



FORMERLY KNOWN AS SHABBAT WALK

# PROCEDURE FOR MANAGING SAFEGUARDING ALLEGATIONS AGAINST STAFF AND VOLUNTEERS

## CONTENTS

1. Introduction
2. Roles and responsibilities
3. What is a safeguarding allegation?
4. What to do if an allegation is made
5. Initial considerations about managing a safeguarding allegation
6. Action following initial consideration
7. Allegations against a CEO or Trustee
8. Suspension
9. Action following the conclusion of the external investigative process
10. Action in respect of unfounded or malicious allegations
11. Learning lessons

## APPENDICES

12. Adults at risk
13. Managing allegations against staff process flowchart
14. How might a safeguarding allegation come to light?
15. Support
16. Recording and record keeping
17. Referral for consideration to bar and/or professional de-registration
18. Managing allegations against interns, secondees, agency staff, students, trustees, contractors and sole traders
19. Resignation and settlement agreements
20. Referral to the Charity Commission
21. Further information

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Registered Charity No 1182698

# 1. INTRODUCTION

**These procedures apply to all staff and volunteers, regardless of position or role within the agency.** The aim of these procedures is:

- To ensure that children and adults at risk are protected and supported following an allegation that they may have been abused by an adult working for or on behalf of Hand in Hand
- To ensure that there is a fair, consistent and robust response to any safeguarding allegation made, so that any risk posed to other children or adults at risk by an abusive individual is managed effectively
- To ensure that an appropriate level of investigation into concerns or allegations takes place when the allegation is recent, or at any time the person in question has been employed or volunteered with Hand in Hand
- To ensure that Hand in Hand continues to fulfil its responsibilities towards members of staff, or volunteers who may be subject to such investigations
- To ensure Hand in Hand acts in accordance with legislation and guidance and the requirements of the Charity Commission

Please note: this procedure is separate and in addition to the process for immediate (same day) reporting of serious incident to the Chief Executive. The Chief Executive expects to receive on the same day information that relates to:

- In Children's Services – a death or serious abuse or neglect in an open or recently closed case
- In National Services – a death or serious abuse or neglect in a contemporaneous or recent telephone or online contact and any
- Death or serious abuse or neglect likely to trigger a Child Safeguarding Case Review or equivalent, and/or likely to trigger media interest (imminently)
- Obvious or apparent Hand in Hand serious systems failure e.g. recording system, or serious performance or conduct breach
- Death or serious incident that is very distressing to the practitioners/manager and to whom the Chief Executive might offer a word of support

This information can be brief rather than a comprehensive report, with further information to follow if and as necessary, making a judgement about what needs to be shared. Same day alerts are the priority. The Chief Executive will then make a timely alert to all trustees.

# 2. ROLES & RESPONSIBILITIES

At Hand in Hand the responsibility for overseeing Safeguarding Allegations and appointing an investigating manager lies with the DSL.

If the DSL decides that independence is necessary to undertake an investigation, an independent person, external to Hand in Hand will be identified by the DSL to carry this out.

The Investigating Manager will be a person not directly involved in the allegation and someone who has completed the training on this procedure. Further written guidance on the role of the investigating manager and that of line management will be provided.

### 3. WHAT IS A SAFEGUARDING ALLEGATION?

Where it is alleged that any person working for or volunteering with Hand in Hand has:

- Behaved in a way that has harmed a child, may have harmed a child, or might lead to a child being harmed
- Possibly committed or is planning to commit a criminal offence against a child or related to a child
- Behaved towards a child, children or adult at risk in a way that indicates s/he is or would be unsuitable to work with children
- Behaved in a way that has harmed, or may have harmed, an adult at risk
- This applies if the allegation is about a current incident or has occurred historically

A child is a person up to the age of 18 years (16 years in Scotland).

The allegation may concern one or more children. The allegation can be about **any** child/adult at risk, for example a child/adult at risk:

- In receipt of a Hand in Hand service
- Involved in a fundraising or participation activity
- Not known to Hand in Hand
- That a member of staff or volunteer has contact within their community/home life
- Is the son or daughter or family member of the employee or volunteer

The allegation may:

- Not directly identify a known child victim. For example, if a staff member or volunteer is accessing abusive images of children online or using the internet to groom children with the intent to harm in future
- Be about any type of abuse – physical, emotional, sexual or neglect
- Concern a breach of Hand in Hands Safeguarding code of conduct and Policy on appropriate professional conduct
- Relate to Hand in Hand staff and volunteers who have behaved in a way that may have harmed an adult at risk (see appendix 12 for further information on types of abuse)
- Allegations of abuse that come to Hand in Hand's attention more than twelve months prior to the initial allegation being made are regarded as 'non-recent' abuse, also known as historic abuse
- Non-recent abuse allegations against employees or volunteers will be managed through the **Non Recent Historical Abuse Policy**. Following a strategy meeting it may be necessary for a referral to **Operation Hydrant** to be made
- Refer to Appendix 2 for further information on how a safeguarding allegation may arise

Also consider:

- The importance of referring the allegation onward, the timescales and who to involve
- Understand your responsibilities and limitations for each referral process. Remember the 4 R's:
  - **Recognise** concerns that a child is being harmed or might be at risk of harm
  - **Respond appropriately** to a child who is telling you what is happening to him or her
  - **Refer** the concerns, if appropriate, to Hand in Hand helpline, police or children's social care or (in Scotland) the Children's Reporter

- **Record** the concerns appropriately and any subsequent action taken; **no delay** in passing on concerns. Timescales are in place to ensure that matters are resolved in a timely way but these are the maximum allowed and nothing should prevent a speedy response if this is required. There may be a need for **resolution and escalation** – Hand in Hand has a responsibility to ensure that appropriate protective action is taken by the police or children’s social care and, if not, to escalate the concern to establish the right protective action is taken to ensure the child is safe.

## 4. WHAT TO DO IF AN ALLEGATION IS MADE

If a child or adult at risk, is at risk of immediate harm or needs emergency medical attention, the emergency services must be contacted and the parents/carers informed that immediate steps are being taken to get help. If the allegation does not relate to an Hand in Hand employee or volunteer, all actions taken should follow the “What to Do If You Have Concerns about a Child” or “The Safeguarding Adults at Risk Policy and Procedure”.

The person who receives a safeguarding allegation must make a note of the basic details of the allegation, to include the:

- Name of the individual who the allegation is about and any other identifying information, including location
- Name of any children/adult at risk involved
- Date and time of the allegation arising
- Name and contact details of the person making the allegation
- Key information about the nature of the safeguarding allegation

The person should then inform their line manager in the first instance and agree next steps to safeguard a child/ren or adult at risk. If the concern is about the line manager then the person should inform the second line manager. Alternatively, if the person feels unable to do this, they can seek advice and guidance from the helpline duty manager.

The line manager, helpline duty manager or supervisor must complete the allegation log form and pass on the information about the allegations within 24 hours to the DSL.

**If the allegation involves a specifically named child or adult at risk, the DSL will ensure a search of all Hand in Hand records is completed, to ascertain whether any records need to be secured or ‘locked down’ or any equipment removed from the individual.** Where records are identified, the following process will be followed:

- Where a record relates to an open case, the DSL will action the case to be ‘locked down’ on the relevant recording system, so that previous records cannot be altered, but new information can be added
- Where a record relates to a closed case (not archived), the DSL will ensure the case is “locked down”
- Where a record relates to National Services, the DSL will liaise with the Head of Helpline to request that a PDF summary and a recording of the call is secured

- All records will remain secure for the duration of the process of managing an allegation

There may be up to four strands when considering any child protection concern or allegation against a staff member or volunteer, as follows:

- Enquiries and assessment by children's social care (or equivalent in other nations) about whether a child needs protection and/or services
- A police investigation of a possible criminal offence
- Consideration by Hand in Hand of suspension/disciplinary action in respect of the individual
- Volunteers will be suspended from any role with the agency
- Referral for 'consideration to bar' a person from working with children/adults at risk (for example, referral to the Disclosure and Barring Service (or equivalent) and/or referral to a professional registration body for professional misconduct (see Appendix 17)

## 5. INITIAL CONSIDERATIONS ABOUT MANAGING A SAFEGUARDING ALLEGATION

**The DSL will oversee the co-ordination and management of all allegations and must be notified of every allegation.** They will have oversight of the investigative strategy and process, the reporting mechanisms to be adopted and will agree who the investigating manager is with the relevant Head of Service. The investigative task and responsibilities will be delegated to an Investigating Manager unless there are exceptional circumstances, for example where there is a conflict of interest.

If the DSL confirms the information as a safeguarding allegation, an initial plan will be agreed with the relevant Head of Service, Investigating Manager and People Director within 24 hours, which includes:

- The actions to be taken to address any immediate safety of any relevant child/ren or adult at risk involved, for example those that are the subject of the safeguarding allegation or other children that the individual has contact with through work or family
- The criteria for referral to children's social care, adult social care and/or the police
- What information, if any, to share with the individual who is the subject of the safeguarding allegation, and when to do so
- Whether any immediate decision must be taken about suspension of the individual subject to the allegation, pending further enquiries and/or investigation
- What further information may be required for clarification
- Identifying who else is aware of the safeguarding allegation and who has been spoken to
- Identifying whether any advice should be sought from a consultant within People Directorate
- Consideration of support arrangements for the child/ren, adult at risk and family members concerned
- Arrangements for support for the person who is the subject of the safeguarding allegation and the person who raised the allegation
- Additional advice from the Legal Department may need to be considered

If after the initial assessment the DSL does not consider the matter constitutes a safeguarding allegation then they must decide in consultation with the relevant managers if an internal

investigation is required to determine if the behaviour/incident was related to poor practice or misconduct in which case the disciplinary policy will be instigated by the line manager. All decisions and the reasons for them must be recorded.

If the matter constitutes a safeguarding allegation then the Investigating Manager must make a referral to the Designated Officer for the Local Authority or equivalent in the devolved nations within 24 hours of the allegation coming to light.

Should an external child protection investigation and/or police investigation be required then this will be undertaken before any internal Hand in Hand procedures are actioned. Please refer to point 7 below - this does not apply to a decision to suspend or re-deploy.

The Investigating Manager must also refer to and follow the relevant Safeguarding Board procedures to understand and ensure compliance wherever possible with local arrangements for the management of safeguarding allegations, including timelines.

## 6. ACTION FOLLOWING INITIAL CONSIDERATION

Where the allegation meets the criteria outlined in section 3 (above), the Investigating Manager and Designated Officer for the Local Authority will discuss and agree the next steps, including informing parents/carers of the child or adult at risk concerned (if applicable) about the allegation if they are not already aware of it.

The Designated Officer for the LA (or equivalent) will:

- Discuss with the Investigating Manager the allegation and obtain further details of the allegation and the circumstances in which it was made
- Discuss whether there is evidence/information that establishes the likelihood that the allegation is false or unfounded
- Convene a strategy discussion within procedural timelines in order to plan any actions such as a police investigation and/or protective action in respect of the child or adult at risk if there is reason to suspect a child or adult at risk is suffering or likely to suffer significant harm, and/or a criminal offence may have been committed

The member of staff/volunteer subject to the allegation should be informed by an appropriate manager that an allegation has been made and the Managing Safeguarding Allegations Information Letter with the additional documents identified within it sent out to him/her. However, where a strategy discussion is required with the authorities, or the police or children's social care (or equivalent) may need to be involved, information about the allegation should not be shared until those agencies have agreed what information can be disclosed to the person who is the subject of the allegation.

## 7. ALLEGATIONS AGAINST SENIOR MANAGERS

If a safeguarding allegation is made against a Senior Manager, the DSL should immediately be informed, and the above procedure will be followed.

If an allegation is made against the CEO or a trustee, it is the responsibility of the chair of trustees, the lead trustee for safeguarding, and the CEO for agreeing an initial plan of how to proceed. If one of them is the subject of the allegation their place will be taken by a vice chair of trustees, or another trustee, respectively. The DSL will confirm that the information before them is a safeguarding allegation. The safeguarding allegation may be in respect of the person's employment, voluntary activity or behaviour towards any children including their own.

If after the initial assessment, the chair (or vice chair), the lead trustee and the CEO (or other trustees) decide that the matter does not constitute a safeguarding allegation then they must decide if an internal investigation is required to determine if the behaviour/incident was related to poor practice or misconduct.

If it is agreed that the safeguarding allegation meets the criteria in section 3 (above), then the delegated Investigating Manager must make a referral to the Designated Officer for the Local Authority or equivalent in the devolved nations within one working day. Some safeguarding allegations are clearly so serious that they require immediate referral to children's social care/police. Other allegations that appear to meet the criteria may seem less serious; it is important that they are followed up and examined objectively by the external authorities who may hold other relevant information about the individual that is unknown to Hand in Hand.

All decisions and the evidence upon which they are based must be recorded.

## 8. SUSPENSION

In some cases, Hand in Hand will decide to suspend the employee who is the subject of the allegation or cease to use the services of a volunteer on a temporary basis.

The act of suspension does not indicate a person's guilt, it is a neutral act. An individual must not be suspended automatically when there has been an allegation or without careful thought. Suspension should be considered in any case where:

- There is reason to suspect a child is at risk of significant and the allegation warrants investigation by the police
- The allegation is so serious that if substantiated might be grounds for dismissal
- There are concerns that the person about whom the allegations are made may put pressure on or interfere with potential witnesses
- The person by carrying out their normal duties may pose a risk to others and where this risk cannot be reasonably mitigated against through increased supervision or a temporary change of duties

The power to suspend a member of staff or dispense/suspend the services of a volunteer because of an allegation is vested in Hand in Hand alone. In making this decision the Investigating Manager in conjunction with the DSL and People Director will need to take into consideration the views of the police and the Designated Officer for the LA. The Investigating Manager should also consult with the Head of Service of the staff member or volunteer.

The Investigating Manager, in consultation with the above persons, will be responsible for deciding how and when to feedback to the person who made or received the allegation, and what information to give to relevant others who may know the accused individual concerned. Advice and consultation on this may be sought from the DSL and People Director.

If it is decided to proceed with a suspension the guidance for Managing the Reporting Process to Regulatory Bodies for Social Workers in the UK Guidance must be referred to and the Fitness to Practice (FTP) of the employee assessed in line with this guidance. Other regulatory bodies may need to be considered.<sup>1</sup>

## 9. ACTION FOLLOWING THE CONCLUSION OF THE EXTERNAL INVESTIGATIVE PROCESS

At the conclusion of any external investigations, the DSL and the Designated Officer for the LA, will formally review the outcome and determine any further action required. Following completion of the internal investigation the Investigating Manager will complete a report detailing the relevant information, their actions and any recommendations.

The line manager of the staff member or volunteer and People Director will need to be party to any decision. Options include:

- Reintegration of the staff member or volunteer
- Performance management or capability processes invoked
- Disciplinary process invoked, following the Disciplinary policy
- Referral to the Disclosure and Barring Service (DBS) (equivalents in the other nations) for consideration to be barred from working with children
- Referral to a professional registration/regulatory body, for example the Health Care Professions Council (HCPC), on the grounds of misconduct

The following definitions will be used by the Investigating Manager when recording the outcome:

- **Substantiated:** there is sufficient identifiable evidence to prove the allegation
- **False:** there is sufficient evidence to disprove the allegation
- **Malicious:** there is clear evidence to prove that there has been a deliberate act to deceive and the allegation is entirely false
- **Unfounded:** there is no evidence or proper basis that supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances
- **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove the alleged behaviour occurred

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<sup>1</sup> Professional Registration Bodies include: Health and Care Professionals Council (England); Scottish Social Services Council; Care Council for Wales; NI Social Care Council, Nursing and Midwifery Council

Every effort should be made to reach a conclusion in all cases even if:

- The individual refuses to cooperate, although s/he should be given a full opportunity to answer the allegation and make representations
- It is difficult to reach a conclusion
- The staff member is no longer employed or the volunteer has withdrawn his/her services

The Investigating Manager must determine who needs feedback following the conclusion of any investigations and the nature of that feedback in accordance with the principles of data protection and confidentiality. This might include feedback to the child, adult at risk, his/her parents/carers, and/or the person who raised the concern initially, and the line manager of the staff member or volunteer.

The Investigating Manager must provide in writing feedback to the person who has been subject to the investigation, clarifying the outcome and any implications for their employment/volunteering. This should normally be provided within five working days of the conclusion of the investigation.

## 10. ACTION IN RESPECT OF UNFOUNDED OR MALICIOUS ALLEGATIONS

If an allegation is determined to be unfounded or malicious, the Investigating Manager must consider if any further action is required to include:

- If the safeguarding allegation was made by a child then there is a need to consider if a referral to children's social care is required to determine if that child is in need of services, or may have been abused by someone else
- If the safeguarding allegation was deliberately invented or raised maliciously by an adult then this could be discussed with the police and advice sought
- Whether **disciplinary action** is required; If the person making the malicious or unfounded allegation is a member of staff
- The support needs of the person that was the subject of the safeguarding allegation

## 11. LEARNING LESSONS

At the end of the process of managing an allegation and its conclusions, the Investigating Manager is responsible for the identification of any lessons to be learned about the procedure, the actions taken, and the support offered. This learning should feed into policy and procedural revisions as well as the safeguarding learning and development strategy.

# APPENDICES

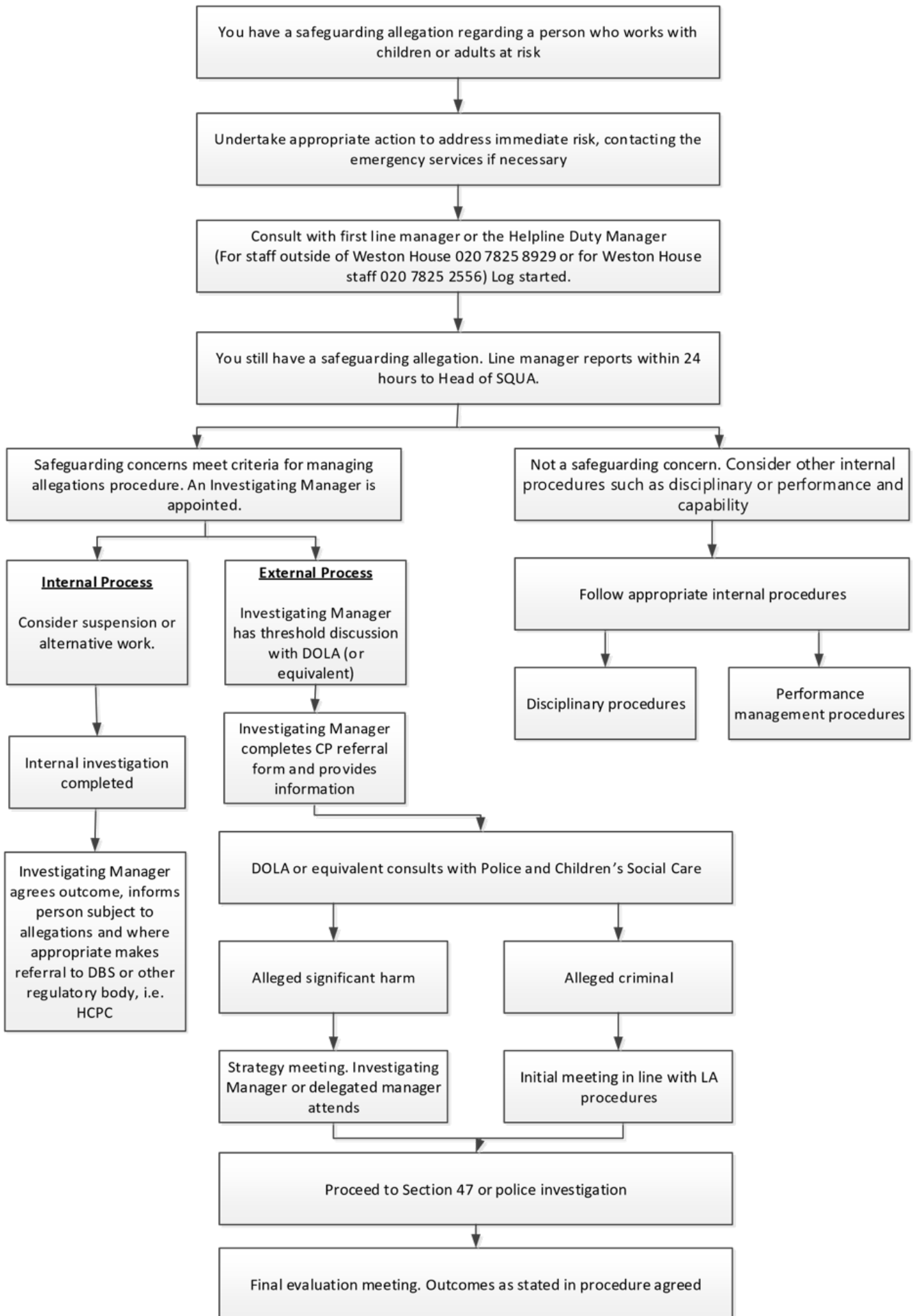
## 12. ADULTS AT RISK

There may be occasions where the allegations against Hand in Hand staff or volunteers concern an adult at risk. This may include but is not restricted to where a member of staff or a volunteer has:

- Behaved in a way that has harmed, or may have harmed, an adult at risk
- Possibly committed a criminal offence against or related to an adult at risk
- Behaved towards any adult at risk in a way that indicates s/he is unsuitable to work with adults at risk
- These include concerns relating to inappropriate relationships between members of staff and an adult at risk they are working with such as:
  - having a sexual relationship with an adult at risk if in a position of trust even if the relationship appears consensual
  - the sending of inappropriate text/e-mail messages or images, providing gifts, socialising or Possession of indecent photographs/pseudo-photographs of adults at risk
- If a crime is suspected a report must always be made to the police;
- Where there is a safeguarding concern about an adult at risk not relating to an allegation to a member of staff or a volunteer then the Safeguarding Adults at Risk of Abuse Policy and Procedure must also be followed.
- Please see also the Vulnerability Policy for Professional Fundraisers

## 13. PROCESS FLOWCHART

*Appendix 12.2: Managing Allegations Against Staff Process Flowchart*



## 14. HOW MIGHT A SAFEGUARDING ALLEGATION COME TO LIGHT?

A safeguarding allegation may arise when:

- a child or parent/carer makes a direct allegation against an individual
- a child or parent/carer expresses discomfort with the behaviour of an individual
- a staff member/volunteer directly observes behaviour that is cause for concern
- Hand in Hand receives a safeguarding allegation from a person, including a member of the public or professional
- a member of the public or professional tells an employee or volunteer face to face
- during another internal procedure, for example a disciplinary or someone whistleblowing (speaking out) or making a complaint
- Hand in Hand is informed by the police or local authority that an individual is the subject of a child protection and/or criminal investigation
- information emerging from the renewal of a DBS/Disclosure Scotland, Access Northern Ireland (NI) check indicates that a staff member or volunteer may have committed an offence or been involved in an activity that could compromise the safety of a child/ren
- a staff member or volunteer informs Hand in Hand that they have been the subject of allegations, have harmed a child, or committed an offence against or related to a child
- another employer/organisation informs us that an Hand in Hand staff member or volunteer is the subject of a safeguarding allegation within their organisation
- Hand in Hand is informed by the Health and Care Professions Council (or equivalent<sup>2</sup>) that an individual is the subject of a child protection and/or criminal investigation

The managing safeguarding allegations procedure must be followed consistently in all instances, regardless of how the safeguarding allegation arises or from whom, or whether it is shared with Hand in Hand by email, face-to-face contact, social networking, telephone or letter. See Procedural Flowchart at appendix 13.

## 15. SUPPORT

In managing any allegation there is a need for the Head of SQUA and Investigating Manager to consider the support needs of individuals involved. The support they require depends on the circumstances of the case and will have to be negotiated and agreed on a case-by-case basis. Support may include responding to the impact from shock, anger or being a suicide risk, for example. It may include support for the:

- person who raised the concern at the outset
- person who is the subject of the allegation
- child/parents/carers, if applicable, where harm was alleged against a particular child

The Investigating Manager is responsible for ensuring that the staff member or volunteer who is the subject of the allegation is:

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<sup>2</sup> *Scottish Social Services Council, Council Care for Wales and Northern Ireland Care Council*

- informed of the allegation against them (once agreed by the Designated Officer for the LA, police), notified of the processes that will follow and signposted to independent support should they require it, for example the Employee Assistance Programme
- kept up to date about any progress in relation to their case
- advised to contact their union or professional association at the outset
- informed of arrangements to keep him/her updated about developments in the workplace in cases where the staff member is suspended or Hand in Hand has ceased to use his/her services as a volunteer
- Sent correspondence confirming all the above including the arrangements for support. **There is an information letter** with additional documents identified within it, plus frequently asked questions for this purpose – if you'd like a copy, please ask your manager / coordinator or supervisor.

## 16. RECORDING AND RECORD KEEPING

It is essential that Hand in Hand keep a clear and comprehensive record of any concern or allegation made against an individual, including details of how the allegations were followed up and resolved, and details of the decisions reached and any action taken. The purpose of the record is to:

- enable accurate information to be given in response to any future request for a reference
- provide clarification in cases where a future DBS (or equivalent) disclosure reveals information from the police that an allegation was made but did not result in a prosecution or a conviction
- prevent unnecessary re-investigation should an allegation resurface after time
- provide evidence and information if a decision is made to refer the person for consideration to be barred from working with children and/or adults
- enable Hand in Hand to review and improve policies, procedures and practice based on learning and feedback

The Investigating Manager is responsible for creating and maintaining the record whilst managing the allegation. They must use the **allegation log form** for this purpose and the running record template.

The allegation log form must be updated no later than monthly and at the conclusion of the allegation management process. Instructions are on the allegation log form as to whom it needs to be shared with.

Additional records e.g. e-mails, hard copy documents are likely to be created as part of the investigation process. Summaries of the content of these will be recorded in the allegation log completed by the Investigating Manager. At the end of the investigation the Investigating Manager will create a zip file of all emails including scanned copies of all hard copy documents. The zip file must be appended to the allegation log by the Investigating Manager. All e-mail data gathered locally as part of the investigation should be deleted from local systems six months post the outcome of the investigation. All original hard copy documents should be immediately destroyed (post scanning) using the confidential waste bins. No investigation data should be kept locally after six months.

At the end of the process of managing an investigation and any subsequent disciplinary, the Investigating

Manager must gather all the records, relevant paperwork and correspondence for secure storage. The Investigating Manager must ensure that the information is passed to the People Director to ensure that the individual's personnel file can be updated.

Records of all allegations and subsequent processes must be retained securely on an individual's personnel file and should be held in a restricted section of the personnel file. The record should be retained until the person has reached normal retirement age or for a period of 10 years. The file shall be stored safely and with restricted access in People.

Secured records, as per section 3, managing an allegation can be unsecured once the process has been concluded.

Where an allegation or anything relating to it is linked to an Hand in Hand service user, then a flag must be raised on the record of the service user (for example on Phoenix or the HSS depending on which system the service uses) in order to indicate that there has been a safeguarding allegation that has involved the service user in some way. Details of the allegation and the management of it should not be recorded here. To find out more information, the practitioner/manager will have to request a check with the Safeguarding Unit [safeguardingunit@HandinHand.org.uk](mailto:safeguardingunit@HandinHand.org.uk). It is not necessary to add detailed content about the allegation and related action to Phoenix or HSS, as the allegation log form and running record template remains the substantive record.

The DSL is responsible for collating all safeguarding allegations concerning staff members volunteers and others, its management and storage. The Head of SQAU is responsible for producing an annual summary of information and statistical reports on all allegations made against all staff in Hand in Hand.

## **17. REFERRAL FOR CONSIDERATION TO BAR AND/OR PROFESSIONAL DE-REGISTRATION**

Once the outcome of the allegation management process, is concluded, there are two key decisions to be made by the Investigating Manager in consultation with the Head of SQAU and People Director.

Where a staff member or volunteer is engaged in providing 'regulated activity' then the issue of whether they are allowed to continue with this must be considered by the Investigating Manager depending on the outcome of the investigation /disciplinary process. If it is concluded that the person should no longer be engaged in regulated activity then Hand in Hand must refer the employee/volunteer to the DBS/Disclosure Scotland/Access NI for consideration to bar the person from working with children and/or adults at risk.

Where a staff member or volunteer is registered with a professional body (e.g. HCPC), the issue of referral of the staff member or volunteer to the professional regulatory body must be considered by the Investigating Manager in consultation with the DSL and People Directorate.

These decisions must be made even if the staff member has resigned or the volunteering activity has ceased.

## Referral for consideration to bar

The Investigating Manager will need to review the latest information on referral for consideration to bar from the relevant website, as there are differences in the requirements and timescales within each nation.

[Disclosure and Barring Service \(England and Wales\)](#)

[Disclosure Scotland](#)

[Access NI](#)

## Referral to DBS

Hand in Hand, as a regulated activity provider, is under a legal duty to refer an individual to the DBS for consideration to bar where a person engaged in *relevant conduct* has:

- harmed or poses a risk of harm to a child
- Satisfied 'The Harm Test'; or received a caution or conviction for a relevant offence

*Relevant conduct* in relation to children

Conduct that:

- endangers a child or is likely to endanger a child
- if repeated against or in relation to a child, would endanger the child or be likely to endanger the child
- involves sexual material relating to children (including possession of such material)
- involves sexually explicit images depicting violence against people including possession of such images)
- Is of a sexual nature involving a child

A person's conduct endangers a child if they: harm a child;

- cause a child to be harmed
- put a child at risk of harm
- attempt to harm a child
- incite another to harm a child

'*The Harm Test*' in relation to children

A person satisfies The Harm Test if they *may*:

- harm a child
- cause a child to be harmed
- put a child at risk of harm
- attempt to harm a child
- incite another to harm a child.

Relevant Offence, for example an offence of serious violent or sexual nature.

If a decision to refer to the DBS is agreed then the referral must take place within one month of the final outcome of the disciplinary.

Reports for consideration to bar must be completed in the required regulatory format by the Investigating Manager. The referral form will require detailed information including:

- the details of the person being referred
- the person's qualification and training history
- details of the work the person undertook
- the reason for referral
- the chronology of events
- details of the child harmed or put at risk of harm; relevant supporting documents, for example agency procedures, code of conduct
- Referrer's details and declaration

The Investigating Manager must inform the person of the decision to refer, and explain the process, including the right of appeal, and signpost the person to appropriate support and advice.

The Investigating Manager will be advised by DBS/Disclosure Scotland/Access NI of the process of their decision making and eventual outcome. The Investigating Manager must ensure that a record of the outcome is made on the personnel file of the individual.

A barred individual cannot be employed in a regulated position. If an individual becomes barred and is still in the employ of Hand in Hand then either the person must be redeployed to a post that does not involve work or contact with children, or, if this is not possible, terminate the person's contract. The decision on this matter rests with the DSL and the relevant Head of Service or the Head of Helplines.

### **Referral to a professional registration body (e.g. The Health Care Professions Council)**

The Head of SQUA will need to establish early on in the investigative process if the employee or volunteer is registered with a professional regulatory body<sup>3</sup> and the criteria for when that body needs to be notified of possible misconduct (referred to as 'Fitness to Practice' by a registered member).

For further information on this process, please refer to **guidance on reporting to professional regulatory bodies**.

## **18. MANAGING ALLEGATIONS AGAINST INTERNS, SECONDEES, AGENCY STAFF, STUDENTS, CONTRACTORS AND SOLE TRADERS**

Where a safeguarding allegation arises regarding any of the above individuals, the line manager/responsible supervisor must notify the DSL as per the procedure.

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<sup>3</sup> Professional Registration Bodies include: Health and Care Professionals Council (England); Scottish Social Services Council; Care Council for Wales; NI Social Care Council, Nursing and Midwifery Council etc

In circumstances where the individual is employed and/or a member of a third-party organisation (e.g. employment agency, university), in addition to the DSL making a referral to the Designated Officer LA (or equivalent in the devolved nations<sup>4</sup>) within 24 hours of the allegation coming to light, the third-party organisation should also be notified. The third-party organisation will be responsible for the individual's support arrangements.

In making a referral and in consultation with the third-party organisation, suspension or cessation of the individual's services must be considered as per the procedure

## 19. RESIGNATION AND SETTLEMENT AGREEMENTS

The fact that a person tenders their resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible the person should be given a full opportunity to answer the allegation and make representations about it. Where this is not possible for example if the person is unwilling to co-operate, the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available should continue. It may be difficult to reach a conclusion in these 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. The individual should be made aware that if they leave and the investigation is incomplete it may be referred to in a reference.

Hand in Hand **never** agrees to the use of a 'settlement agreement' with an individual in these circumstances. This is where the employee subject to the allegation agrees to resign, the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in future references. Nor can it be used to override Hand in Hand's statutory duty to make a referral to the DBS (or equivalent in other nations) where they meet the criteria for consideration to bar them from working with children.

## 20. REFERRAL TO THE CHARITY COMMISSION

There are three criteria for reporting serious incidents of abuse or mistreatment to the Charity Commission (ref). The criteria are in bold font below.

**'Beneficiaries of your charity (adults or children) have been, or alleged to have been, abused or mistreated while under the care of the charity, or by someone connected with the charity, for example a trustee, staff member or volunteer'**

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<sup>4</sup> The role of the Designated Officer for the LA exists in England only. Therefore, in the other nations refer to social services (Wales) or Health and Social Care Board (NI) or Social Work Offices (Scotland) or Children's Services (Jersey) or seek advice from the LSCB/ Child Protection Committee

All allegations and the report of the outcome of the investigation are referred to the Charity Commission

i.e. whether or not it has been substantiated. If the outcome of an investigation is known within a few days of the allegation being made, the report of the allegation and the outcome can happen simultaneously. 'Under the care of' is on Hand in Hand premises or during an individual or group session at another venue including the family home.

**'There has been an incident where someone has been abused or mistreated (alleged or actual) and this is connected with the activities of the charity'.**

An example is abuse of a child or adult at risk by someone at an event held on behalf of the charity e.g. a fundraising event when those attending are donors rather than beneficiaries. Another example might be when Hand in Hand may have to provide child care or incidental activities other than for beneficiaries.

**'There has been a breach of procedures or policies at the charity which has put beneficiaries at risk, including failure to carry out checks which would have identified that a person is disqualified in law, under safeguarding legislation, from working with children or adults'.**

When a breach of Hand in Hand procedures or policies has, or may have, put beneficiaries at risk and a local or national safeguarding practice review is being conducted. Hand in Hand report at the outset of the review, and update the report when the review is concluded.

There is no requirement to report when practitioners are brought before a regulatory body and struck off for reasons that may have put children at risk but not to the extent of having caused harm and triggered a safeguarding practice review.

## 21. FOR FURTHER INFORMATION

<https://www.gov.uk/government/organisations/charity-commission>

**For England and Wales and**

<https://www.charitycommissionni.org.uk/>

**For Northern Ireland and**

[www.oscr.org.uk/](http://www.oscr.org.uk/)

**For Scotland**