



reconstruct

Allegations Policy

Policy Statement

Reconstruct take all allegations made by children and young people very seriously. Any concerns shared by children, carers, professionals or staff towards colleagues or others need to be shared immediately with their line manager and/or the designated safeguarding lead. All references in this document to 'staff or members of staff' should be interpreted as meaning all paid or freelance workers and volunteers.

All incidents or concerns will be passed onto the relevant Local Area Designated Officer (LADDO)

Procedure

This procedure should be applied when there is an allegation or concern that a person who works with children, has:

- **Behaved in a way that has harmed a child, or may have harmed a child;**
- **Possibly committed a criminal offence against or related to a child;**
- **Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children.**
- **Been subject to a MARAC (Multi-Agency Risk Assessment Conference) as a perpetrator or MAPPA (Multi-Agency Public Protection Arrangements) process; or referred for the same**

This policy will be used and applied to all members of staff who are alleged to have:

- **Behaved in a way which has harmed, or may have harmed or may be a risk of harming a child or an adult**
- **Possibly committed a criminal offence against, or related to, a child or an adult**
- **Behaved towards a child or adult in a way which indicates they are unsuitable to work within the Trust**

These behaviours should be considered within the context of the four categories of abuse (i.e. physical, sexual and emotional abuse and neglect). These include concerns relating to inappropriate relationships between members of staff and children or young people, for example:

- **Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003);**
- **'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003);**
- **Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text / e-mail messages or images, gifts, socialising etc);**
- **Possession of indecent photographs of children.**

All allegations of abuse made against a member of staff are treated with a "zero tolerance" approach. This position is taken to afford the alleged victim, either child or adult the maximum level of protection possible. It is not to be considered an assumption of guilt on the part of the alleged member of staff

Reconstruct is committed to safeguarding and promoting the welfare of children, young people and adults at risk of abuse or neglect. It is also committed to creating a climate in which allegations or concerns can be raised without fear or recrimination to the reporter

All staff have a duty to be alert to potential vulnerabilities in children and adults, and to know what to do if they have concerns.

Reconstruct will ensure that staff are provided with the resources and skills needed to implement the safeguarding policies when dealing with safeguarding concerns raised against staff.

Reconstruct has adopted the same principles and procedures regardless of the age of the alleged victim to ensure that the Trust is a safe organisation whose service users and patients are safeguarded and have their welfare promoted. It is important to ensure even apparently “less serious” allegations or concerns are followed up and scrutinised

Allegations of historical abuse should be responded to in the same way as contemporary concerns. In such cases, it is important to find out whether the person against whom the allegation is made is working with children in another setting and if so, to inform the person's employer or voluntary organisation or refer their family for assessment.

Local Safeguarding Children’s Boards will have appointed a Local Area Designated Officer, LADO whose responsibility is to investigate allegations made against those working with children and young people. Reconstruct will be advised by the relevant LADO in respect to any allegations made against a member of staff or a professional or other person that we work with. Therefore - All staff are made aware through initial training and induction of this policy and related safeguarding policies.

All concerns raised by a child, young person or staff member must be shared with their line manager or directly with the Children’s Services Manager who is Reconstructs designated Safeguarding lead. They will treat the matter seriously and keep an open mind. They should not:

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

They should:

- Make a written record of the information (where possible in the child / adult's own words), including the time, date and place of incident/s, persons present and what was said;
- Sign and date the written record;
- Immediately report the matter to the safeguarding lead, or the head of service in their absence or; where the safeguarding lead is the subject of the allegation report to the head of service or other appropriate Reconstruct Director.
- Confidentiality of disclosure will be maintained away from other staff members where possible.
- Line manager to discuss with designated Child Protection officer who will pass without delay the allegation onto the LADO.

The LADO will advise Reconstruct about how much information should be disclosed to the accused person. Subject to restrictions on the information that can be shared, the employer should, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome (e.g. disciplinary action, and dismissal or referral to the DBS or regulatory body).

The accused member of staff will be treated fairly and honestly and kept informed of the progress of the investigation. They will also be supported to understand the process. They will also be told of the outcomes of the investigation and any likely disciplinary outcomes. If suspended they will be kept up to date with events in the workplace.

The LADO will instigate investigation procedures and decide whether the incident fits the criteria of an allegation against staff. They will also decide whether the incident potentially caused harm to the child and whether or not it is a criminal offence. The LADO will then recommend necessary timescales for investigation.

Reconstruct will be guided by the LADO and their recommendations. The LADO will advise as to whether or not the staff member stays in the work place or goes on 'gardening leave'. The staff member will be advised and kept up to date. The LADO will hold a Strategy Meeting with a representative of Reconstruct present. The professionals at the meeting will decide the next steps.

All Staff:

- Should ensure that they are fully aware of their responsibilities under the Safeguarding Adults, Safeguarding Children's Policies and Procedures and have attended mandatory safeguarding training relevant to their role.
- Are responsible for ensuring that any allegation that they are aware of against another member of staff is brought to the attention of their manager in order for it to be addressed through this policy.
- volunteers have a right and a duty to raise any safeguarding matter of concern that they may have about the delivery of care to patients and service users, even if this involves raising concerns about the conduct of a colleague.
- They should therefore raise any such concerns with their line manager or an appropriate alternative manager.
- Employees who are making an allegation against a colleague should be made aware of the whistle-blowing policy.
- Must inform their line manager and the head of service if an allegation has been made against them whether this relates to their work or outside of work.
- Members of staff should be supportive of colleagues who report any untoward incidents or concerns and they have a duty to co-operate with any investigation that may be carried out in response to an allegation against a colleague.
- Ensure their availability for investigation interviews when requested - If allegations are made against them, give a clear and concise account of their version of events, supplying any supporting evidence where necessary
- If an allegation is made against a colleague and they are invited to an investigation interview, give an honest and first-hand account of events, supplying supporting evidence where necessary
- Maintain confidentiality throughout the whole process
- Perform their duties in accordance with their contractual obligations, professional codes of conduct and the terms of their registration

- Adhere to the professional boundaries of their role in order to ensure that their practice is safe
- Exercise due care in the performance of their duties
- Exercise their duty of care to others, e.g. safeguarding, raising concerns and whistleblowing
- Treat colleagues, volunteers and professionals with respect ensuring their privacy and dignity - Be honest and trustworthy - Be co-operative and act reasonably

All Managers:

Managers are responsible for ensuring this policy is distributed and endorsed within their service areas. All are responsible for disseminating the policy within their area of responsibility and ensuring it is implemented by providing advice and support to staff. They are responsible for ensuring that all allegations are managed in accordance with this policy

Confidentiality

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

The police should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances (e.g. an appeal to trace a suspect). In such cases, the reasons should be documented and partner agencies consulted beforehand.

Support Reconstruct, together with Children's social care and / or police, where they are involved, should consider the impact on the child concerned and provide support as appropriate.

Liaison between the agencies should take place in order to ensure that the child's needs are addressed.

Suspension

Suspension is a neutral act and it should not be automatic. It should be considered in any case where:

- There is cause to suspect a child is at risk of harm; or
- The allegation warrants investigation by the police; or
- The allegation is so serious that it might be grounds for dismissal.

The possible risk of harm to children should be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staff's home, work or community life. If a strategy meeting / discussion is to be held or if Children's social care or the police are to make enquiries, the LADO should canvass their views on suspension and inform Reconstruct. Only the employer, however, has the power to suspend an accused employee and they cannot be required to do so by a local authority or police.

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 still in the workplace.

Resignations and 'Settlement Agreements'.

- Every effort should be made to reach a conclusion in all cases even if:
- The individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations;

It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete.

'Settlement Agreements' must not be used (i.e. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed). A Settlement Agreement which prevents the employer from making a DBS referral when the criteria are met for so doing would likely result in a criminal offence being committed for failure to comply with the duty to refer.

Organised abuse Investigators should be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions.

Whistle-blowing

All staff should be made aware of the organisation's whistle-blowing policy and feel confident to voice concerns about the attitude or actions of colleagues. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by Reconstruct, they should report the matter to the LADO.

Timescales

It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided.

Unsubstantiated and False Allegations

Where it is concluded that there is insufficient evidence to substantiate an allegation, the Chair of the strategy meeting / discussion or initial evaluation should prepare a separate report of the enquiry and forward this to the Designated safeguarding lead at Reconstruct to enable them to consider what further action, if any, should be taken.

False allegations are rare and may be a strong indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, Reconstruct, in consultation with the LADO, should refer the matter to Children's social care to determine whether the child is in need of services, or might have been abused by someone else.

If it is established that an allegation has been deliberately invented, the police should be asked to consider what action may be appropriate.

Substantiated Allegations and Referral to the DBS

The Disclosure and Barring Service (DBS) was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). The relevant legislation is set out in the Protection of Freedoms Act 2012.

If an allegation is substantiated and the person is dismissed or the employer ceases to use the person's service or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether a referral should be made to the Disclosure and Barring Service (DBS).

If a referral is to be made; it should be submitted within one month of the allegation being substantiated.

Learning Lessons

The employer and the LADO should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice.

Conclusion

The protection of children and young people is paramount. Reconstruct takes all allegations seriously and will respond promptly and sensitively. We will also support staff through any investigations, protect confidentiality where possible and will not rush to our own conclusions. We will be guided by the LADO and will make sure that we learn from the outcomes whether or not any allegations are substantiated. We will also take any actions necessary to protect children from harm.

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