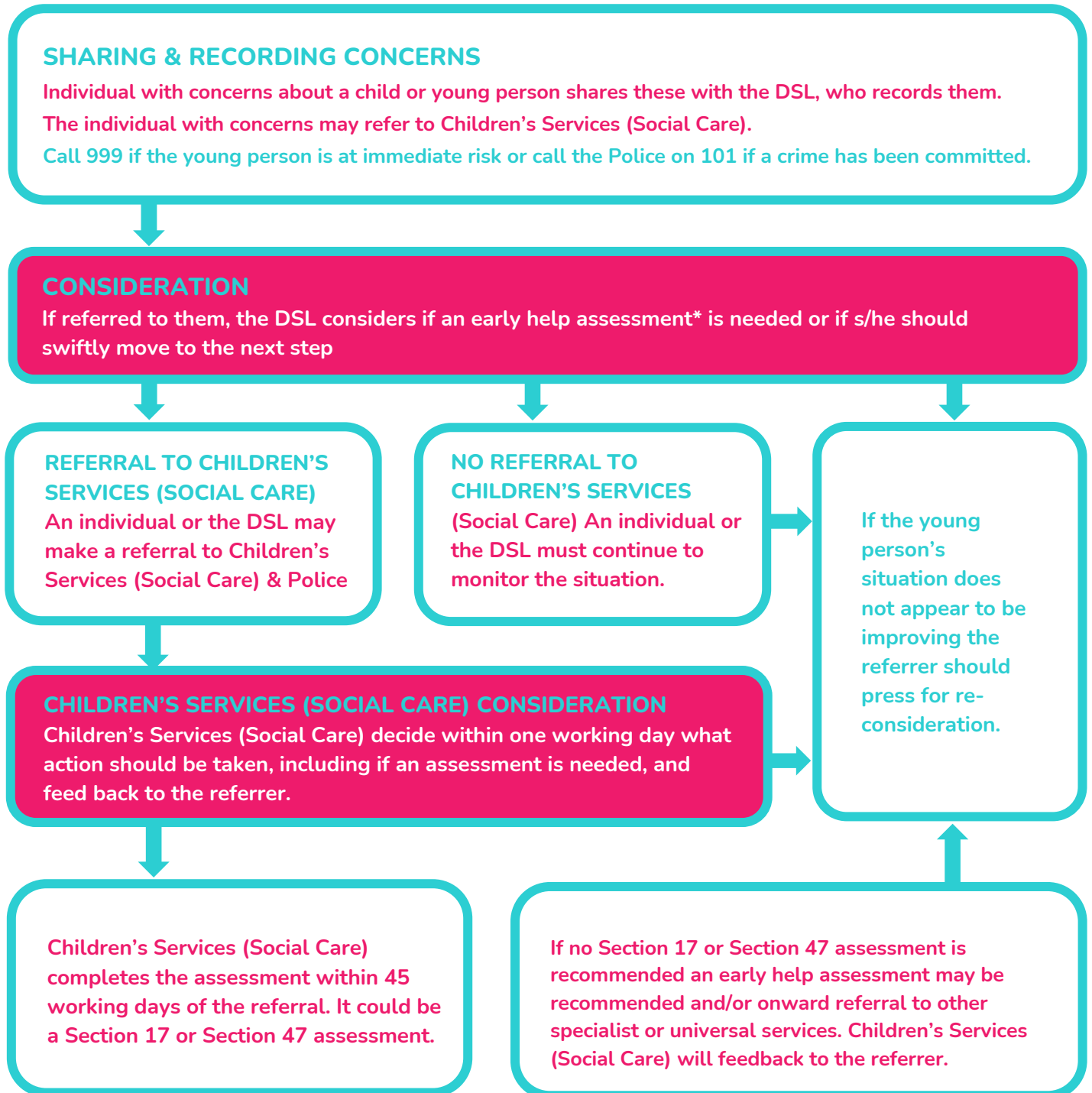
This part refers to managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children and young people in their present position, or in any capacity. It should be used in all cases where it is alleged that a colleague, agency staff or volunteer has:

- Behaved in a way that has harmed or may have harmed a child or young person.
- Possibly committed a criminal offence against or related to a child or young person.
- Behaved towards a child or young person in a way that indicates s/he would pose a risk of harm.
- Behaved in a way that indicates they make not be suitable to work with children, young people, or vulnerable adults.

In all cases, the Police must be called if illegal activity is suspected, or it is an emergency. This includes historical allegations, as well as allegations against a former colleague.

RESPONDING TO CONCERNS ABOUT POTENTIAL HARM OR ABUSE

The below diagram illustrates what action should be taken and who should take it where there are concerns about a young person. If, at any point, there is a risk of immediate serious harm to a young person a referral should be made to Children’s Services (Social Care). Anybody can make a referral.



An allegation against a colleague regarding a young person will be referred to the Local Authority Designated Officer (LADO).

THE POLICE MUST BE CALLED IF ILLEGAL ACTIVITY IS SUSPECTED, OR IT IS AN EMERGENCY.

RAISING CONCERNS & SPEAKING UP

There may arise situation(s) where colleagues have concerns about:

- Any child and/or young person's welfare and/or wellbeing.
- Any colleague or the practice of any colleague.
- Any other persons' visiting the setting or service.
- Any other person who has contact with a person in the setting or service.
- Any other concerns.

If so, you must **SPEAK UP**. Failure to speak up regarding concerns identified or witnessed will necessitate disciplinary action as appropriate to the circumstances.

INITIAL CONSIDERATIONS

The procedures for dealing with allegations need to be applied with common sense and judgement. Some allegations may be so serious they require immediate intervention by Children's Services Social Care and the Police as appropriate to the circumstances.

CONFIDENTIALITY

It is extremely important that when an allegation is made, all colleagues involved make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

This is particularly important because an allegation can have a range of outcomes and:

- Gossip and/or assumption about the allegation(s) can (and will) compromise the process; and
- We all have a duty to safeguard the welfare of colleagues.

Colleagues must note that any such inappropriate comment or discussion will be taken extremely seriously in the event of an allegation.

RESIGNATIONS & "SETTLEMENT AGREEMENTS"

If the accused person resigns, or ceases to provide their services, this will not prevent an allegation being followed up. A referral to the DBS will be made by the DSL.

If the accused person resigns or their services cease to be used, and the threshold criteria for making a DBS referral is met, it will not be appropriate to reach a settlement or compromise agreement. This is because not complying with a legal duty to make a referral is a criminal offence.

DUTY OF CARE

SWIS have a duty of care to all colleagues. We are expected to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty. Colleagues should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection by the social care services or the Police.

The colleague who is the subject of the allegation should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided.

The DSL, in collaboration with HR/management should appoint a named representative to keep the colleague who is the subject of the allegation informed of the progress of the case. There must be consideration for what other support is appropriate for the individual.

WHAT TO DO IF A YOUNG PERSON MAKES AN ALLEGATION OR A DISCLOSURE

The following explains what to do if young person makes a disclosure indicating that significant harm has taken place, or they are at risk of harm:

- **Listen and take seriously what the child or young person says and never express disbelief.**
- **Do not make any suggestions about what has taken place, or how it came about, or question the child or young person except to clarify what they are saying.**
- **Allow the child or young person time to express themselves, but do not press for detail beyond what is minimally necessary to be clear that some form of abuse has taken place.**
- **Do not ask the child or young person to repeat what has been said to anyone else before referring to the DSL and MASH.**
- **Be calm and reassuring and do not make assumptions.**
- **Avoid making judgements about what is being said but reassure the child or young person that they are not responsible for what may have happened.**
- **Do not promise to keep information secret. Make it clear that you will have to refer the matter on and to whom.**
- **Tell the child or young person that there are people who can help.**
- **Write down what has been said, using the child or young person's exact words and what was said in response. Be factual, sign and date the report and send to other relevant people, such as social workers.**

All allegations and disclosures must be escalated to the DSL without delay. Where there are immediate concerns, MASH will be contacted and informed of the disclosure. Additionally, LADO will be notified if the information provided related to a colleague.

IF IT IS BELIEVED A CRIMINAL ACT HAS TAKEN PLACE, THE POLICE MUST BE CALLED.

STEP-BY-STEP PROCEDURE

If an allegation is made, or it is suspected or reported that a colleague has mistreated or caused significant harm to a child or young person, it is imperative that this is taken seriously as detailed below:

STEP ONE

Upon receipt of an allegation, colleagues must report all details to the DSL as soon as possible, taking full account of records completed in line with ‘What to do if a young person makes an allegation or disclosure.’ If “out-of-hours,” colleagues must inform the manager on call, who will in turn notify the DSL at the first available opportunity.

In all cases where it is alleged that a colleague has potentially harmed, actually harmed, or presented in a way that indicates a risk of harm, the Managing Director/NSL (Alison Moore) must be informed.

If the allegation involves:	You must immediately notify:
A colleague or an agency professional	The DSL or On-Call Manager. The On-Call Manager will notify the DSL at the first available opportunity, handing over “case responsibility” to them.
The DSL	The On-Call Manager, who will inform the NSL (Operations Director). N.B. If the DSL is on rota as the On-Call Manager, you should go directly to the NSL.
The On-call Manager	The relevant DSL
The NSL	The DSL, who must notify either Rob Finney (Tristone’s Chief Operating Officer) or Daryl Holkham (Tristone’s Director of Operational Corporate Governance).
The DSL & the NSL	Either Rob Finney (Tristone’s Chief Operating Officer) or Daryl Holkham (Tristone’s Director of Operational Corporate Governance).

If colleagues have reasonable grounds to suspect or believe that the DSL and NSL will not manage the concern effectively, they have a further option of contacting Rob Finney (Chief Operating Officer for Tristone Healthcare) or Daryl Holkham (Director of Corporate Governance for Tristone Healthcare).

- Rob can be contacted by phone: 07340 356371 or email: rob.finney@tristone.healthcare.
- Daryl can be contacted by phone: 07969 973920 or email: daryl.holkham@tristone.healthcare.

Rob and Daryl have extensive experience of safeguarding vulnerable groups.

In keeping with procedures outlined in this policy, allegations must be reported within 1 working day to the relevant Local Authority Designated Officer (LADO). The LADO will advise on the actions and/or measures that must be taken.

STEP FOUR

During the enquiry, the colleague concerned will be told not contact or discuss the matter with children, young people, or colleagues.

STEP FIVE

If there is cause to reasonably believe the child or young person has suffered or is likely to suffer significant harm a Strategy Meeting will be convened. A Section 47 'Strategy Meeting' will involve all relevant professionals (including any agency staff provider). They will discuss the allegation and decide the next steps to take. This may involve an "interview under caution" carried out by the Police, and a joint interview of the young people by the Police and local authority.

STEP SIX

Once the enquiry is complete, the colleague who is the subject of the allegation shall be informed of the outcome(s), where it is appropriate to do so. The decision will be made in consultation with relevant agencies.

Depending upon the outcome of the enquiry, disciplinary measures may be invoked.

Colleagues should note that even if the threshold for a child protection concern has not been reached, SWIS may still proceed with disciplinary measures if there is evidence of behaviour that is consistent with misconduct or gross misconduct. This also applies if the Police decide there are insufficient grounds for a criminal investigation or conviction.

STEP SEVEN

If the process confirms that the allegation was malicious, unsubstantiated, false, or unfounded, the colleague will be debriefed and asked to participate in a 'Back to Work' interview. Likewise, if there have been grounds for disciplinary measures that have not resulted in dismissal, the colleague will be debriefed and asked to participate in a 'Back to Work' interview. In both scenarios, the returning colleague will have an opportunity to discuss any unresolved feelings/concerns with a manager.

If the outcome of the process is substantiated (and the colleague has deliberately harmed a young person), SWIS will follow any recommendations and required actions arising from relevant agencies. This will include a notification to the Disclosure and Barring Service (DBS). It is possible that the colleague will be dismissed on the grounds of gross misconduct, and the Police will progress their involvement accordingly.

IMPORTANT: If an allegation of historical abuse is made, the DSL will refer the matter to the MASH, LADO and the Police.

WHAT HAPPENS IF AN ALLEGATION IS MADE AGAINST YOU BY A YOUNG PEOPLE?

If you are alone working with a child or young person who says you have hurt them or touched them inappropriately, you must contact the DSL or manager on-call and explain what has been said, as soon as it is safe to do so. **IT IS IMPERATIVE THAT YOU REPORT WHAT HAS HAPPENED.**

MAKE SURE THE CHILD OR YOUNG PERSON IS SAFE. GIVE THEM SPACE AND TIME.
Offer the child or young person the opportunity to make a complaint. Stay calm, focused, and professional.

Remove yourself from working with the child or young person as soon as possible. If a colleague is available, ask them to provide support as required, ensuring their continued safety and that of any other individuals. If you are working with the child or young person at a setting or provision not administered by SWIS, notify their DSL.

THE DSL/ON-CALL WILL ADVISE YOU TO NOTIFY MASH/EDT.
Inform MASH/EDT that you have reported the allegation to management and explain the action taken.

IF REQUIRED, THE DSL/ON-CALL WILL PROVIDE GUIDANCE ABOUT SOURCING ADDITIONAL STAFF
There will need to be clarification of safety measures for all involved, and a discussion about whether the Police need to be called.

RECORD FULLY WHAT HAS BEEN ALLEGED & DETAIL THE CIRCUMSTANCES
Be factual and objective.

The DSL/On-Call will lead on further reporting and handover to the relevant DSL at the first available opportunity.

If a dynamic risk assessment has been used, you must record what was done and include the impact of any measures.

WHAT HAPPENS IF AN ALLEGATION IS MADE ABOUT A COLLEAGUE WHO IS NOT ON SHIFT?

Make sure the child or young person is safe. Provide them with support that is focused upon presenting needs, with a clear understanding of their individual risk assessments and safety planning.

Do not ask the child/young person leading questions, and do not ask them to repeat what was said. Reassure them that you will help. Do not express disbelief and do not make any suggestions about what is said to have happened.

YOU MUST REPORT THE ALLEGATION

Inform the lead colleague on shift and the DSL (or On-Call Manager if out-of-hours). If the allegation is about the DSL or On-Call Manager inform the NSL

The DSL/On-Call Manager (or another appropriate senior professional) will lead from this point.
YOU MUST FOLLOW INSTRUCTIONS CAREFULLY

RECORD FULLY WHAT HAS BEEN ALLEGED & DETAIL THE CIRCUMSTANCES
Be factual and objective. Start a chronological

NOTIFICATIONS

The following professionals/individuals must be informed, subject to the child's individual circumstances and following consultation with the relevant DSL:

- The MASH or EDT
- The child's parent/carer or social worker
- The Police (if criminality is suspected)
- The LADO
- If the child is subject to a care order, refer to the child's care plan before informing the parent(s)

DO NOT SHARE OR DISCUSS THE ALLEGATION WITH ANYONE NOT LISTED ABOVE

The DSL or On-Call Manager will decide if the colleague who is the subject of the allegation can return to work, pending an investigation. In all circumstances the safest option must be agreed for all those involved.

WHAT HAPPENS IF AN ALLEGATION IS MADE ABOUT AN AGENCY WORKER OR YOU WITNESS UNACCEPTABLE BEHAVIOUR TOWARDS YOUNG PEOPLE BY THE AGENCY WORKER?

Ensure the child or young person is safe and provide them with support that is focused upon presenting needs, with a clear understanding of their individual risk assessments and safety planning. Ask the agency worker to wait in the staff office. The agency worker must be removed from working with young people.

If an allegation is made, do not ask the child or young people leading questions and do not ask them to repeat what's been said. Reassure them and do not express disbelief and do not make any suggestions about what is said to have happened.

YOU MUST REPORT THE ALLEGATION

Inform the lead colleague on shift and the DSL (or On-Call Manager if out-of-hours). The DSL/On-Call Manager will ensure that replacement staff cover is provided as a priority. This may mean cover is provided by the DSL/On-Call Manager until a suitable colleague is identified to take over the shift.

The DSL/On-Call Manager (or another appropriate senior professional) will lead from this point.
YOU MUST FOLLOW INSTRUCTIONS CAREFULLY

RECORD FULLY WHAT HAS BEEN ALLEGED & DETAIL THE CIRCUMSTANCES
Be factual and objective. Start a chronological Safeguarding Log.

NOTIFICATIONS

The following professionals/individuals must be informed, subject to the child's individual circumstances and following consultation with the relevant DSL:

- The agency supplying the worker
- The MASH or EDT
- The child's parent/carer or social worker
- The Police (if criminality is suspected)
- The LADO
- If the child is subject to a care order, refer to the child's care plan before informing the parent(s)

DO NOT SHARE OR DISCUSS THE ALLEGATION WITH ANYONE NOT LISTED ABOVE

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